

# **Southern Planning Committee**

## **Agenda**

---

<b>Date:</b>	<b>Wednesday 23rd February 2011</b>
<b>Time:</b>	<b>2.00 pm</b>
<b>Venue:</b>	<b>Committee Suite 1,2 &amp; 3, Westfields, Middlewich Road, Sandbach CW11 1HZ</b>

---

**Members of the public are requested to check the Council's website the week the Southern Planning Committee 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.**

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

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

**1. Apologies for Absence**

To receive apologies for absence.

**2. Declarations of Interest**

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

**3. Minutes of the Previous Meeting (Pages 1 - 16)**

To approve the minutes of the meeting held on 2 February 2011.

**4. Public Speaking**

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

Please contact Julie Zientek on 01270 686466

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

A period of 3 minutes is allocated for each of the planning applications for the following individual 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. **10/2516N - Rose Cottage, Damson Lane, Audlem, CW3 0EU: Demolish Group of Existing Pre-Fab Garages and Outbuildings and Replace with New Detached Garage/Workshop, whilst Retaining Old Style Pigsty and Enclosure for Mr D Cooper and Ms M Hollinshead** (Pages 17 - 26)

To consider the above planning application

6. **10/4412N - 61 Rope Lane, Shavington, CW2 5DA - Putting Up Two Partition Walls in order to Use One Quarter of Existing Garage as a Small Dog Grooming Salon for Mrs A Venables** (Pages 27 - 32)

To consider the above planning application

7. **10/4497N - Little Island Nurseries, Haymoor Green Road, Wybunbury, CW5 7HG: Change of Use for the Land from Horticultural to Equestrian, the Provision of a 60x30m Manege and 60x12m Stable Block, a Muck Midden and Hay Store, a Horse Walker and the Request for Variation of Occupancy of the Site to Include Equestrian Manager for Mr G Heath** (Pages 33 - 46)

To consider the above planning application

8. **10/4468N - Crossing Facility, Middlewich Road, Nantwich: Provision of a 3 metre wide Cycleway/Footway, comprising Sub-Base Material and Surfaced with Tarmacadam. Provision of Crossing Locations as Detailed on Drawings for Cheshire East Council** (Pages 47 - 54)

To consider the above planning application

9. **Appeal Summaries** (Pages 55 - 56)

To note the Appeal Summaries

**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Southern Planning Committee**  
held on Wednesday, 2nd February, 2011 at Council Chamber, Municipal  
Buildings, Earle Street, Crewe CW1 2BJ

**Revised Version****PRESENT**

Councillor G Merry (Chairman)

Councillors W T Beard, D Bebbington, W S Davies, B H Dykes, S Furlong,  
J Jones, S Jones, A Kolker, M J Weatherill and R Westwood

**Apologies**

Councillors L Gilbert, E Howell, S McGrory and R Walker

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

Councillor A Kolker declared a personal interest in respect of application number 10/2647C on the grounds that he had attended meetings in respect of the application but had not expressed an opinion on the matter. In accordance with the Code of Conduct, he remained in the meeting during consideration of the item.

Councillor S Furlong also declared a personal interest in respect of application number 10/2647C as she had been in correspondence with the applicant. In accordance with the Code of Conduct, she remained in the meeting during consideration of the item.

The Chairman Councillor G Merry and Councillor J Weatherill both declared a personal interest in respect of application 10/4561N as members of the Cheshire Fire and Rescue Authority; which had been consulted on the application. In accordance with the Code of Conduct, they remained in the meeting during consideration of the item.

Councillor B Dykes declared a personal and prejudicial interest in respect of agenda item 22 (application P07/0867) as he had, in the past, been involved in discussions with the applicants as a member of Bunbury Parish Council. In accordance with the Code of Conduct, he withdrew from the meeting during consideration of the item.

**144        MINUTES OF PREVIOUS MEETING**

RESOLVED: That the minutes of the meeting held on 12 January 2011 be approved as a correct record and signed by the Chairman.

145      **10/4412N PUTTING UP TWO PARTITION WALLS IN ORDER TO USE ONE QUARTER OF EXISTING GARAGE AS A SMALL DOG GROOMING SALON, 61, ROPE LANE, SHAVINGTON, CW2 5DA FOR MRS A VENABLES**

Notes: Having called in the application, Councillor B Silvester (Ward Councillor) attended the meeting and addressed the Committee on this matter.

Mr R Saunders (Objector's Representative) was also in attendance and addressed the Committee on the application.

During consideration of this item, Councillor Shirley Jones arrived at the meeting but took no part in the discussion nor voted thereon.

The Committee considered a report regarding the above planning application.

RESOLVED: That the application be DEFERRED for a Committee site inspection to enable Members to assess whether the business use applied for was acceptable in the locality and its potential impact on vehicle access and parking.

146      **10/2516N DEMOLISH GROUP OF EXISTING PRE-FAB GARAGES AND OUTBUILDINGS AND REPLACE WITH NEW DETACHED GARAGE/WORKSHOP, WHILST RETAINING OLD STYLE PIGSTY AND ENCLOSURE. ROSE COTTAGE, DAMSON LANE, AUDLEM, CW3 0EU FOR MR D COOPER & MS M HOLLINSHEAD**

Note: Mrs K Nicholls (Objector) and Mr D Cooper (Applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report and a written update regarding the above planning application. Reference was also made to additional correspondence circulated to the Committee by the occupiers of Rose Cottage.

RESOLVED: That the application be DEFERRED for a Committee site inspection to enable Members to view the site and assess the potential impact of the development on neighbouring properties.

147      **10/2647C ERECTION OF 13 NO. AFFORDABLE HOUSES, ASSOCIATED PARKING AND LANDSCAPING AND NEW VEHICULAR ACCESS, LAND NORTH OF TWEMLOW LANE, TWEMLOW GREEN FOR MCINERNEY HOMES & PLUS DANE GROUP**

Notes: Mr A Davies (Twemlow Parish Council), Ms S Hughes (Objector) and Mr R Spruce (Applicant's Agent) attended the meeting and addressed the Committee on this matter.

In his absence, the Chairman read out a statement submitted by Councillor L Gilbert, Ward Councillor for Congleton Rural.

The Committee considered a report and a written update regarding the above planning application. Additional information in respect of affordable housing was also provided verbally by the Cheshire East Rural Housing Enabler.

RESOLVED: That the application be APPROVED subject to the prior completion of a Section 106 Agreement and the following conditions -

- 1 Commence development within 3 years
- 2 Development in accordance with agreed drawings
- 3 Submission of details/samples of external materials
- 4 Electromagnetic protection (Jodrell Bank)
- 5 Submission and implementation of detailed access and junction plans
- 6 The dwellings shall not be occupied until the access and junction are completed in accordance with the approved details
- 7 Provision of tactile paving and dropped kerbs
- 8 Submission and implementation of details of a footpath within the south western boundary of the site
- 9 Submission and implementation of surveys and mitigation methods for the protection of breeding birds
- 10 Submission of a scheme of landscaping of the site including the retention of the hedgerow on the eastern boundary of the site
- 11 Implementation of approved landscaping scheme
- 12 Submission and implementation of details of boundary treatments
- 13 Submission and implementation of a tree protection scheme
- 14 Submission and implementation of an arboricultural method statement
- 15 Submission of a detailed drainage scheme
- 16 Submission of a Phase 1 Land Contamination Survey
- 17 Limits on hours of construction
- 18 Limits on hours of piling
- 19 Removal of permitted development rights for extensions

148      **10/3339N PROPOSED EXTENSION AND ALTERATIONS TO PROVIDE EXTENDED CATERING FACILITIES, INCLUDING AN ENLARGED KITCHEN AND ADDITIONAL DINING FOR STUDENTS AND STAFF, REASEHEATH COLLEGE, MAIN ROAD, WORLESTON, CW5 6DF FOR REASEHEATH COLLEGE - MR M EMBREY**

The Committee considered a report regarding the above planning application and noted that the accompanying written update set out the reasons for the payment of a commuted sum pursuant to CIL Regulations.

RESOLVED: That the application be APPROVED subject to the signing of a legal agreement to secure a commuted sum payment of £6,000 as a contribution to the cost of the Crewe-Nantwich Cycle route known as the Connect 2 Scheme and the following conditions -

- 1 Standard time
- 2 Plans
- 3 Materials
- 4 Surfacing materials
- 5 Landscaping scheme, including specimen replacement tree for Yew which is to be felled
- 6 Implementation of landscaping/maintenance
- 7 Tree protection measures
- 8 Details of drainage scheme
- 9 External lighting
- 10 Emergence survey for bats or recheck all buildings to be demolished immediately prior to demolition

- 11 Bat survey of tree to be felled immediately prior to felling
- 12 Work to proceed in accordance with recommendations for bat and birds and advice to personnel in bat survey
- 13 Protection to ancient monument
- 14 Travel plan to include surveys of access by car, motor cycle and cycle
- 15 Covered secure cycle parking
- 16 Recycling facilities
- 17 Odour extraction and ventilation

149        **10/3951C REDEVELOPMENT OF SITE TO ERECT ONE A1 RETAIL UNIT WITH MEZZANINE LEVEL AND ASSOCIATED ENGINEERING WORKS, CAR PARKING, LANDSCAPING AND SERVICE YARD AREA, BOOSEYS GARDEN CENTRE, NEWTON BANK, MIDDLEWICH, CW10 9EX FOR RADCLIFFE DEVELOPMENTS (CHESHIRE) LTD**

The Chairman reported that the above planning application had been withdrawn from the agenda prior to the meeting.

150        **10/4226C PROPOSED TWO STOREY EXTENSION AND INTERNAL ALTERATIONS, THE MEWS, CHANCERY LANE, ALSAGER, ST7 2HF FOR MRS MARGARET BROWN**

Notes: Having called in the application, Councillor D Hough (Ward Councillor) attended the meeting and addressed the Committee on this matter.

Mr G Smith (Objector) and Mr C Bagnall (Applicant) also attended the meeting and addressed the Committee on the application.

The Committee considered a report and a written update regarding the above planning application. As information had been received which addressed the reason for refusal stated on the agenda, the Committee was advised that the recommendation was for approval, subject to the 5 conditions detailed in the update report.

RESOLVED: That, contrary to the Planning Officer's recommendation of approval (as set out in the update to the report), the application be REFUSED for the following reasons -

1        The proposed development, by virtue of its size, design and position relative to neighbouring property 2 Chancery Lane, Alsager would be unduly dominant causing detriment to the residential amenities of the occupiers of that property. The approval of the development would therefore be contrary to Policy GR6 of the adopted Congleton Borough Local Plan First Review 2005.

2        The proposed development fails to achieve an adequate quality of design to justify approval of planning permission. In reaching this conclusion regard was had to the scale and impact of the development upon its surroundings. It is therefore concluded that the proposal would detract from the character and appearance of the dwelling house and area within which the site is located contrary to Policy GR2 of the adopted Congleton Borough Local Plan First Review 2005.

151        **ADJOURNMENT**

At 2.00pm the Chairman proposed a short adjournment to the meeting; Members reconvening to continue the business set out in the agenda at 2.20pm.

152        **10/4489N DEVELOPMENT OF LAND AT HALL O'SHAW STREET TO PROVIDE 14 DWELLINGS OF MIXED TYPE, LAND TO THE REAR OF 91, HALL O SHAW STREET, CREWE FOR FOURTH ESTATES LTD**

Note: Councillor C Thorley (Ward Councillor) attended the meeting and addressed the Committee on this matter.

The Committee considered a report, a written update and an oral report of a site inspection in respect of the above planning application.

RESOLVED: That the application be REFUSED for the following reason -

The application site is defined as an area of open space with recreational or amenity value where there is strict control over new development. The submitted application does not adequately assess the need for bowling greens within Crewe in accordance with the companion guide to PPG17. Even if the results of RT.1 Assessment were accepted they do not show that there is an excess of bowling greens in the area and the application does not propose a replacement facility in a suitable location. The proposal is therefore contrary to Policy RT.1 (Protection of Open Space with Recreational or Amenity Value) of the Crewe and Nantwich Replacement Local Plan 2011, PPS1 (Delivering Sustainable Development), PPG17 (Planning for Open Space, Sport and Recreation) and advice contained within the Sport England Statement 'Planning for Sport and Active Recreation: Objectives and Opportunities'.

153        **10/4497N CHANGE OF USE FOR THE LAND FROM HORTICULTURAL TO EQUESTRIAN, THE PROVISION OF A 60X30M MANEGE AND 60X12M STABLE BLOCK, A MUCK MIDDEN AND HAY STORE, A HORSE WALKER AND THE REQUEST FOR VARIATION OF OCCUPANCY OF THE SITE TO INCLUDE EQUESTRIAN MANAGER, LITTLE ISLAND NURSERIES, HAYMOOR GREEN ROAD, WYBUNBURY, CW5 7HG FOR MR G HEATH**

Note: Councillor J Hammond (Ward Councillor), Parish Councillor T Lightfoot (Wybunbury Parish Council), Mr S Reed (Objector) and Mr E Roberts (Applicant's Representative) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

RESOLVED: That the application be DEFERRED to enable officers to obtain additional information from the British Horse Society in relation to the amount of land available and that required for a viable business.

154      **10/4539N CONSTRUCTION OF A SINGLE STOREY BUILDING TO BE USED FOR B1 (OFFICE/LIGHT INDUSTRIAL) AND B8 (STORAGE AND DISTRIBUTION) PURPOSES, 416, NEWCASTLE ROAD, SHAVINGTON, CW2 5EB FOR MR J PARTON**

Notes: Having called in the application, Councillor D Brickhill was in attendance at the meeting and addressed the Committee on this matter as Ward Councillor for Doddington and as a Parish Representative on behalf of Hough and Chorlton Parish Council and Shavington Parish Council.

Mr N Smith (the Applicant's Agent) was also in attendance and addressed the Committee on the application.

The Committee considered a report regarding the above planning application.

Note: At this point in the proceedings, Councillor J Jones declared a personal interest in the application in that he knew the applicant well. He stated that he would take no further part in the discussion and would abstain from voting.

RESOLVED: That, contrary to the Planning Officer's recommendation to approve, the application be REFUSED for the following reason -

The Local Planning Authority considers that the proposed development for B1/B8 use is not an essential form of development within the open countryside. The provision of this building on the site, currently used in part for car parking, would encroach further into the open countryside to the detriment of the character and appearance of the open countryside. As a result to allow the proposed development would be contrary to Policy NE.2 (Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan 2011, which only allows for "essential" development in the open countryside.

155      **10/4561N EXTENSION TO TIME LIMIT OF APPLICATION P07/1483 FOR A NEW WAREHOUSE, TWO STOREY OFFICE BLOCK, PARKING, SERVICE AREAS AND ACCESS ROAD, LAND ADJACENT TO GALLAHER LTD, WESTON ROAD, CREWE FOR GALLAHER LTD**

The Committee considered a report in respect of the above planning application.

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

- 1      Standard time limit 3 years
- 2      Materials to be submitted and approved in writing
- 3      Development to be carried out in accordance with approved plans
- 4      Green Travel Plan to be submitted to the Local Planning Authority and approved in writing
- 5      Car parking to be provided in accordance with Green Travel Plan
- 6      Cycle parking to be provided in accordance with Green Travel Plan
- 7      Shower facilities to be provided within the building in accordance with a scheme to be agreed in writing with the Local Planning Authority
- 8      Landscaping scheme to be submitted and approved in writing
- 9      Landscaping scheme to be completed in accordance with the approved details and maintained



- 10 Scheme for a surface water regulation system to be submitted to the Local Planning Authority and approved in writing
- 11 Details of oil interceptors to be submitted to the Local Planning Authority and approved in writing
- 12 Details of bin storage to be submitted to the Local Planning Authority and approved in writing
- 13 Boundary treatment details to be submitted to the Local Planning Authority and approved in writing
- 14 Removal of trees and shrubs to be done outside of the bird breeding season unless first checked by a qualified ecologist
- 15 Consent for a B8 building only
- 16 Details of external lighting to be submitted and approved in writing
- 17 Any facilities for the storage of chemicals shall be sited on impervious bases and surrounded by impervious bund walls, details of which shall be submitted to the Local Planning Authority for approval
- 18 No fencing on the Weston Road site frontage, any security fencing in this area shall be positioned within or behind the landscape strip
- 19 Details of how the proposed development will secure at least 10% of its predicted energy requirements from decentralised and renewable or low-carbon sources shall be submitted to the Local Planning Authority and approved in writing

156      **10/4757N EXTENSION TO TIME LIMIT ON APPLICATION P08/0562, PLOTS 5 AND 11, ORION WAY, CREWE, CHESHIRE FOR HXRUX (KP DEV) LTD**

The Committee considered a report and verbal update in respect of the above planning application.

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

- 1 Standard
- 2 Plans as per permission P08/0562
- 3 Materials as specified in the original application unless otherwise agreed in writing
- 4 Car parking to be provided at each unit before it is occupied
- 5 Cycle parking and linkages to University Way
- 6 Travel Plan to be submitted and occupiers required to participate in the Green Travel Plan
- 7 Landscaping scheme submitted originally for Unit 5 to be modified to take account of position agreed under application P08/0562
- 8 Implementation and maintenance of landscaping at both plots
- 9 Showers to be provided in both units and available for all staff using that building
- 10 Boundary treatment to match that used elsewhere on the development
- 11 Oil interceptors to car parks
- 12 Lighting scheme to be submitted, approved and implemented
- 13 No outside storage
- 14 Offices not to be occupied separate to the warehouse
- 15 Access to be constructed to Cheshire East Council specification
- 16 Scheme of surface water regulation to be submitted, approved and implemented

- 17 Scheme for the management of overland flow from surcharging of the site's surface water drainage system to be submitted, approved and implemented. The scheme shall include details of finished floor levels and ground level and be implemented in accordance with the approved details

**157 10/4760N EXTENSION TO TIME LIMIT ON APPLICATION  
P08/0561, PLOTS 1- 4, ORION WAY, CREWE, CHESHIRE FOR HXRUK  
(KP DEV) LTD**

The Committee considered a report relating to the above planning application.

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

- 1 Commencement within 3 years
- 2 Plans as approved under P08/0561
- 3 Materials as detailed in the application unless otherwise approved in writing
- 4 Car parking to be provided before the development is first used
- 5 Cycle parking and linkages to University Way to be provided
- 6 Travel Plan to be submitted and approved and occupiers required to participate in the Green Travel Plan
- 7 Landscaping scheme to be revised to take account of layout as revised in 2008 and provide planting between units 3 / 4 and unit 16 adjacent to the site
- 8 Implementation and maintenance of landscaping
- 9 Showers to be provided within each unit and retained for use by all staff at that unit
- 10 Boundary treatment to match that used elsewhere on the development
- 11 Oil interceptors to be provided to car parks
- 12 Lighting scheme to be submitted, approved and implemented
- 13 No outside storage
- 14 Offices and trade counter only to be used for that specific unit and not to be occupied as a separate business
- 15 Access to be in accordance with the approved plans and to Cheshire East Council specification
- 16 Units 1 & 3 only to be used for B2 general industrial uses. Units 2 & 4 for B8 purposes. The showroom and trade counter at unit 2 limited to those areas shown on the submitted plan and not used for retail to the general public
- 17 Scheme of surface water regulation to be submitted, approved and implemented
- 18 Scheme for the management of overland flow from surcharging of the site's surface water drainage system to be submitted, approved and implemented. The scheme shall include details of finished floor levels and ground level and be implemented in accordance with the approved details

158      **10/4817N OUTLINE APPLICATION TO ERECT SINGLE  
DETACHED ONE AND A HALF STOREY BUNGALOW.  
RESUBMISSION OF 10/4300N, 10 WHITCHURCH ROAD, AUDLEM,  
CW3 0EE FOR MR & MRS K WHALLEY**

Notes: Having called in the application, Councillor R Bailey (Ward Councillor) attended the meeting and addressed the Committee on this matter.

Mr D Mayer (Objectors' Representative) was also in attendance and addressed the Committee on the application.

The Committee considered a report, a written update and an oral report of a site inspection in respect of the above planning application.

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

- 1 Commencement of development
- 2 Submission of reserved matters
- 3 Time limit for submission of reserved matters
- 4 Materials to be submitted and agreed
- 5 Surfacing materials to be submitted and agreed
- 6 Landscaping scheme to be submitted and agreed
- 7 Landscape implementation
- 8 Drainage scheme to be submitted
- 9 Details of boundary treatment
- 10 Obscure glazing
- 11 Bin storage to be provided
- 12 Phase 1 Contaminated Land Survey to be submitted
- 13 Hours of construction – 08:00 to 18:00 Monday to Friday, 09:00 to 14:00 Saturday and not at all on Sunday or Bank Holidays
- 14 Removal of all permitted development rights
- 15 No windows at first floor level within flank elevations and no windows to habitable rooms whatsoever in flank elevations
- 16 Ridge height to be no greater than 5.85m
- 17 Indicative layout
- 18 Access to be via Oak Tree Gate, detailed drawings to be submitted and access to be constructed to Cheshire East Council standard
- 19 Eastern projection towards Oak Tree Gate to be single storey
- 20 Pile driving

Note: Councillor S Jones left the meeting after consideration of this item.

159      **10/4842N PROPOSED CHANGE OF A1 USE VIDEO SHOP TO  
A5 FISH AND CHIP SHOP AND FIRST FLOOR RESIDENTIAL  
ACCOMMODATION, 235, BROAD STREET, CREWE, CW1 4JJ FOR MR  
C SHEPHARD**

Notes: Having called in the application, Councillors M Martin and C Thorley (Ward Councillors) attended the meeting and addressed the Committee on this matter.

Mrs H Rossiter (Objector) was also in attendance and addressed the Committee on the application.

The Committee considered a report in respect of the above planning application.

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

- 1 Standard time
- 2 Plans
- 3 Window to be fixed shut/obscure glazing
- 4 Hours of opening 11:30 to 22:00 hours Monday to Saturday
- 5 Scheme for acoustic attenuation
- 6 Installation and maintenance of extraction equipment

**160 10/4897N ERECTION OF NEW DWELLING (UNIT 3), HENHULL BRIDGE FARM, MILLSTONE LANE, HURLESTON, NANTWICH, CW5 6AG FOR MR G A NEWSOME**

Note: Councillor R Bailey (Ward Councillor) and Mr R Spruce (Applicant's Agent) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

RESOLVED: That, contrary to the Planning Officer's recommendation to refuse, the application be APPROVED subject to the following conditions -

- 1 Standard time
- 2 Approved plans
- 3 Materials
- 4 Landscaping
- 5 Implementation of landscaping
- 6 Boundary treatment
- 7 Remove permitted development rights
- 8 Parking
- 9 Roof-lights to be submitted (as per previous conversion approval)

**161 10/4947C NEW FAMILY DWELLING AND ASSOCIATED WORKS TO PROVIDE TURNING AREA SEPARATE FROM EXISTING DWELLING, 38, BROOKLANDS DRIVE, GOOSTREY, CW4 8JB FOR MR & MRS S OCCLESTON**

The Chairman announced that the application had been withdrawn from the agenda.

**162 10/4984N PROPOSED RESIDENTIAL EXTENSION & ALTERATION WORKS TO EXISTING HOUSE, THE COTTAGE, EDLESTON HALL LANE, RAVENSMOOR, CW5 8PJ FOR MR & MRS N HAMMERSLEY**

Notes: Having called in the application, Councillor Rachel Bailey (Ward Councillor) attended the meeting and addressed the Committee on this matter.

Mrs S Hammersley (Applicant) was also in attendance and addressed the Committee on the application.

The Committee considered a report in respect of the above planning application.

RESOLVED: That the application be REFUSED for the following reason -

The proposed extension by virtue of its size, scale, design, position and proportions, spanning the entire rear elevation of the existing dwelling, would not be subordinate and would overwhelm the original dwelling contrary to Policies NE.2 (Open Countryside), BE.2 (Design Standards) and RES.11 (Improvements and Alterations to Existing Dwellings) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and guidance contained within the Local Development Framework Extensions and Householder Development Supplementary Planning Document 2008.

**163 PLANNING PERMISSION P07/0867 FOR 10 AFFORDABLE HOUSES AT WYCHE LANE, BUNBURY**

Note: Having previously declared a personal and prejudicial interest, Councillor B H Dykes withdrew from the meeting prior to discussion and voting on the item.

The Committee considered the report of the Head of Planning and Housing which sought approval to vary a Section 106 Agreement attached to planning permission P07/0867, 10 Affordable Houses, Wyche Lane, Bunbury.

Note: During consideration of the item, Councillor D Bebbington declared a personal interest in the application on the grounds that he was acquainted with residents in the area who were affected by the development and would therefore take no further part in the discussion and would abstain from voting.

RESOLVED: That the Borough Solicitor be instructed to prepare a Deed of Variation in respect of the Section 106 Agreement attached to planning permission P07/0867 to modify the mix of tenure on the site to:

2 x 2 bed/4 person houses at target rent  
2 x 3 bed/5 person houses at target rent  
3 x 2 bed/4 person houses at intermediate rent  
3 x 3 bed/5 person houses at intermediate rent

Units in total: 10

Note: Councillor Dykes rejoined the meeting after the vote had been taken.

**164 08/1236/OUT LAND AT MILL STREET / BROOK STREET, CONGLETON**

Note: Mrs C Payne (Applicant's Agent) attended the meeting and addressed the Committee on this matter.

The Committee considered the report of the Head of Planning and Housing which sought approval to amend the proposed conditions and Section 106 Heads of Terms in respect of planning application 08/1236/OUT Land at Mill Street/Brook Street, Congleton.

RESOLVED: That the following revised conditions and Section 106 Heads of Terms be agreed –

## Proposed Amended Section 106 Heads of Terms

- a) Provision of 30% affordable housing, extending to include the proposed retirement apartments, split equally between social rented and intermediate housing (including either shared ownership, Rent to Home Buy or Discount for Sale, but of a split to be agreed by Cheshire East Housing section);
- b) Submission of a Travel Plan with associated management arrangements including annual reports for a five year period and financial contribution of £5000 towards monitoring (returned if not spent);
- c) Financial contribution of £24,000 towards the provision of two quality partnership standard bus stops;
- d) Provision of a financial contribution of £55,000 towards off-site play provision and an associated maintenance contribution (precise figure to be confirmed);
- e) Applicants to purchase and install a bridge between the application site and Congleton Park with the precise design, specification and timescale for implementation to be first agreed by Cheshire East Council (the maintenance and upkeep of which shall be the applicant's responsibility); and
- f) Private Management Plan for the on-site amenity green-space and proposed bridges (to Congleton Park and within the application site itself) to be submitted and approved by the Local Planning Authority.

## Proposed Conditions

- 1 Outline application time limit
- 2 Reserved matters – layout, scale, appearance and landscaping
- 3 Development parameters in accordance with indicative plans (Care Home and retirement apartments to north and accessed from Mill Street), (residential on southern parcel and accessed from Brook Street)
- 4 Restriction to no more than 74 dwellings, 72 bed care home and 36-retirement apartments
- 5 Restriction to occupation of retirement apartments to the over 55+
- 6 Contaminated land condition (including further intrusive investigation and remediation)
- 7 Detailed scheme for noise mitigation to be agreed and implemented prior to first occupation
- 8 Detailed scheme for dust mitigation during demolition and construction
- 9 Restrictions on hours of construction
- 10 Restriction on hours of piling activity
- 11 Restriction on hours of construction vehicle deliveries
- 12 Precise details for care home filtration and extraction systems
- 13 External lighting strategy to be submitted and agreed
- 14 Detailed Tree Protection Scheme to be submitted, agreed and fully implemented
- 15 Protection of breeding birds
- 16 Detailed mitigation strategy for bats based on the TEP Option One Retention Strategy including wheelhouse structural works
- 17 Scheme for watercourse protection during construction
- 18 Proposed building floor levels 600mm above freeboard allowance
- 19 Roads, parking and footways 300mm above freeboard allowance

- 20 Detailed scheme for compensatory flood storage to be agreed before commencement of development and fully implemented thereafter
- 21 Surface water regulation to be submitted and agreed
- 22 Scheme for management of overland flows from surcharging of surface water drains to be submitted and agreed prior to commencement of development
- 23 Site levels to be in strict accordance with Peter Mason Cut and Fill Drawings unless otherwise agreed in writing
- 24 8m buffer strip and wildlife corridor to be retained adjacent to the watercourse
- 25 New vehicular access to Brook Street to be constructed to base course before other construction works commence and fully implemented before first occupation of any dwellings
- 26 Site Waste Management Plan
- 27 Scheme for archaeological investigation
- 28 Scheme to generate 10% of its energy requirement from low carbon sources in accordance with Policies EM17 and EM18 of the North West Regional Spatial Strategy
- 29 Precise details of all boundary treatments within the site to be agreed to include public open space and riverside areas or footpaths
- 30 Precise details of internal footbridge connecting the two areas of POS to be submitted, agreed and fully implemented within an agreed timescale
- 31 Development phasing – parameters and restrictions

165 **PLANNING ENFORCEMENT PERFORMANCE**

The Committee received for information the report of the Principal Planning Officer (Enforcement) that provided details of enforcement action taken by the authority which had originally been put before Strategic Planning Board on 15 September 2010. Additional information was provided verbally by the Southern Area Manager, Development Management.

Questions were raised about the turnover of cases and whether any mechanism existed to monitor performance. A request was made for additional information to be provided in respect of the above and the Southern Area Manager agreed to discuss the matter with the Cabinet Member for Prosperity and the Head of Planning and Housing.

RESOLVED: That -

- a) the report be received; and
- b) the reporting procedures proposed in paragraph 3.1 of the report (bi-annual reports) be confirmed.

166 **APPEAL SUMMARIES**

The Committee considered a summary of appeal decisions.

RESOLVED: That the appeal summaries be noted.

The meeting commenced at 12.00 pm and concluded at 5.35 pm

Councillor G Merry (Chairman)



Application No: **10/2516N**

Location: **Rose Cottage, Damson Lane, Audlem, CW3 0EU**

Proposal: **Demolish Group of Existing Pre-Fab Garages and Outbuildings and Replace with New Detached Garage/Workshop, Whilst Retaining Old Style Pigsty and Enclosure.**

Applicant: **Mr D Cooper & Ms M Hollinshead**

Expiry Date: **10-Dec-2010**

Ward: **Cholmondeley**

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

- **Principle of development**
- **Impact of the development on the conservation area**
- **Impact of the development on open countryside**
- **Impact of the development on residential amenity**
- **Impact of the development on trees**
- **Impact of the development on highway safety**

**REASON FOR REFERRAL**

This application has been called in to Southern Planning Committee by Cllr Bailey for the following reasons:

*“- Loss of amenity to neighbouring property  
- Protection of a conservation area”*

The application was first considered at the Southern Planning Committee of 2<sup>nd</sup> February 2011 however the decision was deferred to allow a committee site visit to take place.

**DESCRIPTION OF SITE AND CONTEXT**

The application relates to an existing paddock situated on the opposite side of the lane to the residential property known as Rose Cottage. The site is currently occupied by a number of dilapidated buildings and structures, a pig sty and a small stable. The site is located in the Coxbank Conservation Area and lies within designated open countryside.

**DETAILS OF PROPOSAL**

Since its submission, the application has been amended to reduce the size of the garage/workshop and resite it closer to the existing cluster of buildings, some of which are to

be demolished. The application therefore seeks permission for a garage/workshop with the garage measuring 6.535 metres by 6.535 metres and the workshop element measuring 3.0375 by 3.350 projecting to the rear. The height of the garage will be 4.9 metres to the ridge with an eaves height of 2.2 metres. The ridge height of the workshop will be 3.2 metres.

The proposal will include the demolition of a number of buildings/structures on the site which requires conservation area consent for demolition in a conservation area. However, this aspect does not need planning consent. A separate application for conservation area consent has been submitted and is under consideration under delegated powers (reference number 10/2515N). A small stable block and a pig sty would be retained on the site.

An updated location plan has also been received which correctly defines the site and other land owned by the applicant with an amended red and blue edge. This was drawn incorrectly on the original amended plans received during the application.

## **RELEVANT HISTORY**

No relevant planning history

## **POLICIES**

### **Local Plan Policy**

NE.2 (Open Countryside)  
BE.1 (Amenity)  
BE.2 (Design Standards)  
BE.3 (Access and Parking)  
BE.7 (Conservation Areas)

### **Other Material Considerations**

PPS1: Delivering Sustainable Development  
PPS5: Planning for the Historic Environment  
PPS7: Sustainable Development in Rural Areas

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

### **Strategic Highways Manager**

No objections

## **VIEWS OF THE PARISH COUNCIL:**

The Parish Council draws attention to neighbours' concerns about the height of the proposed garage. In addition, it is suggested that the proposed development is not within the domestic curtilage of Rose Cottage and on agricultural land.

An additional comment has been received from the Parish Council in regard to the amended scheme, as follows:

- Does not propose to make representations.

#### **OTHER REPRESENTATIONS:**

Letters of objection have been received in relation to the initial proposal from the occupiers of Hawthorn Cottage, Damson Lane; Orchard Cottage, Damson Lane; and Pheasants Rise, Coxbank. The application has now been amended to reduce the size of the garage/workshop and its position.

In summary the original objections relate to:

- The scale of the proposal would be overpowering due to its height at a narrow part of the lane.
- The garage will be visible from a considerable distance, should be considered significant and inappropriate in the conservation area.
- It will be sited on elevated land and therefore very prominent.
- The proposal will impact on the light to neighbouring properties internally and externally.
- The proposal will be overbearing on neighbouring properties.
- The use would result in noise disturbance from traffic and the workshop.
- The application site is agricultural land and not residential curtilage.
- The development would introduce a residential use and would change the use of the land and the character of the area.
- The buildings to be demolished are on a different section of the site to the proposal so this cannot be considered a replacement.
- The existing structures are not garages and are the type of structures you would expect to find on agricultural land.
- The brick paving would detract from the traditional heritage of the pig sty and would not be in keeping with the surrounding open countryside.
- The footprint is larger than surrounding properties.
- The proposal will include the removal of a tree and will change the appearance and character of this conservation area.
- The application is based on a false premise and is fundamentally flawed due to its reference to inappropriate and incorrect policies in the Heritage Statement.
- The proposal conflicts with policies BE.7 and NE.2
- Open countryside policy seeks to prevent this sort of encroachment into the countryside.
- There is no presumption that the existing structures should be replaced if they have reached the end of their useful life.
- The application would extend the domestic curtilage and make it is easier to obtain residential use.
- The proposed building would interrupt the view from neighbouring property.

Letters of support have been received from occupiers of Woodside, Coxbank and Todd Cottage, Coxbank.

In summary the comments relate to:

- The land has been used as parking/garage since at least 1982
- This scheme is an alternative to providing parking in the garden of Rose Cottage which would detract from the setting of the cottage.
- The land is not agricultural
- There will be no loss of light or shadowing of neighbouring properties.

## Further Representations

This application has been subject to further consultation on the amended plans. Representations have been received in regard to the amended scheme from the occupiers of the following:

Orchard Cottage, Damson Lane, Coxbank, CW3 0EU,  
Pheasants Rise, Damson Lane, CW3 0EU

In summary the objections relate to:

- Although the height has been reduced it is still unacceptable and will be overbearing at this narrow part of the lane and will be visible outside Coxbank.
- The amended plans show a complicated roof construction and gives the impression it is "oversized"
- The amended plans have not complied with all the Conservation Officers comments that it should be oriented to face onto Damson Lane, set back a little from the lane and on the footprint of the current buildings.
- This is the first new construction since conservation status was granted and would set a precedent for future development resulting in the loss of the heritage asset.
- The garage should be sited on the footprint of existing structures
- The development would introduce a residential use onto non-residential land.
- The development resembles a bungalow and is unnecessarily large for the purpose of the building.
- The building would significantly reduce the existing open gap in the built up frontage along Damson Lane and would make it difficult to resist infill development.
- The red line shows a boundary not defined in the ground and no boundary exists within the field and should only define the extent of the actual development.
- The site plan does not show the boundary with or show how close it will be to Orchard Cottage.
- The drawings are inaccurate compared to the written dimensions.
- There is no information on how the applicant proposes to level the site
- The roof pitch is unnecessarily steep with a top-heavy imbalance.
- The cavity wall makes the building larger than it needs to be adding to the footprint.
- The location plan implies the whole of the area within the red line could be laid to hardstanding and implies a curtilage to the building.
- Sweet Briar Cottage on the location plan is in fact Orchard Cottage and land marked as Orchard Cottage is a paddock belonging to the owners of Wishing Well Cottage.

The comments received also reiterate the objections raised in relation to the original scheme.

Prior to the previous committee meeting a letter of objection was sent to Members of the Southern Planning Committee from the occupiers of Orchard Cottage, Damson Lane, Coxbank CW3 0EU.

The objections can be summarised as:

- The development is clearly contrary to policy NE.2.
- The case officer says the development accords with the development plan when it doesn't so if approved this could be grounds for a legal challenge.
- The officer's report does not assess the significance of any element of the historic environment that may be affected.
- Coxbank's strong and identifiable character is the domination of its built form by landscape features. No reference is made to this in the officer's report.
- PPS5 and the Conservation Area Appraisal appear to have been ignored.
- It is not essential to have the building on this land as required by Policy NE.2.
- There is opportunity to provide the garage/workshop in the curtilage of Rose Cottage.
- The development would have an adverse impact on the significance of the conservation area.
- There is no trade-off with the removal of existing structures and it is not government policy to support replacement of dilapidated structures.
- There is no established use as no evidence has been provided to support any contention of established use.
- The red line seeks to create a curtilage to the proposed building.
- Orchard Cottage is 9.7 metres from the rear of the proposed workshop not 15 metres as the case officer claims.
- Orchard Cottage is on a lower slab level therefore the proposal would have an overbearing impact.
- The removal of a healthy apple tree is contrary to planning policy.

Further to the committee decision to defer the application for a site visit a letter of support has been received from the occupiers of Gingerbread Cottage, Damson Lane, Coxbank CW3 0EU.

In summary the comments relate to:

- The land could accommodate the building and not encroach on their privacy
- The land is neglected and existing garages are not visually pleasing in the conservation area.
- Welcome the demolition of existing buildings and new build.
- Conservation area policies should not be about stopping development but ensuring changes are planned correctly and with consideration to others which has been demonstrated by the amended plans.
- The applicants intend to leave space for turning which will assist emergency vehicle access.

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

Design and Access Statement and Heritage Statement submitted, the salient points being:

- There is existing access off Damson Lane, serving the area of land
- Evaluation has been undertaken to accommodate the proposed building and retain the pig sty as the dominant feature
- No loss of parking

- No loss of amenity to neighbouring properties.
- The site is well screened by well established hedgerows and trees.
- The siting of the proposal takes advantage of existing screening to minimise the visual impact upon the countryside
- The village supports a wide variety of building styles and materials
- The materials will match the surrounding properties.
- The proposed layout incorporates adequate on site turning and parking.

The applicant has provided a statement in response to objections received, the salient points being:

- The parcel of land originally had a dwelling on it before it was destroyed in a fire in the 1940s
- The existing garages have been in existence for decades and have been used to house cars
- The existing garages are unsightly and dangerous
- The site is the only practical position for a facility to serve Rose Cottage
- The settlement is patently not open countryside
- Replacing the existing garages would constitute planning gains
- Rose Cottage is not a farm and the site will not be used for farming purposes
- There will be no industrial noise or noxious emissions.

## **OFFICER APPRAISAL**

### **Principle of Development**

The application site is not within the residential curtilage of Rose Cottage and is an area of paddock on the opposite side of Damson Lane. The application has therefore been submitted as a full planning application and not a householder planning application. The application does not involve a change of use of the land to residential curtilage and is for the erection of a garage/workshop. If the committee are minded to approve the application it is suggested a condition should be attached to clarify that the permission does not constitute a change of use of the land to residential use and relates to the parking of vehicles and ancillary workshop usage. There have been a number of objections raised relating to this issue, however the application accepts that this is not the residential curtilage for Rose Cottage. In regard to any possible future development or proposals, this is speculative and the Council can only determine the application before it. If any future proposals were to be put forward they would be subject to the full and proper assessment against policy at that time. Reference has been made to a dwelling that previously stood on the site, however there is no evidence of this and it is therefore not relevant to the consideration of the application.

The site is located in the open countryside and the Coxbank Conservation Area. Policy NE.2 states that only development essential for the purposes of agriculture, forestry or outdoor recreation or other uses appropriate to a rural area will be permitted within the open countryside. The site is currently used for the parking of vehicles by the occupiers of Rose Cottage and contains a number of sheds, buildings and structures. Whilst the proposed development would not be for agricultural purposes the site is currently used for the parking of vehicles and general storage so it would be difficult to justify refusal on these grounds.

## Design

Policy BE.7 (Conservation Areas) states that development will not be permitted if it would harm the character, appearance or setting of the conservation area and it should harmonise with its setting by being sympathetic on scale, form and materials to the characteristic built form of the area. The proposal includes the demolition of a number of dilapidated and unsightly buildings which would enhance the appearance of the conservation area. However, the proposed replacement building is somewhat larger than any of those to be replaced. The conservation officer initially raised concerns with the bulk and height of the building, and its overly domestic appearance. However, it has been significantly reduced in size and the design has been changed and the conservation officer is now more comfortable with the proposed scale and appearance of the building. The design of the amended building is more in keeping with the simple and plain buildings of this type in the conservation area and rural areas.

The original report did not refer to PPS5 within the list of *Other Material Considerations* as pointed out in the objections received. However this was an oversight in typing and was reported verbally at the previous committee meeting. The application has been fully assessed in terms of the impact it would have on the conservation area and the requirements of PPS5 and Policy BE.7 of the Local Plan. The development would be sympathetic to the characteristic built form in the area and a garage of this size and design is not inappropriate to the rural nature of this conservation area.

The amended plans significantly reduce the overall bulk, massing and height of the proposed garage than that originally submitted. At 4.9 metres to ridge height it would not be unduly prominent in the landscape and will be sympathetic to the scale of the surrounding dwellings, clearly legible as an outbuilding. It is noted that the site slopes away to the south and east and the garage/workshop will be positioned on elevated land. However the southern boundary is formed by mature vegetation and trees and at the size and scale proposed the garage/workshop would not be unduly prominent from any public vantage points. The existing hedge along the northern boundary will screen the majority of the development from views along Damson Lane and whilst it will still be visible, the garage will not compete with the surrounding dwellings or appear inappropriate to the surroundings.

The submitted plan refers to the removal of existing concrete hardstanding and the replacement with brick paviors. Details of these have not been provided nor has the extent of the paving. Brick paviors would introduce a domesticated appearance and it is important to ensure the extent of the surfacing is kept to a minimum. A condition can be attached to any approval to require details of the proposed surfacing to be submitted and agreed, notwithstanding the details on the plans, which will ensure control over the surfacing is retained.

## Siting

The siting of the proposed garage will allow the retained pig sty to be visible within the site and open it up as a feature. The pig sty is considered an important historical feature of this site and its retention is highly desirable. At present the pig sty is surrounded by the dilapidated buildings which are indicated to be demolished and although there is some concern from the conservation officer regarding the siting of the garage outside the footprint

of the existing buildings, in siting it in the position proposed the pig sty will no longer be concealed. Whilst it does result in the built form encroaching away from the existing development this approach finds a balance between the competing pressures within the site.

The conservation officer has also raised concerns regarding the orientation of the garage/workshop not facing onto Damson Lane. However Rose Cottage does not face on to Damson Lane nor do other dwellings within the area. Therefore in orienting the garage/workshop in this direction it is not considered that there will be a harmful impact on the character, appearance or setting of the conservation area.

### **Amenity**

To the east the site is bounded by Orchard Cottage, a large white rendered dwelling which overlooks the site. The boundary is formed by a neatly maintained hedge approximately 2 metres high. The garage will be sited approximately 15 metres from the neighbouring dwelling Orchard Cottage at its nearest point. Given this distance, and that the garage will not be directly opposite the windows in that elevation of Orchard Cottage, it is not considered there will be significant detrimental impact on residential amenity in terms of loss of light or visual intrusion. The garage/workshop would be built on a higher ground level than that at Orchard Cottage however due to the proposed position and the distance between the two buildings this does not alter the assessment stated above. Concerns have also been raised relating to loss of light to other properties on Damson Lane, however given that the amended scheme has reduced the height to 4.9 metres, and its position in relation to those dwellings, it is not considered that the proposal will result in significant loss of amenity at other neighbouring properties due to loss of light or visual intrusion. Comments regarding the garage spoiling an existing view are not for consideration as there is no protection of views in planning legislation.

Noise generated by the site will be minimal given the nature of the proposed building and it is not considered that it would be significantly different to what is currently experienced. It is not considered a refusal could be substantiated on noise and disturbance grounds.

### **Trees**

The proposal includes the removal of a large apple tree which is adjacent to the pig sty. The positioning of the garage in close proximity to the pig sty is considered to hold considerable weight in ensuring there is a clear visual connection between the two buildings whilst ensuring the pig sty is visible within the site. The removal of the tree is therefore considered to be acceptable in this case and moreover the loss can be compensated for by requiring similar replacement planting, which if the committee are minded to approve, can be secured by condition.

In order to protect the existing hedgerow on the northern boundary a condition should be imposed to require details of the tree and hedgerow protection measures during construction.

### **Highways**

The siting of the garage would allow vehicles to completely exit the highway without overhanging and there would also be sufficient room to turn and exit in a forward direction



which will ensure minimal impact on highway safety. The existing access to the site will be retained and unaltered. The proposal is considered acceptable in highways terms.

### **Other Matters**

Further to representation received it should be noted that the written dimensions stated on the plans are accurate and the building scales off at the same size on the site plan, floor plan and elevations.

It is noted that the names of properties on the supplied OS map are not correct, however the impact of the proposed development has been considered in relation to all the surrounding properties.

### **CONCLUSIONS**

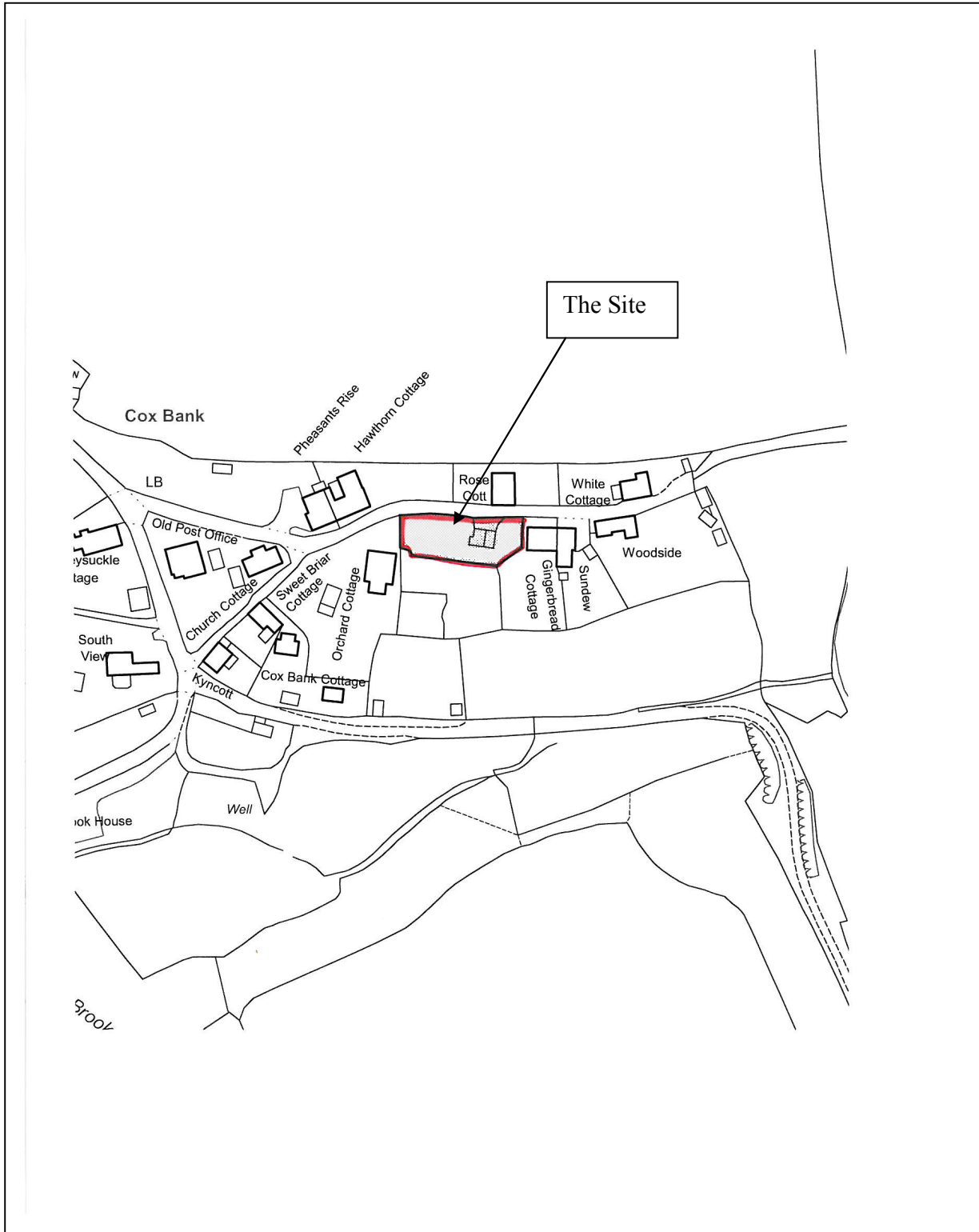
The development will result in the erection of a building larger than any of the existing on site however its simple, plain appearance and the size and scale are appropriate for this type of building within the conservation area and the rural setting. Whilst it would be sited outside the existing footprint of buildings this would allow the pig sty to be retained which is an important feature and would also ensure it is not concealed from view. The proposal provides for safe access and egress arrangements. The proposal is not considered to result in significant loss of amenity at neighbouring properties. The proposed development, as conditioned, is therefore considered to be in compliance with Policies NE.2 (Open Countryside), BE.1 (Amenity), BE.2 (Design Standards), BE.3 (Access and Parking) and BE.7 (Conservation Areas) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

### **RECOMMENDATION:**

APPROVE subject to the following conditions:-

1. Standard Time
2. Details of facing materials to be submitted and approved
3. Details of the extent of surfacing and the materials to be used to be submitted and approved
4. Permission relates to parking of vehicles and ancillary workshop use only and no permission given for change of use to domestic garden/extension of curtilage.
5. Details of replacement tree planting
6. Details of tree and hedgerow protection
7. Details of works to the pig sty to be submitted and approved
8. Roof light to be conservation type set flush with roof plane
9. Approved plans

Location Plan: Cheshire East Council Licence No. 100049045



Application No: **10/4412N**

Location: **61, Rope Lane, Shavington, CW2 5DA**

Proposal: **Putting Up Two Partition Walls In Order To Use One Quarter Of Existing Garage As A Small Dog Grooming Salon**

Applicant: **Mrs A Venables**

Expiry Date: **01-Feb-2011**

Ward: **Rope**

Date Report Prepared: **17<sup>th</sup> January 2011**

**SUMMARY RECOMMENDATION: Approve with Conditions****MAIN ISSUES:**

- **Principle of Development**
- **Impact on neighbouring amenity**
- **Impact on highway safety**
- **Impact on the streetscene and the existing dwellinghouse**

**REASON FOR REFERRAL**

This type of development would normally be dealt with under the council's scheme of delegation; however it has been called into Southern Planning Committee by Cllr Silvester for the following reasons;

*If the Planning Officer is minded to recommend the application for approval I would like to call this application in because it would introduce a commercial usage to an entirely residential area, the noise from the dogs barking would be unacceptable to the residents around the property and the cars visiting the business would cause highway obstructions on this main route to the Shavington High School. However if the Officer is minded to refuse the application I am happy for it to remain as a delegated item.*

The application was deferred from the 2nd February 2011 Southern Planning Committee for a site visit, and is to be discussed further at the 23<sup>rd</sup> February 2011 Southern Planning Committee meeting.

**DESCRIPTION OF SITE AND CONTEXT**

The proposal site is situated with the Shavington Village settlement boundary as defined by the Crewe and Nantwich Replacement Local Plan 2011. The existing property is a semi-detached

bungalow, within a streetscene of similar properties. The existing dwelling has got a large outbuilding within the curtilage of the property which is large enough to house a caravan. The garage has a flat roof and a sliding garage door.

## **DETAILS OF PROPOSAL**

The proposal is for the change of use of part of the garage building, which includes the addition of two partition walls within the garage, to a dog grooming salon. There are to be no external changes to the outbuilding to accommodate the change of use.

## **RELEVANT HISTORY**

7/02664 – Double Garage – Approved 24/03/1977

## **POLICIES**

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

The relevant development plan policies are:

### **Local Plan Policy**

BE.1 (Amenity)  
BE.2 (Design Standards)  
BE.3 (Access and Parking)  
RES.11 (Improvements and alterations to existing dwellings)  
E.5 (Employment in Villages)

### **Other Material Considerations**

PPS1 Delivering Sustainable Development  
PPS4 Planning for Sustainable Economic Growth

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

**Highways:** No Objection

**Environmental Health:** The introduction of a dog grooming business in a residential area has the potential to cause noise nuisance to local residents. There is the potential for loss of amenity caused by dogs barking on the premises, and vehicles coming to and from the site, as well as noise from equipment used in the dog grooming business. Therefore Environmental Health would recommend the following conditions to protect the amenity of local residents:

1. Hours of working, including deliveries, should be restricted to those specified in the application form i.e. 9am-3pm Monday to Friday due to the close proximity of local residents.
2. Before the use commences the building (garage) together with any ancillary mounted equipment shall be acoustically attenuated in accordance with a scheme submitted to and approved by the borough council.

3. The business activities associated with the dog grooming shall be restricted to the detached garage in order to protect the amenity of local residents.
4. No more than 4 dogs per day shall be brought to the premises for grooming.
5. No more than 2 dogs connected with the business operation shall be on site at any one time.
6. Dogs associated with the dog grooming operation shall be kept inside the garage apart from access and egress to the site.
7. In order to prevent dog barking outside the premises, apart from dogs living in the same household, only one dog shall access or exit the site at any one time.

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

The Parish Council does not feel that it is an appropriate location at which to run a business of this nature as the property is within an established residential area. The Parish Council also has concerns over potential noise complaints, parking issues and possible obstruction to the pavement at this location on a busy pedestrian route to the High School.

#### **OTHER REPRESENTATIONS:**

Letters of objection have been received from the Occupiers of 1 Edwards Close, and 59 Rope Lane, Shavington.

The main issues raised are;

- Dog grooming saloon not appropriate in this residential area,
- Surrounding area occupied by elderly retired people who value peace and quiet,
- The proposed development would create an unacceptable level of noise from dogs barking,
- The site can only accommodate two off street parking spaces and the applicant has one car herself, therefore causing the need for on street parking should appointments overlap, creating a highway safety issue,
- Perceived reduction in desirability and value of surrounding dwellings.

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

**Supporting Statement** – A supporting statement has been received from the applicant on the 11<sup>th</sup> January 2011. The main points raised were;

- Hours of operation 9am – 3pm Monday to Friday
- 4 Dogs per day taking 1 hour and a half per appointment.
- No more than 2 clients on site at anyone time (possible overlap due to picking up and dropping off of dogs)
- Driveway capable of parking 4 cars off-street
- No dogs will ever be left unsupervised in the saloon, will be on leads most of the time, except if finished early in which case they will be kept in a cage until owner picks them up

## **OFFICER APPRAISAL**

### **Principle of Development**

Small scale business use is considered acceptable within a residential area, particularly within village settlements where sustainable economic development is possible. However, the proposal must meet the requirements of policies BE.1 (Amenity), BE.2 (Design Standards), and BE.3 (Access and Parking) of the Crewe and Nantwich Replacement Local Plan 2011.

### **Amenity**

The proposal seeks permission for the change of use of part of a domestic garage building to be used as a dog grooming salon. Externally there will be no changes to the building. Only internal alterations are proposed within the garage which includes the provision of two partition walls and the relevant table, bath, cupboard and counter top associated with the business.

The proposal site is situated within a residential area which is predominantly an estate of bungalows. The existing garage is sited adjacent to the boundaries of No.59 Rope Lane, and No's. 34 and 35 Burlea Drive. The proposed alterations will be sited within the south west corner of the garage, and will be accessed from the existing door on the side elevation of the garage.

Whilst it is noted that the proposed use may have some impact on neighbouring amenity, the proposed dog grooming salon will be fairly small in size, with only 4 dogs/clients per day taking 1 hour and a half each. There will be no more than 2 dogs relating to the business on the site at any one time (due to possible cross over in clients) and the applicant only proposes to use the business between the hours of 9am and 3pm, Monday to Friday. As the proposed use is of a fairly small scale, and the keeping of dogs is typically something which is carried out in a residential area, it is not considered that the business would generate a significant level of additional traffic or create noise levels that would have a detrimental impact upon neighbouring amenity.

Several concerns have been raised in relation to the impact which the proposal will have on local residential amenity, and the perceived increase in noise which will occur from the proposed business use. However, the Environmental Health section considers that the proposal is acceptable provided that several conditions are attached to an approval. These conditions would restrict the hours of operation, require a noise attenuation, limit the numbers of clients/dogs, and the dog grooming use would be allowed solely within the garage. It is agreed that the proposed conditions which have been requested by Environmental Health are acceptable and will help to achieve a scheme which will have an acceptable impact on residential amenity.

It is considered that with the restrictions proposed by the Environmental Health Section, and given the relatively small scale of the business, the proposed dog grooming salon will not have a significantly detrimental impact on neighbouring amenity, and is therefore considered to be in accordance with Policy BE.1 (Amenity).

## Highway Safety

Within the objections received from local residents and from the Parish Council concerns have been raised relating to the possible highway safety implications which may arise from the proposed development. The issues raised largely relate to the possibility for clients parking on the road rather than within the residential curtilage of the property, and the impact this will have on Rope Lane, which is a fairly busy through road from Shavington, past the local High School through to Willaston and Crewe.

The applicant has stated within her supporting statement that the site can accommodate 4 parked cars, and therefore the proposed use should not result in an increase in on street parking. As the site will at most only have two clients on site at any one time, there should be sufficient space within the site to accommodate at least 3 cars at any one time.

The Highways Authority has raised no objections to the proposal and the adjacent road has no parking restrictions on it. Whilst it is acknowledged that the proposed business will increase vehicular movements to and from the dwellinghouse, this will not be such an increase as to cause a significantly negative impact on highway safety in this area.

## Design Standards

The proposed development is for the change of use of an existing building, and there are to be no alterations to the external appearance of the building. The proposed alterations are to be contained internally within the building and therefore the development will not have a detrimental impact on the streetscene or the existing dwellinghouse. If the application is approved an informative will be added to the decision notice to highlight that the decision relates solely to the change of use and does not give permission for any external alterations proposed including advertisements.

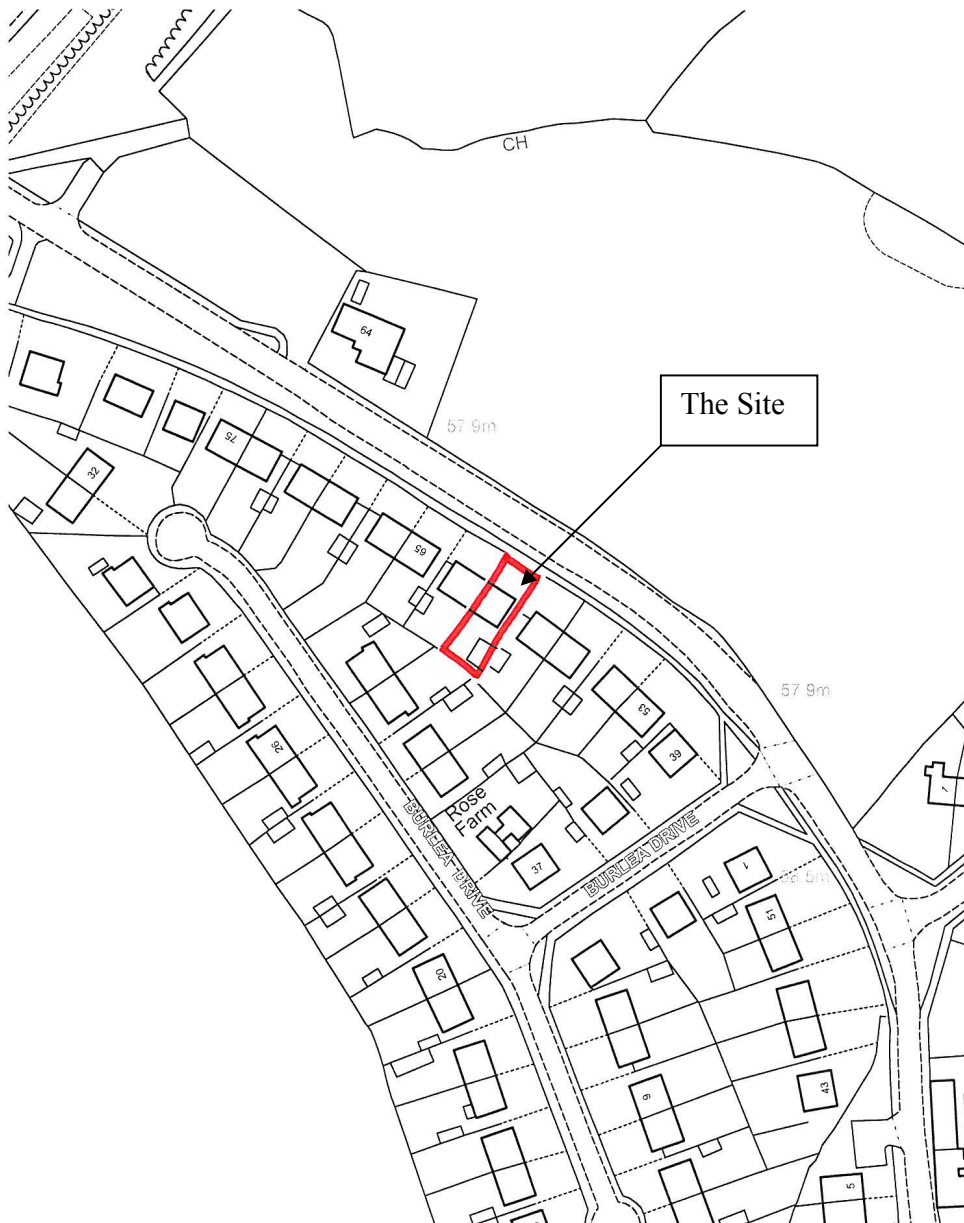
## CONCLUSIONS

It is considered that the proposed development is of a scale and intensity which is acceptable for a residential area and by means of several conditions noted below the development should not have a significantly detrimental impact on neighbouring amenity. It is therefore considered that the proposed development is acceptable and in accordance with the relevant policies of the local plan.

**RECOMMENDATION:** APPROVE subject to the following conditions:-

1. Standard Time
2. Approved plans
3. Hours of operations to be 9am until 3pm Mondays to Fridays
4. Details of noise attenuation to be submitted
5. Dog grooming to be restricted to detached garage only
6. Number of dogs per working day restricted to 4
7. No more than two dogs associated with the business on site at any one time
8. Dogs shall be kept within the garage at all times other than when entering and egressing from the site

Location Plan: Cheshire East Council Licence No. 100049045





Application No: **10/4497N**

Location: **Little Island Nurseries, Haymoor Green Road, Wybunbury, CW5 7HG**

Proposal: **Change of Use for the Land From Horticultural to Equestrian, The Provision of a 60x30m Manege and 60x12m Stable Block, a Muck Midden and Hay Store, a Horse Walker and the Request for Variation of Occupancy of the Site to Include Equestrian Manager**

Applicant: **Mr G Heath**

Expiry Date: **18-Jan-2011**

Ward **Doddington**

Date Report Prepared: **6<sup>th</sup> January 2011**

#### **SUMMARY RECOMMENDATION**

**Approve subject to conditions**

#### **MAIN ISSUES**

- **The principle of development**
- **Whether there is a functional and financial need for an equine workers dwelling and does the new business satisfy the financial test**
- **The impact upon the character and appearance of the Open Countryside**
- **Amenity**
- **Highways implications**
- **Protected Species**

#### **REASON FOR REFERRAL**

This application is referred to the Southern Area Planning Committee at the request of Cllr Walker for the following reason

*'I believe the Committee should discuss the impact of this application on the open countryside (Policy NE.2)'*

The application was deferred at the Southern Planning Committee meeting of 2<sup>nd</sup> February to allow additional consultation with the British Horse Society.

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

The application site is located on the eastern side of Haymoor Green Road within the Open Countryside. To the front of the site is a detached two-storey red brick dwelling which has an

agricultural tie. To the east of the dwelling the majority of the greenhouses and buildings which were associated with the former nursery have now been demolished and work has commenced on the manege which is part of this application. To the northern boundary of the site two buildings associated with the former nursery have been retained. A small brook runs along the northern boundary of the site and the site is enclosed by mature hedgerows and a number of trees of varying sizes.

## DETAILS OF PROPOSAL

This is a full planning application for the following developments;

- The erection of a stable building which would have a width of 12 metres, a length of 60 metres and a ridge height of 5.5 metres. The stable would have a concrete base with Yorkshire Boarding above and would accommodate 20 horses
- The construction of a manege which would have a length of 60 metres, a width of 30 metres and would be enclosed by 1 metre high post and rail fencing
- The provision of a muck midden and hay store which would have a width of 6 metres, a length of 6.6 metres and a sloping roof with a maximum height of 4.2 metres. This would have a concrete base with Yorkshire Boarding above
- The provision of a horse walker

The application also includes a request to vary condition 3 attached to planning permission P03/0291 to allow the dwelling to be occupied by an equestrian manager in operating the proposed livery. This condition states that;

*The occupation of the dwelling shall be limited to a person solely or mainly working or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants.*

*Reason :- The Local Planning Authority would not be prepared to permit the erection of a dwelling on the site unconnected with the use of the land for agriculture or forestry, and the condition is imposed to ensure the development complies with National and Local Policies for the protection of the countryside.*

## RELEVANT HISTORY

10/2457N - Change of Use from horticultural to equestrian, provision of open air manege, stable block, horse walker, muck midden and hay store. Variation on occupancy of tied dwelling to include occupation for equestrian management – Refused 22<sup>nd</sup> September 2010  
P03/0291 - Agricultural Workers Dwelling – Approved 21<sup>st</sup> November 2003  
P01/0796 - Agricultural Workers Dwelling – Refused – Appeal Lodged  
P01/362 - Detached Dwelling – Refused 4<sup>th</sup> June 2001  
7/20012 - Renewal of temporary permission 7/15572 for mobile home – Approved 26<sup>th</sup> September 1991  
7/19375 - Erection of glass housing – Approved 7<sup>th</sup> February 1991  
7/15572 - Erection of mobile home on existing agricultural land – Approved 11<sup>th</sup> July 1988

## **POLICIES**

### **Local Plan Policy**

NE.2 – Open Countryside  
NE.5 – Nature Conservation and Habitats  
NE.9 – Protected Species  
RT.6 – Recreational Uses in the Open Countryside  
RES.5 – Housing in the Open Countryside  
RES.6 – Agricultural and Forestry Occupancy Conditions  
BE.1 – Amenity  
BE.2 – Design Standards  
BE.3 – Access and Parking  
BE.4 – Drainage, Utilities and Resources

### **Regional Spatial Strategy**

DP1 – Spatial Principles  
DP2 – Promote Sustainable Communities  
DP3 – Promote Sustainable Economic Development  
DP7 – Promote Environmental Quality  
RDF2 – Rural Areas  
L1 – Health, Sport, Recreation, Cultural and Education Services Provision  
EM1 – Integrated Enhancement and Protection of the Region's Environmental Assets

### **Other Material Considerations**

Planning Policy Statement 1 - Delivering Sustainable Development  
Planning Policy Statement 4 - Planning for Sustainable Economic Growth  
Planning Policy Statement 7 - Rural Areas  
Planning Policy Statement 9 - Biodiversity and Geological Conservation  
Planning Policy Guidance Note 17 - Planning for Open Space, Sport and Recreation

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

**Environmental Health:** No comments received but as part of the previous application the following comments were made; *'This site has recently been investigated by Environmental Health following complaints of burning thereby resulting in smoke nuisance. This Division did serve an Abatement Notice on Mr Graham Heath requiring the activities of burning to be ceased immediately with no burning to be undertaken in the future. A recently completed detailed study into local air quality has found exceedences of Air Quality Standards and Objectives for nitrogen dioxide. The Council therefore has a statutory duty to declare Air Quality Management Areas. There is now a focus on air quality in the Borough as a whole and to maintain a Healthy and Desirable Borough in which to live in, alongside aiding the improvement of Air Quality, the burning of materials is to be discouraged. Thus the Burning of manure and general stable waste should be prohibited. Conditions requested in terms of external lighting, pile driving, hours of construction and hours of operation'*

**Strategic Highways Engineer:** The highways authority has no objections to this proposal. *N.B. Visibility could be improved by trimming back and maintaining the hedge line throughout the summer months. The highways authority recommends that this takes place at regular periods. (Please note that this is a recommendation only and is not part of any formal condition).*

## **VIEWS OF THE PARISH COUNCIL**

- Wybunbury Parish Council objects to the recent change of use application (10/4497). Since then, any resemblance to a horticultural nursery has been removed at a great inconvenience to residents due to noise, extra traffic and toxic fumes on various days and late into the evening.
  - The residential house has been left in quite substantial grounds with no connection to its original purpose.
  - To remove the horticultural/agricultural condition from the house would render it a private residence by stealth with associated equestrian/livery facilities whether they be for the owners use or as a commercial business.
  - Since the removal of the nursery, it turns the application into a development in the open countryside which is contrary to the current local plan. Also, if there was an associated DIY livery attached, this would be a commercial leisure activity in open countryside, but would not provide local employment by the nature of it being DIY. This too would be contrary to the local plan.
  - The Parish Council request that this application also be refused and the applicant be charged to reinstate the land to agricultural use to comply with the condition of use.
  - The current application as submitted would lead to over development of the site.
  - There is no screening to the manege as shown on the planning application.
  - The land as stated for extra excursive of the horses is not in the current ownership of the applicant

## **OTHER REPRESENTATIONS:**

Letters of objection received from the occupants of Rosemead, The Moorlands, and Sunnyside, Wybunbury Lane and Fairfields, Haymoor Green Road raising the following points;

- Keeping the tie on the property would help protect the site from any future development
- Noise from people on the site and the horses
- The building is too large to serve as a stables
- The stable will be a blot on the landscape
- Traffic generation caused by the requirement to empty the muck midden and deliver food and hay
- The proposed hours of operation would cause disturbance
- Any floodlighting would be intrusive and cause numerous problems
- No pre-application discussion has been carried out with local residents
- Works have already commenced on the site
- Increase in traffic
- Visibility at the site entrance
- Loss of ponds
- Together with the approved Gypsy site and Rugby pitches the development would be an overdevelopment of Wybunbury Lane
- No internal layout of the stable building
- The site will not support the number of horses which the applicant is suggesting
- The quotes given in relation to DIY livery have been exaggerated
- Full business accounts are required
- Manure storage problems

- The references to rented land cannot be considered as there is no control over this

## **APPLICANT'S SUPPORTING INFORMATION**

### **Supporting Planning Statement produced by Civitas Planning and dated November 2010**

- This document also includes the Design and Access Statement and a Business Plan for the business
- The document makes the following conclusions;
- The application represents a well-balanced application for an equine based business complex that will serve the local community as a facility to store their horses that can be used for outdoor recreation in a rural context. The application also removes the eyesore buildings that are currently on the site and replaces them with suitable rural buildings that will improve the amenity of the area for local residents. Permission for this site would support a local farmer's family who wishes to diversify into a further rural enterprise and help boost the local economy

### **Ecological Appraisal produced by Ecology First and dated 19<sup>th</sup> June 2010**

- The development could proceed without significant impact upon local amphibian populations which do not appear to include Great Crested Newts
- Several 'Reasonable Avoidance Measures' are suggested to minimise the risk to other amphibians, particularly during the removal of materials stored near the newt pond
- No other wildlife interests will be affected by the development

### **Highway Report produced by Bob Hindhaugh Associates dated November 2010**

- There are no tangible highway reasons that would cause any adverse highway safety or traffic concerns for a small development of this nature in this area
- The visibility splays that are in place are more than adequate and the access arrangements with inward opening gates are of an acceptable specification to serve this typical rural development without any changes being required

## **OFFICER APPRAISAL**

### **Principle of Development**

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

The policies most relevant to the determination of the principle of this scheme are NE.2 (Open Countryside) and RT.6 (Recreational Uses in the Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan 2011. The site falls within the open countryside as defined in the Local Plan and NE.2 (Open Countryside) states that only development essential to agriculture, forestry or outdoor recreation that are appropriate to a rural area will be permitted, to preserve the surrounding rural character. Policy RT.6 allows

recreational uses in the open countryside where they meet a number of criteria including that they do not harm the character or appearance of the area.

The site was a former nursery and guidance given within PPS4 states that Local Planning Authority's should support *'small-scale economic development where it provides the most sustainable option in villages or other locations, that are remote from local service centres, recognising that a site may be an acceptable location for development even though it may not be readily accessible by public transport'*

PPG17 suggests that sports and recreational activities should be given favourable consideration in rural locations. It also states that they will require *'special justification to be located in the open countryside'* and *'All diversification in rural areas should be designed and sited with great care and sensitivity to its rural location.'*

### **Open Countryside and Equine Uses**

Policy NE.2 restricts development within the open countryside to that which is essential to agriculture or other appropriate activities. Proposals relating to equestrian uses are usually accommodated under the outdoor recreational exception (Policy RT.6). Therefore the use of the land for the keeping of horses including the construction of appropriately sized/located stables is supported by policy.

### **Policy Requirements of Rural Workers Dwellings**

The approval for the dwelling on the site has a condition and a legal agreement which restrict the dwelling to being occupied by a person solely or last working in agriculture. The proposed equine use would not fall within the definition of agriculture and a person operating a livery could not occupy the dwelling in accordance with the condition and legal agreement. It is therefore necessary for the applicant to apply to vary the condition and legal agreement (variation of the condition is sought as part of this application).

Policy RES.6 (Agricultural and Forestry Occupancy Conditions) states that agricultural occupancy conditions will not be removed unless a number of criteria can be met. In this case it is clear that the dwelling is no longer needed in connection with the enterprise which generated the need for its construction as the nursery operation has ceased on the site and the glasshouses required in connection with that business have now been demolished. The policy also requires the applicant to demonstrate that there is no long term need for the dwelling to accommodate agricultural workers and for the property to be marketed. In this case it is considered that the principle of a variation in the occupancy condition so that it can be occupied by an equine worker is acceptable because equine development at this site can only be located in the open countryside.

As the varied condition would allow somebody currently or last employed in equine working to occupy the dwelling (no matter how long they were employed) it is necessary to apply the tests contained within PPS7, specifically Annex A, and RES.5 (Housing in the Open Countryside). This is to ensure the development is fully scrutinised as it is important to establish whether the stated intentions to engage in the equine business are genuine, are reasonably likely to materialise and capable of being sustained for a reasonable period of time.

As the dwelling would be for worker employed in a newly created rural business, if a variation of condition is to be granted it is considered that this should be for a 3 year temporary period only in line with Annex A of PPS7. This is to ensure that the proposed business is fully scrutinised as stated above. The following tests therefore need to be met to show that a variation in the condition to allow it to be occupied by an equine worker is essential to the new rural enterprise;

i) *'Clear evidence of a firm intention and ability to develop the enterprise'* – The applicant intends to invest in the business through the provision of a manege, stables, and horse walker. It is considered that this proposed investment is an indication of the owners intentions. In terms of the owner's abilities, the supporting planning statement states that the applicant owns the following horses; seven brooding mares which are ex British show jumpers of breeding quality, young foals and followers, two national show jumpers, one breeding stallion and three ponies. All of these horses are kept at the applicant's dwelling and will not be kept at the application site. Given this information it is considered that this test has been met.

ii) *'A functional need – that it is essential for the operation of the enterprise to have a worker readily available'* – As part of this application an assessment has been provided which shows that there is the following labour requirement to serve the proposed enterprise;

- Daily welfare checks (1 hour per day)
- Mucking out (2 hours per day)
- Turn out and bringing in (1-2 hours per day)
- Holiday cover (hours can vary but can increase daily hours by up to 50%)
- Full livery options (dependent on numbers but could be an additional hour per horse)
- Administration (1 hour per day)
- Pasture management (half an hour per day)
- Security (8 hours per night)

Application 10/2457N was refused in the past because there was perceived to be a lack of land for the proposed stabling of 20 horses. The applicant has 8 acres of pasture land for horse grazing, and intends to stable 20 horses. The British Horse Society (BHS) recommended acreage requirement per horse or pony is 1 - 1.5 acres per horse. Using this guidance the land could only support 8 horses and not the 20 horses which are proposed as part of this business. As a result the previous application was recommended for refusal. However the applicant's submission states that they have contacted the BHS and they have confirmed that the proposal is viable as long as the project is well planned and managed.

The case officer has contacted the BHS separately and they have confirmed in an e-mail that;

*'As you know we recommend as a rule of thumb an allowance of 1 – 1.5 acres per horse. However, we do not consider this to be a hard and fast rule, there are numerous factors that can and do affect the true requirement. These include:*

- *How the horses are managed – i.e. the amount of time that each horse will spend on pasture*

- *The number of horses in relation to the amount of land (e.g. 200 horses on 100 acres is generally more feasible than 2 horses on 1 acre even though the ratio of horses to acres is exactly the same)*
- *Pasture husbandry employed*
- *The topography of the land*
- *The soil type and drainage of the land*
- *The size and type of horse*
- *The species of grass in the pasture*
- *Local climate*

*This is by no means an exhaustive list but it does help to illustrate the point that it is simply impossible to be too prescriptive. It is certainly true that the way in which horses are managed can make an enormous difference to the required acreage. It is certainly feasible that 20 horses could be kept on 8 acres if it is very well managed. However, I cannot comment on this particular application as I have not seen the site'*

It is therefore considered that the proposed development is functionally acceptable and the previous reason for refusal has been satisfied.

*iii)'Clear evidence that the enterprise has been planned on a sound financial basis – A business plan for the proposed business has been submitted in support of this application.*

There is no definition of financial soundness or viability in planning guidance. However, normal economic assessments of any business would expect a financial performance which provided a reasonable return on the resources deployed in it, notably land, labour and capital and a stable relationship between its current assets and liabilities. Such an assessment base would accord with advice previously given by MAFF to Local Planning Authorities on the subject of agricultural workers dwellings.

The applicant's agent has indicated that the proposed business would charge £50 per week for DIY livery provision. Supporting evidence has been submitted with this application which indicates that this figure is comparable to other similar businesses in the area. These figures are disputed by 1 local resident who states that they are misleading as they have been quoted lower prices from nearby DIY liveries. An article on the web-site [www.equine-world.co.uk](http://www.equine-world.co.uk) states that the estimated DIY livery price would be £30-£40 a week.

The business plan shows that the business would make a healthy profit. However this does not include depreciation, and returns on land, labour and capital. In terms of a return on labour this would equate to a minimum agricultural worker's wage which stands at £13,455.

In terms of the return on land, this would be a notional rent. A recent application at Ash Tree Farm at Blakenhall calculated this at 1 acre @ £65. When taking this assessment into account for the 8 acres of land owned by the applicant this would equate to £520.

As the applicant has not indicated the cost of the buildings or site it is not possible to calculate the return on capital which would be 2.5%. However following the deductions for return on land and labour the business would still make a healthy profit from which the return on capital and depreciation could be deducted which would leave a financially sound



business. This conclusion is made using both the figure of £50 a week for DIY livery suggested by the applicant and £40 a week taken from the internet research.

*iv) 'The functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned'* – This proposal relates to an existing dwelling on the unit not a proposed dwelling and this criterion has been met.

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

## **Design**

The proposed stable block would be of a rectangular form with a shallow pitched roof. The stables would have a width of 12 metres, a length of 60 metres and a ridge height of 5.5 metres. The proposal is considered to be of a simple design and materials in this open countryside location. Given that the justification for a stable block of this size has now been accepted it is considered that the building is of an appropriate design which would not appear dissimilar to many modern agricultural buildings. The building would be sited on the footprint of the former glasshouses on the site and would be viewed in relation to the existing buildings which stand on the site. It is therefore considered that a stable block is an appropriate form of development within the open countryside and complies with Policies NE.2 and RT.6.

Although the proposed manege is large in size it is considered to be a relatively small scale development that is of a temporary nature and that could easily be removed from the site. The proposal would be enclosed by a simple post and rail fence and given its scale it would not have a detrimental impact upon the character and appearance of the open countryside.

The muck midden/haystore and horse walker are minor forms of development and it is considered that the siting and scale of these is appropriate.

A number of the letters of objection have referred to floodlights and the impact that they may cause. The proposed manege would include the provision of 8 floodlights although the height and design of these are not known at this stage. These details could be controlled by condition. The principle of floodlighting in this location is considered to be acceptable as similar floodlighting is currently in use at the nearby Crewe Vagrants Club which is approximately 290 metres from the application site. It is not considered that this floodlighting would cause significant harm to the character and appearance of the open countryside in this location.

## **Amenity**

The principal impact on amenity arising from the development is likely to be the noise arising from the stabling of horses on the site and the compatibility of this use with surrounding uses; namely the nearby residential property.

Horses that are stabled tend to make more noise due to banging at feeding times. This can have an impact on neighbouring amenity. However this impact is likely to be intermittent and

minor in its impact due to the limited number of horses at the site, particularly since the nearest residential property is approximately 70m away from the proposed manege. Furthermore the Council's Environmental Health Officer has no objection to the proposed development in relation to noise as part of the previous application.

The proposals would be unlikely to have a significant impact on neighbouring amenity. In relation to the compatibility of the proposed use with surrounding land uses, equine facilities require rural locations and the proposal will not appear out of character or an incongruous feature within the open countryside.

The manege would include eight 70W floodlights and in terms of the impact upon residential amenity the Environmental Health Section have requested a condition to ensure that the lights are angled and positioned to ensure no light spillage (zero lux) at the elevations of the nearby residential properties. This condition would ensure that there is no detrimental impact upon residential amenity from the proposed lighting columns.

### **Highways**

Concerns have been raised over the highway safety implications and traffic generation issues raised by the proposed development. The Strategic Highways Engineer has raised no objection to this. Although the Strategic Highways Engineer suggests visibility improvements he does state that there would be no formal requirement to improve the visibility splays. It is considered that traffic speeds at the point of the access onto Haymoor Green Road are relatively slow as vehicles will reduce speed as they approach the junction with Wybunbury Lane. As a result it is not considered that the visibility improvements suggested by the Strategic Highways Engineer are required and the development is acceptable in terms of its highway safety/traffic generation implications.

### **Protected Species**

In terms of protected species, the main species that could be affected by the development are Great Crested Newts, Badgers and Water Voles. The protected species survey indicates that Great Crested Newts, Badgers and Water Voles are unlikely to be affected by the development and these conclusions are accepted by the Council's Ecologist.

As part of the site clearance works two ponds which were suitable for Great Crested Newts and were used by Smooth Newts and Common Frog have been removed from the site. If the application was recommended for approval a condition requiring replacement ponds would be attached to any permission.

### **Other Issues**

Concern has been raised by some residents over the cumulative impact of the proposed development together with the approved Gypsy site and Rugby Pitches. In response to this, each application is determined on its own merits and the scale of these developments is considered to be relatively minor and when combined they would not have a detrimental impact upon the character and appearance of Wybunbury Lane.

It is accepted that works have already commenced on the site. This is at the applicant's own risk and is not a reason to refuse the application.

The plans do not include an internal layout of the stable building. This could be controlled by condition should the application be approved.

## **CONCLUSIONS**

It is proposed to vary the occupancy condition so that the existing dwelling on site can be occupied by an equestrian manager as part of the proposed equine business. In order to ensure that the enterprise is genuine, is reasonably likely to materialise and is capable of being sustained for a reasonable period of time it is necessary to apply the criterion of Annex A to PPS7. The supporting information demonstrates that the development would meet the functional and financial tests of Annex A PPS7 and that the applicant has an ability to develop the enterprise. It is therefore considered that the proposed variation of condition is acceptable subject to the use of a 3 year temporary occupancy condition.

Following the submission of additional information and the case officer's discussions with the British Horse Society, the justification for a stable building of the size proposed is accepted and it is considered that the development would not be harmful to the character and appearance of the open countryside.

The proposed manege, horse walker, and muck midden/hay store are considered to be acceptable in principle and would not raise any implications in relations to residential amenity, protected species, highway safety and are of an acceptable design.

## **RECOMMENDATIONS**

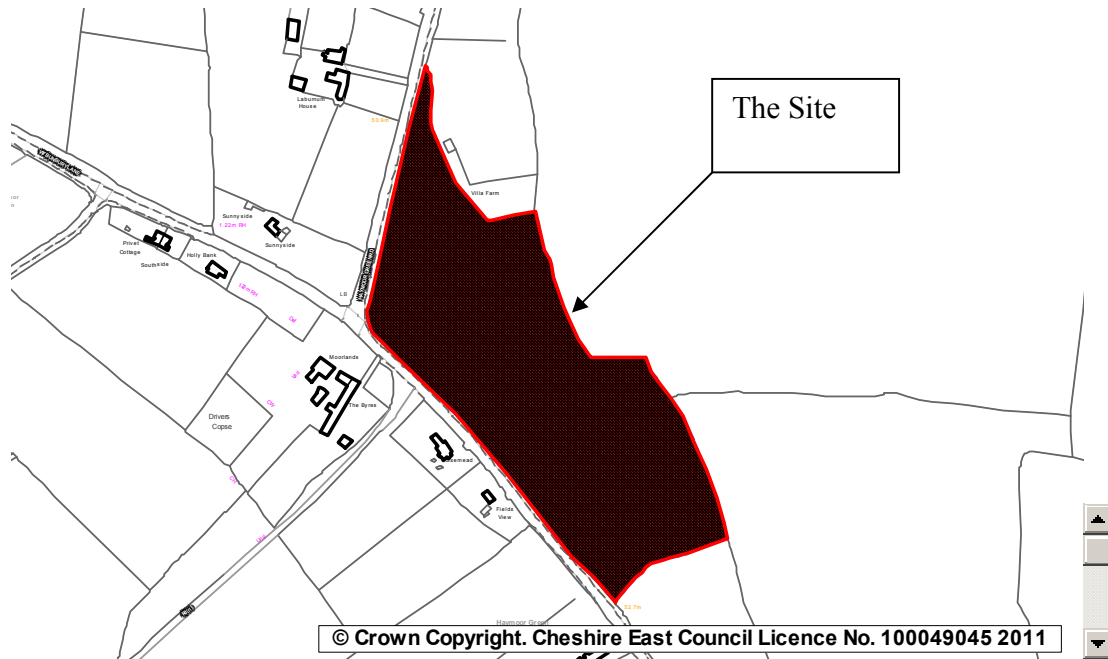
APPROVE SUBJECT TO THE FOLLOWING CONDITIONS;

- 1 Standard time 3 years
- 2 Development to be carried out in accordance with the approved plans
- 3 Surfacing Materials to be submitted to the LPA and approved in writing
- 4 External materials to be submitted to the LPA and approved in writing
- 5 Removal of stables, manege, muck midden/hay store and horse walker within six months of the date when they cease to be used for equine purposes
- 6 Work to stop if protected species discovered
- 7 No external storage
- 8 Hedgerow and tree retention
- 9 Within 3 months of the date of approval details of the creation of 2 ponds within the application site should be submitted to the LPA and approved in writing. The ponds shall be constructed before the stables hereby approved are first brought into use
- 10 Agricultural occupancy condition attached to the dwelling to be varied for 3 years only
- 11 Details of pile driving operations to be submitted to the LPA and approved in writing
- 12 Hours of operation to be restricted to 06:00 – 20:00 Mon – Sun (including Bank Holidays)
- 13 Before development commences, details of all external lighting equipment (including design and height) shall be submitted to and approved by the Local Planning Authority. The lighting in the scheme should be erected and directed so as to avoid nuisance to residential accommodation in close proximity. Lights shall be angled and positioned to

ensure no light spillage (zero lux) at the elevations of the nearby residential properties. High intensity lights shall be positioned so that the source is not visible at nearby residential properties. No other lighting equipment may then be used within the development other than as approved by the Local Planning Authority.

- 14 The hours of construction (and associated deliveries to the site) of the development shall be restricted to 08:00 to 18:00 hours on Monday to Friday, 08:00 to 13:00 hours on Saturday, with no work at any other time including Sundays and Public Holidays.
- 15 Floodlighting shall not be in use from 20:00 until dusk the next day
- 16 Remove rights for the siting of containers on the application site
- 17 Limit the number of horse transporters parked on the site to five

Location Plan:



This page is intentionally left blank

Application No: **10/4468N**

Location: **Crossing Facility Middlewich Road Nantwich**

Proposal: **Provision of a 3 metre wide cycleway/footway, comprising sub-base material and surfaced with tarmacadam. Provision of crossing locations as detailed on drawings**

Applicant: **Cheshire East Council**

Expiry Date: **04-Mar-2011**

Ward **Nantwich**

**Date Report Prepared: 8<sup>th</sup> February 2011**

#### **SUMMARY RECOMMENDATION**

**Approve with conditions**

#### **MAIN ISSUES**

- **Principle of Development**
- **Design – Impact on the Character and Appearance of the Streetscene and Conservation Area**
- **Impact on Landscape Features**
- **Impact on Protected Open Space**
- **Impact on Amenity of adjacent properties**
- **Impact on Highway Safety**

#### **REASON FOR REFERRAL**

This application is to be determined by Southern Planning Committee as the development is a small scale major application, due to site area being over 1ha, and where the applicant is Cheshire East Council.

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

The application site is split into three sections. The main stretch of the proposed development would be sited on the edge of Barony Park bounding Park View, Barony Road, and Middlewich Road. This part of the site is designated within the Local Plan as being Protected Open Space covered by Policy RT.1 and identified as being Formal Open Space. The southern parcel of the site, at Coronation Gardens, is also covered by Policy RT.1 as Informal Open Space, and is located within the Nantwich Town Centre Conservation Area and would bound Park View. The northern parcel of land crosses Whitehouse Lane and Middlewich Road then links with the A500 to the rear of the Sainsbury's petrol filling station. There are a number of mature, well

established trees and hedges within close proximity to the application site along with a group of TPO'd trees immediately adjacent to the site at the junction of Whitehouse Lane and Middlewich Road.

## **DETAILS OF PROPOSAL**

The application proposes the construction of a 3m wide cycleway and footway as part of the national Connect 2 project which attempts to encourage people to take everyday journeys by foot or bike. The laid route would be constructed from tarmacadam. The scheme also includes the creation of crossings over Barony Road.

## **RELEVANT HISTORY**

No relevant Planning History

## **POLICIES**

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

### **Local Plan Policy**

BE.1 (Amenity)  
BE.2 (Design Standards)  
BE.3 (Accessing and Parking)  
BE.4 (Drainage, Utilities and Resources)  
BE.5 (Infrastructure)  
BE.7 (Conservation Areas)  
TRAN.5 (Provision for Cyclists)  
RT.1 (Protection of Open Spaces with Recreational or Amenity Value)  
RT.9 (Footpaths and Bridleways)

### **Other Material Considerations**

PPS1: Delivering Sustainable Development  
PPS5: Planning for the Historic Environment  
PPG13: Transport  
PPG17: Planning for Open Space, Sport and Recreation

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

**Strategic Highways Manager** – There will be no significant impact on the surrounding highways infrastructure as a direct result of this application.

**Sustrans** - Support design including the two refuge crossings and modification to the Middlewich Road/Barony Road traffic lights, which will improve local access to the leisure facilities on the park.



Believe that Barony Park is classed as a village green and that this application is the first stage of the process for obtaining planning permission for the proposed works within the park.

**Sport England** – Line of the proposed greenway would in the main follow that of the existing footpath along Middlewich Road and Barony Road. There would be some encroachment onto the field but this would be kept to a minimum and along the boundary of the park. Does not appear that the new greenway will impact on any of the existing pitches on the site or require alterations to the fence lines surrounding the tennis courts.

## **VIEWS OF THE PARISH COUNCIL**

Welcome Application.

## **OTHER REPRESENTATIONS**

One letter of objection from 90 Whitehouse Lane. The salient point being that the proposed development would be too close to the boundary with No.90 and would make it unsafe to maintain the boundary. The surface water runoff from the greenway will drain into property due to changes in land levels.

## **APPLICANT'S SUPPORTING INFORMATION**

**Arboricultural Statement** (*prepared by Cheshire Woodlands dated 3<sup>rd</sup> February 2011*)

## **OFFICER APPRAISAL**

### **Principle of Development**

The provision of a cycle way and footway within the settlement boundary for Nantwich is acceptable in principle. In this instance the sections of the proposed route would be sited within areas that are designated within the Local Plan as Conservation Area and Protected Open Space. The proposal should therefore be appropriate in terms of its design as to not harm the character and appearance of the Conservation Area, and wider streetscene, and the proposal should not result in a loss of playing fields. Also important considerations to this proposal are the impact that the development would have on Highways Safety, Landscape Features such as trees and hedges, and the amenity of neighbouring properties.

### **Design - Impact on the Character and Appearance of the Streetscene and Conservation Area**

Policy BE.7 states that development should not harm the character, appearance or setting of a Conservation Area whilst BE.2 states that development should achieve a high standard of design and provide a layout of spaces which create identifiable character. The application proposes the introduction of a 3m wide cycle and footpath route. These would predominantly be located adjacent to existing footpaths and roads. As the route would only have a width of 3m and be adjacent to existing horizontal hardsurfaced features it would not appear as an alien feature within the streetscene and would create an identifiable space for pedestrian and cycle users. The surfacing materials to be used would be similar to existing footpaths and therefore would be of an appearance which would be sympathetic to the surrounding townscape and

would have no significant detrimental impact on the character and appearance of the Conservation Area either.

### **Impact on Landscape Features**

There are numerous well established trees and hedges which would be sited immediately adjacent to the entire route of the proposed cycleway/footway. Consequently an Arboricultural Statement/Survey was requested from the applicant to identify the quality of the trees and demonstrate the impact that the proposed development would have on those trees. This was carried out following detailed discussions with the Council's Arboricultural Officer. The survey identifies that there are numerous trees of high value and moderate value which should be retained.

The proposed development would result in the loss of one established tree within a grouping of trees at the junction of Middlewich Road and Whitehouse Lane and several young trees and shrubs on the northern edge of the group of trees sited between Middlewich Road and the A500. Both groups of trees are valued as having a high amenity and retention value however the loss of the single tree and young trees would not result in a significant loss to their collective amenity value. These trees are not covered by Tree Preservation Orders.

All other trees would be retained. The proximity of the development to trees would have the potential to cause harm to the health of the trees, therefore the Tree Protection Plan which was submitted with the Arboricultural Statement identifies areas for "special consideration" within which there would be no-dig construction or where possible construction over existing hardstanding without excavation. Furthermore the Tree Protection Plan identifies areas for protection through the erection of protective fencing to create exclusion zones during construction. The Council's Arboricultural Officer has examined the submitted information and has confirmed that the proposed development is acceptable and, providing a condition is attached ensuring that the recommendations of the Arboricultural Statement and route identified on the plans are strictly adhered to, would have no objection to the proposed development.

### **Impact on Protected Open Space**

A large proportion of the application development is on land which is identified within the Local Plan as having a recreational or amenity value and is therefore covered by Policy RT.1. That policy states that development which results in the loss of open space which has a recreational and amenity value would not be permitted. However, an exception can be made where the development is ancillary to the main use of the site and would not affect the quantity or quality of pitches, or the development would affect land incapable of forming part of a playing pitch and does not result in the loss of or inability to make use of a playing pitch (including maintenance and safety margins), a reduction in the size of the playing area or playing pitch, or the loss of any other sporting/ancillary facility on the site.

The proposed development comprises a 3m wide greenway route which would be sited on the boundaries of the areas of Protected Open Space and adjacent to existing footpaths and roads. The cycle route would be sited at a proximity which would result in only a minor encroachment into the open spaces and would not result in any loss of playing pitch, or impact on the quality of those pitches. The cycle way would be ancillary to the main function of the Open Space around Coronation Gardens whilst it could also be argued that the use of a footpath and cycle way

would be ancillary to the main recreational function of Barony Park. Furthermore, the proposed development has been assessed by Sport England. They have formed an opinion that the proposed development, by virtue of its minimal encroachment and siting, would not have an adverse impact on any playing pitch or other features and therefore raise no objection to the proposed development. There would therefore be no significant harm or loss to Protected Open Spaces resulting from this development.

### **Impact on the Amenity of adjacent properties**

The proposed cycle way and footpath would, at points, be within close proximity to residential properties. However, the route would largely follow established pedestrian footpaths, which is therefore of the same nature of use, and would therefore not result in any significant harm to the amenities of neighbouring properties through noise and disturbance.

### **Impact on Highway Safety**

The application forms part of the Connect2 project which will improve connectivity and links for sustainable modes of transport through Nantwich. New crossings are proposed across Barony Road and Middlewich Road. No objections have been raised by the Strategic Highways Manager. It is considered that the proposed development would not result in any significant harm on highway safety.

### **Other Matters**

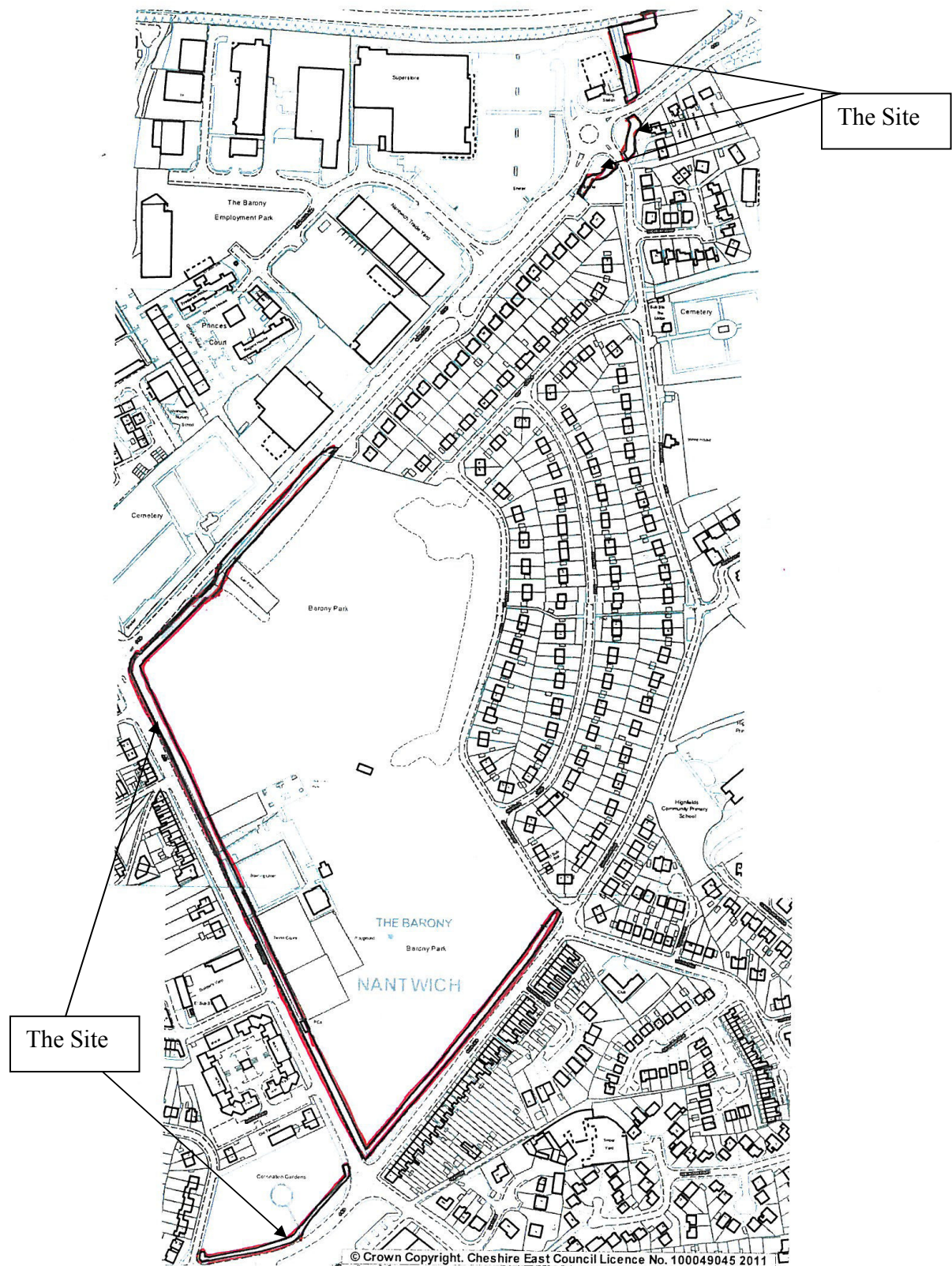
Whilst the comments raised by a neighbour are noted, it is considered there would still be a sufficient strip of land between the route and boundary to enable the neighbour to safely maintain their boundary. With regard to the comments about drainage, it is considered that as the greenway is surrounded by soft landscaping on either side at this point between Middlewich Road and No.90 Whitehouse Lane, any surface water run off would initially run to these permeable areas of soft landscape. There are no grounds of sufficient weight therefore to warrant the refusal of the application.

## **CONCLUSIONS**

The proposed development would provide an important stretch of infrastructure which would encourage the use of sustainable modes of travel. The proposal is of an acceptable design which would not result in significant harm to the character and appearance of the streetscene or Conservation Area. The development is located on land which is identified as being Protected Open Space however the siting and minimal encroachment of the route would not result in the loss of existing playing pitches. Furthermore, it is considered that there would be no significantly detrimental harm to the amenities of neighbouring properties, highway safety or any other matter. The proposed development, as conditioned, is therefore considered to be in compliance with Policies BE.1 (Amenity), BE.2 (Design Standards), BE.3 (Accessing and Parking), BE.4 (Drainage, Utilities and Resources), BE.5 (Infrastructure) BE.7 (Conservation Areas), TRAN.5 (Provision for Cyclists), RT.1 (Protection of Open Spaces with Recreational or Amenity Value) and RT.9 (Footpaths and Bridleways) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and guidance contained within the Local Development Framework Development on Backland and Gardens Supplementary Planning Document (2008).

**RECOMMENDATION:** Approve subject to following conditions

1. Commencement of development (3 years)
2. Materials as application
3. Development in accord with approved plans
4. Proposed route as indicated in Arboricultural Statement
5. Works to be carried out in accordance with Recommendations of Arboricultural Statement



This page is intentionally left blank

Ref Number	Address	Description	Level of Decision Del/Cttee	Over turn Y/N	Rec and Decision	Appeal Decision
10/2874N	EATON HOUSE, SHEPPENHALL LANE, ASTON, CW5 8DE	Single Storey Bespoke Timber Framed Canopy to Rear of Property	Dele	n/a	Refused	Dismissed 22/12/2010
10/2540N	4, LANE END COURT, CHORLTON LANE, CHORLTON, CREWE, CW2 5RS	Single Storey Glazed Oak Framed Link between Residential Buildings	Dele	n/a	Refused	Dismissed 19/01/2011
09/4331N	LAND OFF, WETTENHALL ROAD, POOLE, NANTWICH, CHESHIRE	Change of Use of Land to Use as a Residential Caravan Site for 8 Gypsy Families, Each with 2 Caravans, Including Improvement of Access, Construction of Access Road, Laying of Hardstanding and Provision of Foul Drainage	Strategic Planning Board	Y	Rec for Approval  Refused by SPB	Allowed 21/01/2011
10/1179C	14, SMITHFIELD LANE, SANDBACH, CW11 4JA	Demolition Of Existing House And Erection Of 7No. 3 And 4 Bedroom Houses	Southern Planning Cttee	Y	Rec for Approval  Refused by SPC	Dismissed 02/02/2011
10/2758M	Irons Cottage, Welsh Row, Nether Alderley	CONVERSION OF INTEGRAL GARAGE TO LIVING ACCOMMODATION & ERECTION OF SINGLE-STOREY SIDE GARAGE & GYM EXTENSIONS	Delegated	n/n	Refused 18/10/2010	Allowed 21/12/2010
10/2371M	4, PRINCESS STREET, KNUTSFORD, WA16 6DD	TRADITIONAL HAND-PAINTED WALL SIGN ADVERTISEMNT. ON	delegated	n/a	Refused	Allowed 20/1/2011

		PURPOSELY- CONSTRUCTED/ EXISTING RENDERED FRIEZE PANEL(ADVER TISEMENT CONSENT)				
--	--	---	--	--	--	--