

# Southern Planning Committee

## Agenda

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**Date:** Wednesday, 9th May, 2012  
**Time:** 2.00 pm  
**Venue:** Council Chamber, Municipal Buildings, Earle Street, Crewe  
CW1 2BJ

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**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 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 Previous Meeting** (Pages 1 - 8)

To approve the minutes of the meeting held on 18 April 2012.

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 individuals/groups:

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

5. **11/0381C Barns, Swanwick Hall, Booth Bed Lane, Goostrey: Change Of Use Of Redundant Barns To Live Work Unit for Mr John Liptrott** (Pages 9 - 20)

To consider the above planning application.

6. **12/0717N 61, Rope Lane, Shavington, CW2 5DA: To make Permanent the Temporary Plans Granted in Planning Application 10/4412N to Erect Two Partition Walls in Order to Transform One Quarter of an Existing Garage into a Dog Grooming Salon, No External Alterations to be Made for Mrs A Venables** (Pages 21 - 30)

To consider the above planning application.

7. **12/1073N Top End Farm, Barthomley Road, Barthomley, Cheshire CW2 5NT: Retention of Extensions to Agricultural Buildings for Mr Mark Abell** (Pages 31 - 36)

To consider the above planning application.

8. **12/0336N Cherry Orchard Farm, Wettenhall Road, Poole CW5 6AL: Proposed Grain Store Building for Mr M J Thomasson** (Pages 37 - 40)

To consider the above planning application.

9. **12/0593N Middlewich Road, Nantwich, Cheshire CW5 6PD: Provision of Greenway from Crewe to Nantwich and Sections from Wistaston Green Road to A51/Nantwich Bypass. The Proposal includes a 3 Metre Wide Surfaced Path Together with Associated Engineering and Landscaping Works for Mr Kevin Melling, Cheshire East Council** (Pages 41 - 48)

To consider the above planning application.

10. **12/0908N Haughton Hall Farm, Hall Lane, Haughton, Tarporley CW6 9RH: The Erection of a New Cubicle Building for Phillip Posnett** (Pages 49 - 54)

To consider the above planning application.

**THERE ARE NO PART 2 ITEMS**

**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Southern Planning Committee**  
held on Wednesday, 18th April, 2012 at Council Chamber, Municipal  
Buildings, Earle Street, Crewe CW1 2BJ

**PRESENT**

Councillor G Merry (Chairman)  
Councillor M J Weatherill (Vice-Chairman)

Councillors P Butterill, J Clowes, W S Davies, L Gilbert, P Groves, M Jones,  
A Kolker, D Marren, M A Martin, D Newton, M Sherratt and A Thwaite

**NON-COMMITTEE MEMBERS IN ATTENDANCE**

Councillors Rachel Bailey and D Brown

**OFFICERS PRESENT**

Simon Boone (Development Control Officer, Highways Development)  
(for Item 5 only)  
Rachel Goddard (Senior Lawyer)  
Ben Haywood (Principal Planning Officer)  
Anthony Sackfield (Affordable Housing Officer) (for Item 7 only)  
Craig Wilshaw (Senior Planning Officer - Enforcement)  
Julie Zientek (Democratic Services Officer)

**Apologies**

Councillor S McGrory

**184 DECLARATIONS OF INTEREST**

Councillor M Martin declared that she had been contacted by an objector with respect to application number 12/0447N and that she might have given the impression that she had made up her mind. She declared that she would withdraw from the meeting during consideration of this item.

Councillor J Clowes declared a personal interest in respect of application number 12/0447N, on the grounds that she had previously had contact with the applicant, who was a resident of her ward. In accordance with the code of conduct, she remained in the meeting during consideration of this item.

All Members of the Committee declared that they had received correspondence regarding application number 12/0447N.

Councillor D Marren declared that he had received correspondence regarding application number 12/0650N.

185 **MINUTES OF PREVIOUS MEETING**

RESOLVED – That the minutes of the meeting held on 28 March 2012 be approved as a correct record and signed by the Chairman.

186 **12/0447N THE OLD CREAMERY, STATION ROAD, WRENBURY CW5  
8EX: PROVISION OF 21 X 70M PORTAL FRAMED SHED FOR  
CASTING CONCRETE PRODUCTS AND PROVISION OF 2M  
DIAMETER X 10M HIGH MOBILE CEMENT SILO AND THREE BAY BIN  
- 8.50 X 2.50 FOR MR G HEATH, CONCRETE PANEL SYSTEMS LTD**

Note: Having made a declaration, Councillor M Martin withdrew from the meeting during consideration of this item.

Note: Councillor J McEvoy (on behalf of Wrenbury-cum-Frith Parish Council), Mr N Spicer (objector) and Mr A Thornley (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application, an oral update by the Principal Planning Officer and an oral report of the site inspection.

RESOLVED – That, contrary to the planning officer's recommendation for approval, the application be REFUSED for the following reasons:

1. The proposal would, due to the increase in heavy goods vehicle movements and noise and dust nuisance associated with the manufacturing process, have a prejudicial impact on the residential amenity of the occupiers of Holly House, properties on Station Road and the future occupiers of the proposed affordable housing on land off Station Road, Wrenbury contrary Policy BE.1 (Amenity) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.
2. The proposal would, due to the increase in heavy goods vehicle movements and sub-standard access arrangements, prejudice the safe movement of traffic on surrounding roads without providing a safe arrangement for vehicular access and egress contrary to Policy BE.1 (Amenity) and Policy BE.3 (Access and Parking) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.
3. It is considered that the proposal would not represent sustainable development as defined by the National Planning Policy Framework due to the adverse impact on the delivery of the approved affordable housing on land off Station Road, Wrenbury (LPA Reference: 11/1165N) contrary to paragraphs 7 and 8 of the National Planning Policy Framework.

Note: In accordance with Part 4, Paragraph 31.4 of the Council's Constitution, Councillor D Marren requested that it be recorded in the Minutes that he abstained from voting on this item.

- 187 **12/0714C LITTLE MOSS FARM, PRIORY CLOSE, CONGLETON CW12 3JL: 18M HIGH JOINT OPERATOR MONOPOLE TYPE TELECOMMUNICATION TOWER INCORPORATING 4NO. 3G ANTENNAS AND THEIR ASSOCIATED HEAD FRAME ALONG WITH 2NO. 600MM TRANSMISSION DISH (STANDARD GREY IN COLOUR), 1NO. EQUIPMENT CABINET (VULCAN TYPE, 1898 X 798 X 1648MM, RAL 6009 - FIR GREEN), 1NO. METER CABINET (655 X 255 X 1015MM, RAL 6009 - FIR GREEN), ALL ANCILLARY DEVELOPMENT (FOUNDATIONS, FENCING; FIXTURES, FITTINGS, CABLING, ETC) FOR TELEFONICA UK LIMITED**

Note: Councillor D Brown (Ward Councillor), Councillor J Saville Crowther (on behalf of Congleton Town Council) and Mr S Muirhead (objector) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application and a written update.

RESOLVED – That, contrary to the planning officer's recommendation for approval, the application be REFUSED for the following reason:

The proposed development by reason of its height and prominent location on the edge of the Green Belt would result in a visually incongruous addition which would be harmful to the character and appearance of the area. The proposed development is therefore contrary to Policies E19: Telecommunications and GR2: Design of the Congleton Borough Local Plan First Review 2005.

- 188 **12/0344N CHURCH BANK COTTAGE, WYCHE ROAD, BUNBURY, TARPORLEY, CHESHIRE CW6 9PN: PROPOSED SINGLE STOREY SIDE EXTENSION AND SINGLE STOREY SUNROOM FOR MR & MRS R PARR**

Note: Prior to consideration of this application, the meeting was adjourned for ten minutes for a break.

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

RESOLVED – That, for the reasons set out in the report, the application be APPROVED subject to the following conditions:

1. Standard Time Limit
2. Plan References
3. Materials to be submitted and approved
4. Doors/Windows Fabricated out of Timber

5. Conservation Area Roof Lights
6. Details of retaining wall to be submitted and approved

and the following informative:

Listed Building Consent required.

189 **12/0036C LAND NORTH EAST OF DUNKIRK FARM, LONDON ROAD, BRERETON, HOLMES CHAPEL: THE CONSTRUCTION OF 18 NEW AFFORDABLE TWO AND THREE BEDROOM HOUSES FOR MIKE WATSON, PLUS DANE GROUP**

Note: Councillor M Jones left the meeting prior to consideration of this application.

Note: Mr M Cox (objector) and Mr J Ashall (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

RESOLVED – That, contrary to the planning officer's recommendation for approval, the application be REFUSED for the following reason:

The Local Planning Authority considers that the affordable housing requirements within the area could be accommodated for by alternative Brownfield sites in the locality which would negate the need to use land within the open countryside. The proposal is therefore contrary to Policy H14 of the adopted Congleton Borough Local Plan First Review (2005).

190 **12/0650N LAND SOUTH OF MEADOW RISE, HOLMSHAW LANE, HASLINGTON: A NEW SINGLE-STOREY DWELLING FOR MR & MRS J COUPLAND**

Note: Councillors J Clowes and A Thwaite left the meeting prior to consideration of this application.

Note: Councillor S Davies declared a personal interest in respect of this application, on the grounds that he had raised money for the applicant's charity when he was Mayor of Crewe and Nantwich Borough Council. In accordance with the code of conduct, he remained in the meeting during consideration of this item.

Note: Councillor R Hovey (on behalf of Haslington Parish Council), Mr I Hopkins (supporter) and Mr J Coupland (applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application and a written update.

RESOLVED – That the application be DEFERRED for further information relating to the personal circumstances of the applicants.

191 **12/0707C SILVER BIRCHES, NEW PLATT LANE, CRANAGE, CHESHIRE CW4 8HS: DEMOLITION OF EXISTING DETACHED HOUSE AND CONSTRUCTION OF 3 NEW HOUSES FOR BOB QUIRK**

Note: Councillors P Butterill, D Marren and M Sherratt left the meeting prior to consideration of this application.

Note: Mr A Pochin (objector) and Mr J Ashall (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

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

RESOLVED – That, for the reasons set out in the report, the application be APPROVED subject to the following conditions:

1. Standard outline.
2. Compliance with the approved plans.
3. A watching brief for any adverse ground conditions (contamination), to be employed in accordance with the recommendations in the report by LK Consult Ltd.
4. Submission and implementation of a tree protection scheme.
5. Submission and implementation of construction method statement.
6. Submission of landscaping scheme including replacement tree planting.
7. Implementation of landscaping scheme
8. Submission and implementation of boundary treatment scheme.
9. Hours of construction (including deliveries) limited to 0800 to 1800 Monday to Friday, 0800 to 1400 Saturday with no working on Sundays or Bank Holidays.
10. Submission of details of the method, timing and duration of any pile driving operations.
11. Protection measures for breeding birds.

192 **12/0804C SILVER BIRCHES, CROXTON LANE, MIDDLEWICH, CHESHIRE CW10 9EZ: EXTENSION TO TIME LIMIT OF OUTLINE APPLICATION 08/1800/OUT FOR PROPOSED DEMOLITION OF AN EXISTING DWELLING AND FORMER NURSERY BUILDINGS AND THE ERECTION OF UP TO 12 NO. RESIDENTIAL UNITS WITH MEANS OF ACCESS FOR MR & MRS HOUGH**

Note: Councillor M Jones re-joined the meeting during consideration of this item but did not take part in the debate or vote.

The Committee considered a report regarding the above planning application and a written update.

RESOLVED – That, for the reasons set out in the report, the application be APPROVED subject to the following conditions:

1. Standard outline (time)
2. Submission of reserved matters
3. Phase II Land contamination
4. Hours of construction
5. Hours of piling
6. No burning of materials on site
7. Tree and shrubbery retention
8. No excavations for services within fenced off area
9. Protected species
10. Nesting birds
11. Incorporation of features for breeding birds.
12. Incorporation of wildlife pond

and the following informatives:

1. S.278 Agreement with Cheshire County Council to mitigate Part 1 claims and secure junction design detail.
2. The applicant is advised that they have a duty to adhere to the regulations of Part IIA of the Environmental Protection Act 1990, the National Planning Policy Framework and the current Building Control Regulations with regards to contaminated land. If any unforeseen contamination is encountered during the development, the Local Planning Authority (LPA) should be informed immediately. Any investigation / remedial / protective works carried out in relation to this application shall be carried out to agreed timescales and approved by the LPA in writing. The responsibility to ensure the safe development of land affected by contamination rests primarily with the developer.

193 **SECTION 106 AGREEMENT FOR PLANNING APPLICATION 11/2999C FOR VARIATION OF CONDITIONS 2, 3, 5, 10, 10 AND 11 OF PLANNING PERMISSION 08/0712/FUL AT LAND SOUTH OF PORTLAND DRIVE, SCHOLAR GREEN, STOKE-ON-TRENT**

Note: Ms A Freeman (on behalf of the applicant) had registered her intention to address the Committee on this matter but did not attend the meeting.

The Committee considered a report regarding a proposed amendment to the terms of the above Section 106 Agreement which would enable the pedestrian crossing required by the development to be delivered by way of a commuted sum of £70,000 (plus £10,000 for future maintenance), rather than under section 278 of the Highways Act 1980, as previously proposed.

RESOLVED – That the Section 106 agreement for planning application 11/2999C be varied to secure an additional commuted sum of £80,000

towards the delivery and future maintenance of the pedestrian crossing required by the development.

The meeting commenced at 2.00 pm and concluded at 5.58 pm

Councillor G Merry (Chairman)

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Application No: 11/0381C  
Location: BARNS, SWANWICK HALL, BOOTH BED LANE, GOOSTREY  
Proposal: CHANGE OF USE OF REDUNDANT BARNS TO LIVE WORK UNIT  
Applicant: MR JOHN LIPTROTT  
Expiry Date: 18-Apr-2011

**SUMMARY RECOMMENDATION:**

APPROVE subject to conditions

**MAIN ISSUES:**

The key issues for consideration are (i) the principle of conversion, (ii) design and conservation, (iii) ecological implications, (iv) highways (v) neighbouring amenity, (vi) public right of way

**1. REASON FOR REFERRAL**

In light of concerns expressed by neighbouring residents, the Local Ward Councillor and Goostrey Parish Council, this application has been referred to Southern Planning Committee for determination.

**2. DESCRIPTION AND SITE CONTEXT**

This application relates to a grouping of rural barns associated with the property known as 'Swanwick Hall Farm' in Goostrey. The agricultural use of the barns has long since ceased and they are currently used for storage ancillary to main the dwelling and for the applicant's business. The southern part of the complex comprises traditional brick built buildings with the northern quarter hosting more modern portal framed additions. The site is surrounded on all sides by open countryside designated fields. The site is accessed via a track leading some 430 metres from Boothbed Lane to the west. The main farmhouse is Grade II listed.

### 3. DETAILS OF PROPOSAL

Full planning permission is sought for the conversion of the existing redundant barns for use as a single live / work unit.

### 4. RELEVANT HISTORY

07/0486/LBC - Conversion of existing farm buildings into 4 dwellings and 4 new garages – Withdrawn 29.08.2007

### 5. POLICIES

#### National Policy

National Planning Policy Framework (NPPF)

#### Local Plan Policy

PS8 - Open Countryside

GR1 - New Development

GR2 – Design

GR6 – Amenity

GR9 - Accessibility, Servicing & Parking Provision

GR16 – Footpath, Bridleway and Cycleway Networks

H1 & H2 - Housing Land Supply

H6 - Residential Development in the Open Countryside

BH4 – Listed Buildings (Effect of Proposals)

BH15 & BH16 - Conversion of Rural Buildings

NR2 - Wildlife & Nature Habitats

SPG2 - Private Open Space in New Residential Developments

SPD7 - The Re-Use of Rural Buildings

### 6. CONSIDERATIONS (External to Planning)

#### Highways:

No objection subject to conditions requiring the provision of 2 passing points along the access track and provided that the developer enters into a Section 184 Agreement of the Highways Act 1980 to reconstruct the existing highway access.

In response to issues raised by representation regarding the applicant's Traffic Statement (TS), the Strategic Highways Manager (SHM) has provided a response to each of the issues raised: These are:

- **The** document spells the name: 'Goostrey' as: 'Goosetrey' so this brings the credibility of the traffic statement into question. **Response:-** The S.H.M. feels it is clear that the report refers to 'Goostrey' and this spelling error is not a material consideration for objection on highway grounds.
- **The** TS mentions a local school on Booth Bed Lane which is incorrect. **Response:-** This is true however there are children crossing signs with a 'playground' supplementary plate which have clearly been misinterpreted. The question is whether this is a material consideration against the operation and traffic generation of the

development proposal in highway terms. Clearly Booth Bed Lane would suffer the congestion of school arrival and dispersal traffic if there was a school locally, so the fact that this is not the case simply means that local traffic does not suffer this occurrence. It is not therefore considered that this is a material consideration for objection on highway grounds.

- **The TS** claims that observed average speeds are below 30mph. The objector suggests that most 30mph speed limits suffer speeds in excess of 30mph and notes that the Parish Council have chosen to site a speed indicator device at the site facing incoming traffic in a southbound direction. Booth Bed Lane is claimed in the objector's comments as a 'speeding hotspot'. **Response:-** A third site visit was undertaken on Friday during part of the early evening peak hour (16.20pm to 17.00pm) and had the benefit of the Parish Council speed indicator device on site. The S.I.D. faced traffic approaching in a southerly direction (the leading direction) and in the 40 minute period recorded 8 free-flow vehicles and giving an average of 31 mph with a high of 38 mph. The S.I.D. was picking the vehicles up from approximately 200 metres away as they entered the 30 mph area. In addition 14 vehicles were counted travelling in a northerly direction, most of which entered one of the local estate roads. Being one-directional the S.I.D. did not record the speed of these vehicles however observations suggested that it was compliant with the speed limit as it was local and mostly accessing the estate side roads.
- **Speeds** of 50 and 60 mph have been recorded on this road. **Response:-** This is demonstrated in the S.I.D. record charts however those charts also show many of the 'spike' speeds to be in the late evening or early morning and also show the average speeds for Booth Bed Lane to be 26 and 24 mph on two different surveys (as claimed in the submitted Transport Statement). In addition the surveys show approximately 80% of vehicles to be travelling at 35 mph or less. This aligns with the findings of the third site visit.
- **Parental** parking on Booth Bed Lane for the play area obscures visibility when emerging from the Swanwick Hall access which is a potential danger to emerging vehicles and children. Also tractors and other equipment are parked nearby. **Response:-** This is true when a car parks on the tarmac apron across the verge. A photo provided by the objector shows this however on the 3 site visits cars were only parked on the carriageway of Booth Bed Lane and this allows the visibility splay to remain clear though it does cause impediment between vehicles emerging and vehicles approaching from the leading direction very close to the Swanwick Hall access. Site observations show the access to work well despite this partial impediment.
- **The** traffic generation figures are unrealistic when viewed against the available parking. **Response:-** Traffic generation is not calculated against available parking but against gross floor area of the proposed use-class. In this case the TRICS database does not have example sites which could be matched against this small scale proposal so use of the TRICS database would not be accurate with regard to this development. In this instance the TS suggests that 7 trips are a reasonable estimate of the traffic generation for this development. The Strategic Highways Manager recognises that this is an estimate based on professional judgement and

does not consider that the suggested traffic generation is unreasonable. The fact is that even if this number were doubled it would be of insignificant impact on Booth Bed Lane and would represent less than one vehicle every 4 minutes using the access. It is not therefore considered that this is a material consideration for objection on highway grounds.

- **No** mention is made of deliveries. **Response:-** This is correct however the track will continue to support the agricultural vehicle movements and occasional delivery movements are similar but will benefit from the general improvements to the access and track which will be the subject of planning conditions.
- **No** mention is made of the 'additional' traffic that will be generated from Swanwick Hall which is a big house and it seems reasonable that it may generate extra traffic. **Response:-** Swanwick Hall exists as does its traffic generation. The application does not relate to this aspect of the property as Swanwick Hall does not form part of the application site.
- **There** are at least two meeting rooms for local companies. **Response:-** Only one meeting room is shown on the application plans.
- **The** use of passing places on the track dictates that vehicles will have to reverse, endangering walkers. **Response:-** The provision of passing places will help minimise this occurrence over the current position were none are provided.
- **The** measurements/details for the revised entrance do not add up. **Response:-** The development proposal offers a revised access under Section 184 of the Highways Act which gives the Highway Authority control over specification.

**Environmental Health:**

No objection subject to conditions relating to land contamination and construction hours including piling.

**Environment Agency:**

No objection

**Public Rights of Way Unit:**

No objection – subject to advisories stating that:

- there is no diminution in the width of the right of way available for use by members of the public
- no building materials are stored on the right of way
- no damage or substantial alteration, either temporary or permanent, is caused to the surface of the right of way
- vehicle movements are arranged so as not to unreasonably interfere with the public's use of the way
- no additional barriers (e.g. gates) are placed across the right of way, of either a temporary or permanent nature

- no wildlife fencing or other ecological protection features associated with wildlife mitigation measures are placed across the right of way or allowed to interfere with the right of way
- the safety of members of the public using the right of way is ensured at all times"

The Rambler's Association have objected to this application.

**Jodrell Bank (University of Manchester)**

Comments will be reported to Members by way of an update.

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

Object on the grounds of the increase in vehicular traffic close to the play area. A graph showing the vehicle speed data has been submitted from a vehicle speed detection unit (SDU) situated along Booth Bed Lane. Also concern regarding further and future development of the site. In the event that the application is approved, permitted development rights should be removed.

## **8. OTHER REPRESENTATIONS**

Letters and photographs have been received from 33 addresses objecting to this proposal on the following grounds:

- Increase in the number of vehicles arising from the business use from customers and employees
- The existing unmade road between residential properties and the children's playing park is 3.05 metres wide and extends some 90 metres. Obviously passing is impossible regularly witness large vehicles having problems with access.
- There will be a swimming pool to be used by a local swimming school
- The road is a public footpath and the limited width means that at the moment walkers have to stop and wait for the vehicle to pass.
- An increase in noise and pollution close to residential property
- Traffic speeding is already a problem without the increase of yet more vehicles
- The single track approach road is totally unsuitable for the volume of traffic this development is destined to create, employees, swimming pool users and new residents of the old farm house will add further regular traffic.
- The children's playground adjacent to the entrance of the access road also present a potential risk with cars being parked creating a lack of vision to the right.
- Impact on the Quality of life to the residents and visitors with an out of character development not in keeping with the rural village of Goostrey.
- Lack of information in submission
- Highway Safety
- Speeding traffic
- Hazardous to walkers using the PROW
- The submitted Traffic Statement is biased and contains Omissions
- Submitted map for revised access would involve moving PROW sign
- Obstruction of visibility splays by parked vehicles

- The access track was never intended to be used for a commercial venture
- Highways Consultant visited site when adjacent playground not in use
- Previous history of applicant disregarding planning conditions on approved developments
- At peak times, Boothbed Lane is heavily trafficked

## 9. APPLICANT'S SUPPORTING INFORMATION

Design & Access Statement

Structural Survey

Protected Species Survey (including updated emergence survey).

Amended Plans

Traffic Statement

## 10. OFFICER APPRAISAL

### Principle of Conversion

The principle of converting existing rural buildings into residential use in the open countryside can be acceptable provided that the requirements of policies BH15, BH16 and SPD7 are met.

Policy BH15 states that schemes for residential conversion will only be permitted where the building is permanent and substantial and would not require extensive alteration, rebuilding or extension.

Policy BH16 states that the re-use of rural buildings for residential use will not be permitted unless every reasonable attempt has been made to secure suitable business re-uses or residential conversion is a subordinate part of a scheme for business reuse. In the case of live / work units, SPD7 states that the Council will support the re-use of rural buildings for suitable proposals.

The newly adopted National Planning Policy Framework (March 2012), advises that Local Planning Authorities should '*support existing business sectors, taking account of whether they are expanding or contracting*'. In addition it states that '*In considering applications for planning permission, Local Planning Authorities should apply the presumption in favour of sustainable development and seek to find solutions to overcome any substantial planning objections where practical and consistent with the Framework.*'

### Assessment

The barns are clustered around a small courtyard and comprises of an attractive two-storey traditional barn to the south with some smaller brick barns positioned on the opposite side of the courtyard with more modern portal structures attached on the opposite side. The two-storey element to the south would be converted to residential use with the northern components lending themselves to the business use. Due to their physical separation, the proposal would accord with the definition of a 'live / work' unit as it would comprise 'the provision of segregated living and working accommodation in a single self contained unit'.

The information submitted includes a structural survey, which concludes that generally the barn is in a reasonable condition and that significant rebuilding would not be required in order to facilitate the conversion of the barn to residential use. Nonetheless, there are areas that would require localised repairs to the external brickwork and as such the applicant has submitted a method statement specifying the affected areas that would require attention. Given that these areas are localised, it is considered that the buildings are capable of conversion and the proposal therefore complies with Policy BH15.

This proposal would support the applicant's business which is in its infancy. The business specialises in renewable energy systems. Whilst the farm is no longer a working one, the applicant still tends to the land and as such the proposal incorporates a modest store for implements. Additionally, the proposal incorporates an indoor swimming pool, which would be available for use by the local primary school for after school swimming classes. The proposed uses would comply with the requirements of policies BH15, BH16, SPD7 and would accord with the aims and aspirations of the National Planning Policy Framework.

### **Design & Conservation**

Where it is proposed to re-use or convert traditional rural buildings, it is important to retain as much of the original building fabric as possible and minimise alterations to help preserve the character of the building to help produce a successful conversion.

The two storey building to the south is an attractive traditional barn, which appears to date from the 19<sup>th</sup> century and has been extended through the addition of a single storey brick built lean-to on the north elevation. There is a two-storey open fronted hay barn positioned at 90-degrees to the main barn which is linked by a pitched roof. The proposed residential conversion seeks to combine both elements by glazing the void beneath the linking roof slope on the south facing elevation. The elevation on the north side is bricked up at ground floor level so only the upper part would be glazed. This approach would respect the existing character of the barn and has been secured through amended plans in response to comments made by the Conservation Officer.

The upper portions of the openings within the hay barn are already vertically boarded. It is proposed to continue the cladding down to the floor level to enclose the space and provide a storage area. Such treatment would respect the character and style of the barn, which has also been secured through amended plans and negotiation with the applicant. Within the main barn itself, use of the existing openings would be made and as such the conversion would allow the barn to retain its rural character and appearance.

With respect to the buildings towards the north of the site, the traditional brick built elements would be retained and converted sympathetically. Use of the existing openings would be made and where new are to be introduced, these would be formed by reopening previous openings. The existing portal structures which are attached to the northern portions would have their corrugated roofs and walls replaced with brickwork and slate roofs and where clay tiles are evident; these would also be replaced with slate. These proposals would not introduce any additional bulk within the open countryside and would improve the character and appearance of the site and would be more sensitive to the setting of the nearby grade II listed farmhouse.

With respect to the treatment of the curtilage, an existing area of hardstanding situated to the rear (west) of the buildings would be given over to parking (11 spaces). This area would also accommodate a detached single storey garage constructed using an oak frame with the exterior walls clad in timber and the roof tiled. The garage would be viewed against the back drop of the existing buildings and would not appear intrusive. Thus, the potential impact on the surrounding open countryside has been minimised to prevent an intrusive form of development. The design and considerations relating to conservation are deemed to be acceptable and the impact on the adjacent listed building would not be harmful.

### **Ecological Implications**

Rural buildings are frequently used by protected species. In view of the fact that the development proposes conversion of a traditional barn, the existence of protected species needs consideration. The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places,

- in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment

and provided that there is

- no satisfactory alternative and
- no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK implemented the Directive by introducing The Conservation (Natural Habitats etc) Regulations 1994 which contain two layers of protection

- a requirement on Local Planning Authorities (“LPAs”) to have regard to the Directive’s requirements above, and
- a licensing system administered by Natural England.

Local Plan Policy NR2 states that proposals for development that would result in the loss or damage of any site or habitat supporting species that are protected by law will not be permitted.

In line with guidance in the national Planning Policy Framework, appropriate mitigation and enhancement should be secured if planning permission is granted. Initially the application was supported by a protected species survey; however, this recommended further survey due to the discovery of some bat droppings. To address this, an updated emergence survey has been carried out which has confirmed that the buildings do not support an active bat roost. As such the Council’s Nature Conservation Officer has offered no objection to the application but does recommended conditions aimed at improving the surrounding habitat.

### **Highways**

Policy GR9 states that proposals for development requiring access, servicing or parking facilities will only be permitted where a number of criteria are satisfied. These include adequate

and safe provision for suitable access and egress by vehicles, pedestrians and other road users to a public highway.

In response to concerns regarding the proposed uses and vehicle movements, the applicant has now provided a traffic statement via a highway consultant.

The maximum number of employees will be 6, with two being part time and 2 living in the residential unit. As most part-time workers work outside of the traditional peaks, in reality the only additional traffic will be 2 full time workers in the peak hour, which in traffic generation terms is minimal. The proposed use of the swimming pool by the local school will be outside peak times and not significant. The proposal will have no detrimental impact on the local highway network and will not worsen matters in relation to the adjacent play ground.

Visibility from the site access/egress is good in both directions and in excess of the 90m requirements for a 30mph road. The applicant accepts that the existing access construction would benefit from some minor improvement and has therefore offered to revise the existing access to bring it up to Highway Authority standards. It is also noted that the applicant will provide two inter-visible passing places on the access drive and these should be the subject of a planning condition.

The issues of traffic speed identified in representations are not a material planning consideration, and where on the highway, these are subject to enforcement by the Police. In any event, the Strategic Highways Manager has assessed the vehicle speed data along Boothbed Lane and has determined that average vehicle speeds are within limits and any spikes are outside of peak times. With respect to vehicles parking in visibility splays, this would be an obstruction and which again would be enforced by the Police.

It is considered that the access, parking and traffic generation are acceptable for this development and its scale. Subject to conditions, the proposal is deemed to be in accordance with Policy GR9 and the concerns expressed by local residents and the Parish Council would not sustain a refusal on highways grounds.

### **Neighbouring Amenity**

It is considered that a satisfactory standard of facilities could be obtained for the occupants of the barn and it is not considered that any instances of direct overlooking or loss of light would result. Adequate separation would be maintained within the existing farmhouse and the relationship between both buildings would be such so as to prevent any significant direct overlooking. As the scale of the buildings would remain unaltered, there would no material harm to amenities by reason of loss of light or visual intrusion. The scheme is deemed to accord with policies GR6 and SPG2.

### **Public Right of Way**

Public footpath Goostrey No. 12 runs along the access track and travels directly through the farmstead. The Public Rights of Way Unit (PROW) have been consulted on this application and have offered no objection to the proposals subject to a number of advisories informing the developer of their obligations. The PROW unit advise that the footpath needs to be clearly and

appropriately signed to ensure that vehicles are made aware of pedestrians. This should be secured by condition.

With respect to the use of the track, the proposed traffic generation would not be as significant to materially harm user's amenity of the right of way. It is also important to acknowledge that the lawful use as a farm would have potential to generate greater frequency of trips and therefore the proposed use could offer some benefit. In the absence of objection from the PROW unit, it is considered that the proposal complies with local plan policy GR16 and a refusal could not be sustained on the grounds offered by objectors.

## **11. CONCLUSIONS AND REASONS TO APPROVE**

In conclusion it is considered that the principle of development is acceptable. The conversion would preserve the identity and character of the building and its architectural features and historic interest. It is considered that the scheme would make a positive contribution to and would not detract from the environmental, visual and physical quality of the surrounding open countryside. The proposal would provide an acceptable standard of amenity for the occupiers and would not materially harm the existing amenity afforded to the neighbouring properties. Subject to compliance with mitigation, species protected by law would not be significantly harmed. The proposal would not lead to or exacerbate existing traffic problems and the public footpath would not be detrimentally affected. Subject to compliance with conditions, the proposal is deemed to be in compliance with relevant development plan policies and the adopted National Planning Policy Framework and as such is recommended for approval.

## **12. RECOMMENDATION:**

**APPROVE** subject to the following conditions:

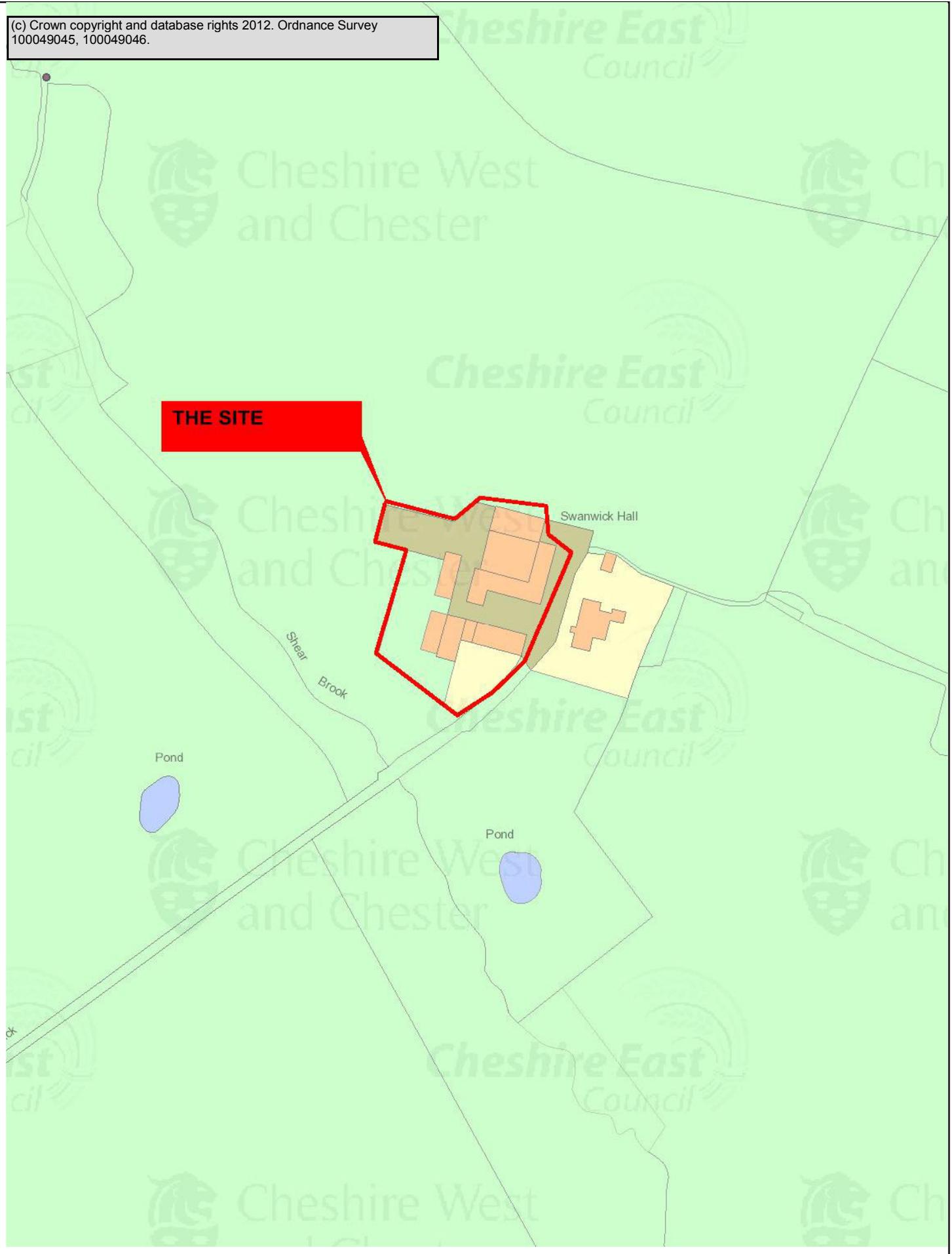
### **Conditions**

- 1. Commence development within 3 years**
- 2. Development to be carried out in accordance with amended drawings**
- 3. Permission relates only to the conversion of the barn indicated on the approved drawing and does not grant consent for demolition/reconstruction except where indicated on plans / structural report**
- 4. Submission of details/samples of external materials**
- 5. Rainwater goods to be cast metal painted black**
- 6. Submission of details of fenestration**
- 7. Windows and doors to be timber and set behind a 100mm reveal**
- 8. External doors to be timber vertically boarded**
- 9. Roof lights to be conservation style**
- 10. Removal of permitted development rights for extensions, outbuildings and gates walls and fences.**
- 11. Submission of details of positions, design, materials and types of boundary treatments**
- 12. Submission of detailed design plan for the junction arrangement, visibility splays and vehicular crossing**
- 13. Submission of contaminated land assessment / remediation if required**
- 14. Limits on hours of construction including delivery vehicles.**

- 15. Limits on hours of piling**
- 16. Submission of details for the incorporation of features for roosting bats**
- 17. Domestic curtilage for residential unit restricted to area shown on plans**
- 18. Existing dovecotes retained and filled with recessed brick and dyed mortar**
- 19. Developer to provide 2 inter-visible passing places prior to first use**
- 20. Hours of operation of the pool limited to 0930 to 1800 Mon-Sat and at no time on Sundays or Public Holidays**
- 21. Scheme for incorporation of `electromagnetic screening measures (Jodrell Bank)**
- 22. Submission of details of drainage for proposed swimming pool**



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Application No: 12/0717N

Location: 61, ROPE LANE, SHAVINGTON, CW2 5DA

Proposal: To make Permanent the Temporary Plans Granted in Planning Application 10/4412N to Erect Two Partition Walls in Order to Transform One Quarter of an Existing Garage into a Dog Grooming Salon, No External Alterations to be Made.

Applicant: Mrs A Venables

Expiry Date: 17-Apr-2012

**SUMMARY RECOMMENDATION: Approve with Conditions**

**MAIN ISSUES:**

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

**1. 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 Brickhill following a request from the Shavington-cum-Gresty Parish Council.

**2. DESCRIPTION OF SITE AND CONTEXT**

The proposal site is situated within 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 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. The applicant has implemented an earlier temporary permission to convert a quarter of the garage for use as a dog grooming salon.

### 3. DETAILS OF PROPOSAL

The applicant seeks full planning permission for a permanent change of use of part of the garage to be used as a dog grooming salon. Temporary planning permission was given under planning reference number 10/4412N until the 29<sup>th</sup> February 2012. The applicant is also seeking to alter the number of dogs allowed at any time and the working hours.

### 4. RELEVANT HISTORY

10/4412N - putting up two partition walls in order to use one quarter of existing garage as a small dog grooming salon – Approved with conditions 24<sup>th</sup> February 2011

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

### 5. POLICIES

The development plan includes 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

National Planning Policy Framework

### 6. CONSULTATIONS (External to Planning)

**Highways:** There should be no “severe” impact on the surrounding highways infrastructure as a direct result of this proposal. No highways objections.

**Environmental Health:** Environmental Health are aware that the dog grooming business has been operating under a temporary permission for the last year, during this period we have not received any complaints in relation to the business. However in making the permission permanent there is the potential for loss of amenity caused by dogs barking on the premises, 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-6pm Monday to Friday and 9am-1pm Saturday, 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 connected with the business operation shall be on site at any one time.
5. Dogs associated with the dog grooming operation shall be kept inside the garage apart from access and egress to the site.

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

The Parish Council objects to the application on the following grounds:

1. The works approved by the previous application for a temporary one year period have only recently been carried out so the activity has not been in operation for long enough to have been adequately monitored under its current permission.
2. This is a commercial business in a residential area.
3. There is no air filtering or ventilation system in place, concern over dust and hair clippings being blown over neighbouring property.
4. If the door and window were opened to increase ventilation this would be at the expenses of noise pollution from the dryer.
5. The Parish Council is not convinced that the off-road parking provision for three vehicles is available as suggested.
6. There have been two serious road traffic accidents along this stretch of Rope Lane recently from vehicles travelling at excessive speeds.
7. Although not a planning consideration the Parish Council is aware of a covenant on the property preventing any commercial use.

The Parish Council has requested Ward Councillor David Brickhill to call-in the application for determination by the Committee.

**8. OTHER REPRESENTATIONS:**

- Letters of objection have been received from 20 households. The main issues raised are;

- Impact on neighbouring amenity,
  - Noise from dogs and machines,
  - Increased traffic generation,
  - Insufficient parking provision,
  - Commercial business should not be sited within the residential area,
  - There are plenty of out of residential area properties for rent to run the business from,
  - There have been 2 serious accidents on Rope Lane in the past couple of months,
  - There is a covenant on the deeds stating that the dwellings should not be used for anything other than a dwellinghouse,
  - Devaluation of neighbouring properties,
  - The temporary permission was not implemented until fairly recently and therefore neighbours have not been able to assess the impact,
  - Dust, dog hair and dander will have a negative impact on health of neighbouring properties,
  - Parking area is not complete,
  - If the door and window are left open it will render the sound proofing useless,
  - Health and safety inspectors should look at the application,
  - Loss of privacy due to increased movements,
  - The residential area is largely occupied by elderly residence,
  - A housing application opposite the proposal site was refused on the grounds that it would set a precedent, this application would also set a precedent for future commercial development in the area and therefore should also be refused,
  - The applicant has not implemented the application in accordance with the restrictions posed in the decision notice,
  - The increase in hours and staff numbers at the site will have an increased impact on neighbouring amenity more so than the temporary permission given previously,
  - There has been no public consultation,
  - The grooming salon has been in use after the temporary permission end date of the 29<sup>th</sup> February 2012,
- Several letters of objection have been received stating the information within the letter is private and confidential, therefore the issues raised within these letters have not been considered as part of this application.
  - A letter of objection has been received from the ward Councillor David Brickhill. The objection reads,

*“The ward councillor formally objects to the application primarily on the grounds that this is a domestic residential area where businesses are prohibited in the deeds and it is clear from this that it was never intended that businesses should be established here, particularly one where noise disturbance is likely.*

*Temporary planning permission was given for a one year trial a year ago. However the dog grooming business is reported not to have started until 2012 when the garage had been converted. That permission was for a very limited number of dogs per day and limited hours. This new application is for running a full business in full normal business hours.*

*It might be reasonable to renew the temporary permission for a further year provided the business was going to be run to extent that temporary licence permits, so that neighbours to the side and to the rear could indeed establish the level of disturbance and report properly on the same. In that instance advice should be given to them to maintain diaries.”*

- Letters of support have been received from 3 households, the main issues raised are;
  - There have been no complaints to the temporary permission,
  - This applicant should be given a permanent permission in accordance with the restriction proposed by the Environmental Health department,
  - No objections have been received from the parish council, police, highways department or the Shavington & Gresty Residents Association about the application,
  - Is an appreciated facility in the village for local people who have dogs and do not need to travel by car to have them groomed,
  - The proposal has already been passed in principle,
  - If a permanent permission is given and the neighbours have reason to make a valid complain the Council will still have powers to address this,
  - Applicant should be commended for creating jobs in this uncertain time,
  - A further temporary permission will incur further application fees to the applicant,
  - The site is set within a village where there are other existing business such as a Post Office, Off Licence, Hairdressing Salon, Public House and late night convenience stores all of which are set immediately adjacent to residential properties,
  - The permanent status of the site will enhance the thriving village community.

## **9. APPLICANT’S SUPPORTING INFORMATION:**

Supporting Statement

## **10. OFFICER APPRAISAL**

### **Principle of Development**

The National Planning Policy Framework stated that there should be a presumption in favour of sustainable 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.

Furthermore, as a temporary permission has previously been granted on the site the general principal of the development has already been accepted.

### **Amenity**

The proposal seeks permission for the permanent 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 in its current state. The internal works have been carried out, and consist of two partition walls, a table, bath, cupboard and counter top associated with the business.

A temporary planning permission was granted on the 24<sup>th</sup> February 2011 for one year, expiring on the 29<sup>th</sup> February 2012, the temporary permission was granted by the Southern Planning Committee with the intention of having continued control over the site and allowing an appraisal of its impact to be considered in relation to the neighbouring properties. It has been highlighted in some of the objections received that the previous application was not implemented until late 2011/early 2012 and therefore the neighbours have not been able to address the impact the proposal would have on their amenity.

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.

As acknowledged in the previous application, it is likely that the proposed use may have some impact on neighbouring amenity. The applicant is seeking to increase the intensity of the use by increasing the opening hours from 9am – 3pm Monday to Friday, to 9am – 6pm Monday to Friday and 9am – 1pm on Saturdays. The application is also seeking to increase the number of dogs permitted on the site at any one time from 2 to 4, given that some owners have more than one dog, and removing the specific limit of 4 dogs permitted per day. The increase in intensity will create a further full time job requirement and therefore the applicant seeks to permit a member of staff as well. As the proposed use is still for a fairly small scale development, 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 such a significant level of additional traffic or create noise levels that would have a detrimental impact upon neighbouring amenity. Furthermore, the sound proofing of the salon will further reduce the noise impact created by the grooming business.

Several concerns have been raised in relation to the proposal, having an impact 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 to be acceptable provided that several conditions are attached to an approval, similar to those imposed on the temporary permission. These conditions would restrict the hours of operation, require a noise attenuation scheme, limit the numbers of clients/dogs at any one time, 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. It has also been noted that there have been two serious accidents in the area within the last few months.

The applicant has stated 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, with the possibility of 4 spaces when the applicant's car is parked passed the gates on the driveway. However, the driveway to the front of the site has not yet been expanded. It will therefore be conditioned that this is implemented prior to the commencement of this permission.

The Highways Authority has raised no objections to the proposal, as they do not consider that the proposed development will have a severe impact on the surrounding highways infrastructure. The adjacent road has no parking restrictions on it and 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 internal alterations within the building have already been carried out 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.

## **Other Matters**

Within the letters of support it has been stated that the Parish Council have made no objections to the proposal. The letter was received prior to the Parish Councils consultation being received by the Local Planning Authority, and therefore is now inaccurate as the Parish Council has raised several objections to the proposal.

Within several letters of objection the issue has been raised that there is a covenant (copies of which have been submitted with objections) attached to the deeds which restrict the use of the dwellinghouse and should not be used as part of a manufacturing trade or business. This is a legal imposition on the dwelling and not a planning

restriction. Legal covenants are not a material planning consideration and are dealt with under private and civil law. Therefore the imposition of this covenant has had no relevance to the recommendation proposed.

Within the letters of objections received several objectors raised concerns that the proposed development would have a negative impact on the value of their property. Property values are not a material planning consideration and therefore any perceived loss in value could not be considered as a reason for refusal for this planning application.

Within the letters of objection it has been raised that public consultation has not be carried out. The application consultation process was dealt with in line with the Councils Publicity and Neighbour Notification procedure. This procedure is derived from the General Development Procedure Order 1995 (as amended) and Circular 15/92 – Publicity for planning applications, which outlines the statutory procedures for any applications for development. In this instance the proposed development is considered a minor development and the procedure requires either, neighbours which adjoin the development site to be consulted by letter or a site notice to be erected adjacent to the development site where there are no identifiable adjacent neighbours to the site (usually within in rural locations). Therefore in this instance the Council consulted the four adjoining neighbours No's 59 and 63 Rope Lane, and No.35 and 34 Burlea Drive, in line with the Neighbour Notification Procedure and the relevant statutory procedures noted above. In this instance it was not necessary or required for a site notice to be erected on the site or an advert to be placed in the local paper. Further consultations were also sent to neighbours who made objections to the previous application.

## **11. CONCLUSIONS**

It is considered that the principle of the development is acceptable within the residential area and by means of several conditions noted below the development should not have a significantly detrimental impact on neighbouring amenity. However as the previous temporary permission was not implemented for a sufficient time for the true impact to be assessed it is considered that a further temporary permission for two years should be granted to allow further control and appraisal of the site and to allow a degree of permanence to the permission to allow the applicant to carry out the business to its full potential. It is therefore considered that the proposed development is acceptable and in accordance with the relevant policies of the local plan.

## **12. RECOMMENDATIONS**

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

- 1. Temporary permission for a further 2 years until 1<sup>st</sup> May 2014**
- 2. Approved plans**
- 3. Hours of operations to be 9am – 6pm Monday – Friday and 9am – 1pm Saturdays**
- 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 10**

7. **No more than 4 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**
9. **Prior to the use being implemented, car parking provision for 4 cars must be in place**

**INFORMATIVE**

This application is solely for the approval of the change of use of part of the existing garage building and does not include any external alterations to the garage or advertisements relating to the business use. Any external alterations will require a separate planning application to the Local Planning authority.



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Application No: 12/1073N

Location: TOP END FARM, BARTHOMLEY ROAD, BARTHOMLEY, CHESHIRE, CW2 5NT

Proposal: RETENTION OF EXTENSIONS TO AGRICULTURAL BUILDINGS

Applicant: MR MARK ABELL

Expiry Date: 11-May-2012

### **SUMMARY RECOMMENDATION**

#### **Refuse**

#### **MAIN ISSUES**

- Principle of Development
- Impact on Character, Appearance and Openness of Green Belt
- Impact on Amenity of adjacent properties
- Impact on Highway Safety

### **1. REASON FOR REFERRAL**

This application is to be determined by the Southern Planning Committee at the discretion of the Head of Development due to the sensitive issues surrounding the site.

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

The application site forms a farm complex located within the Green Belt as defined by the Local Plan Proposals Map. The site comprises a mixture of traditional brick and more modern portal framed buildings. The site is accessed via a track from Barthomley Road which is also the route of a Public Right of Way along its length (Crewe Green Footpath 3). To the north of the farm complex is a railway line.

Several operations are being carried out at the site including a beef cattle farm, agricultural fertiliser spreading operation, and a concrete panel making process. Not all processes and buildings on the site are authorised.

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

This application seeks the retention of unauthorised extensions to the buildings at Top End Farm. This application seeks retention of:

- An extension of two attached buildings to their eastern elevation comprising 12m x 42.6m with a total footprint of 511.2m<sup>2</sup> and volume of 4058.52m<sup>3</sup>
- An extension to the western elevation of one of the buildings comprising 18.2m x 6.5m with a total footprint of 118.3m<sup>2</sup> and a volume of 650.65m<sup>3</sup>

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

**11/2209N** – Certificate of Lawfulness Approved for Use of Farm for the Storage, Blending and Adaption of Fertilisers for Sale 13th January 2012.

**10/4960N** – Retrospective planning application withdrawn for a Change of Use from Agricultural Use (Beef Farming) to a Concrete Panel Business on 23<sup>rd</sup> December 2010.

**P07/1104** – Planning permission approved for Agricultural Building for Storage and use as Workshop, open topped Crop Storage on 16<sup>th</sup> November 2007.

**P06/0450** – Consent approved for Erection of Agricultural Silage Building Relocated from Limes Farm on 2<sup>nd</sup> June 2006.

**P95/0052** – The Local Planning Authority did not object to the erection of an agricultural building subject to a landscaping scheme in 2005.

**P94/0981** – The Local Planning Authority objected to the erection of an agricultural building in 2004.

#### **5. POLICIES**

##### **National Planning Policy**

National Planning Policy Framework (2012)

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

NE.1 Development in the Green Belt

NE.14 Agricultural Buildings Requiring Planning Permission

BE.1 Amenity

BE.2 Design Standards

BE.3 Access and Parking

BE.4 Drainage, Utilities and Resources

BE.5 Infrastructure

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

**Environmental Health** – No objection subject to building only being used for purpose outlined in report

**Environment Agency** – No objection (falls outside remit)

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

None received at time of writing report

## **8. OTHER REPRESENTATIONS**

None

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

Design & Access Statement

## **10. OFFICER APPRAISAL**

### **Principle of development**

The National Planning Policy Framework requires consistency between Local Plan and those policies within the framework. Where Local Plan Policies are consistent with the Framework greater weight can be given to that Policy within the Local Plan.

In general terms within the NPPF there is a presumption in favour of sustainable development. The NPPF seeks to achieve sustainable forms of development in its Core Principles through, inter alia, proactively driving and supporting sustainable economic development, while seeking good design and a good standard of amenity, and also protecting Green Belts and recognising the intrinsic character and beauty of the countryside.

In addition paragraph 28 states that support should be given to economic growth in rural areas by adopting a positive approach for sustainable new development to promote a strong rural economy. In particular by promoting the development and diversification of agricultural and other land based rural businesses.

With regard to the Green Belt, section 9 of the NPPF identifies that the aim of the Green Belt is to prevent urban sprawl by keeping land permanently open. The essential characteristics of the Green Belt is its openness and permanence. The NPPF identifies that inappropriate development is harmful and should not be approved except in very special circumstances. Very special circumstances only exist where the harm is outweighed by other considerations. New buildings in the Green Belt are inappropriate with the exception of, inter alia, buildings for agriculture and forestry.

Policy NE.1 also identifies that development in the Green Belt is inappropriate unless it is for agriculture and forestry, amongst others. This Policy is therefore in line with the NPPF in this instance. Policy NE.14 is supportive of the creation of agricultural buildings which are justified, designed appropriately, take into consideration the impact on the landscape and also do not adversely affect the amenity of surrounding uses. It is therefore considered that this Policy also conforms with the principle of sustainable development contained within the NPPF and should be afforded significant weight in the consideration of this application. An unjustified building which is not essential to the agricultural operation or the viability of the operation must be considered to be inappropriate development.

### **Justification for Development**

The application seeks the retention of unauthorised extensions to buildings at the Top End Farm complex. The existing operations at the farm are said to be cattle farming and an ancillary agricultural fertiliser business. However, also included at the site is an unauthorised operation of concrete panel making. The extended buildings which are the subject of this application were constructed as agricultural buildings however on the main have not been used for those authorised purposes and have also been extended. Enforcement action has been taken against the unauthorised concrete panel making facility and extensions; it is understood that an agreement is in place for this operation to vacate the premises by the end of September 2012. However, the retention of the extensions requires regularisation through the approval of a planning application.

It appears that there was no agricultural demand for the use of the buildings for their lawful purpose following their construction, hence the introduction of an unauthorised industrial use. Consideration needs to be given to the existing and proposed business operations to justify the retention of these extensions as being essential development to the agricultural operation.

The application submission states that the applicant proposes to expand its beef cattle enterprise which will require additional internal space for stock, feed storage, fertiliser, a workshop and machinery storage. A further e-mail from the applicants agent now states that applicant also wishes to expand their operations into potato production and storage.

These broad brush statements do not demonstrate that the buildings are essential to the operation and give no indication of the scale of the proposed agricultural operations proposed. As such no evidence has been submitted to demonstrate why so much additional floorspace, which totals 630sqm and of a substantial bulk, is required as essential to the agricultural operations. This is also being mindful that existing authorised buildings are being used for unauthorised operations. In the absence of business plan for the site which clearly demonstrates the existing and proposed operations, and why so much additional development is required it is considered that the proposed development is inappropriate development within the Green Belt and is unacceptable in principle.

It is understood additional information and justification is to be submitted by the applicant's agents. This will be reported in a written or verbal update to Members accordingly.

It should also be noted that there has been an unauthorised extension to the silage clamp which is also attached to the building. This has not formed part of the application and also requires regularisation.

### **Impact on Character, Appearance and Openness of Green Belt**

As detailed above, the proposed extensions which have not been demonstrated as being fully justified are considered to be inappropriate development in the Green Belt. Inappropriate development, by its very nature, is harmful to the Green Belt.

Notwithstanding this, the external appearance of the extensions (subject to the above justification) match the host building and are considered to be acceptable in its context.

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

The nearest non-farm residential property is sited 230m to the west of the farming complex opposite the access drive to the farm. This property is of sufficient distance away from the application proposals not to be affected by loss of daylight or overbearing. While there may be an increase of farm traffic to and from the site this is the established use of the complex which is appropriate to its rural location and it would be unreasonable to refuse the application on noise and disturbance grounds.

### **Impact on Highway Safety**

There would be no alterations to the site access which is considered to be satisfactory for the existing authorised use. While there may be an increase in farming traffic to and from the site this would be related to the established use of the site and is not considered to result in any demonstrable highway safety issues.

## **11. CONCLUSIONS**

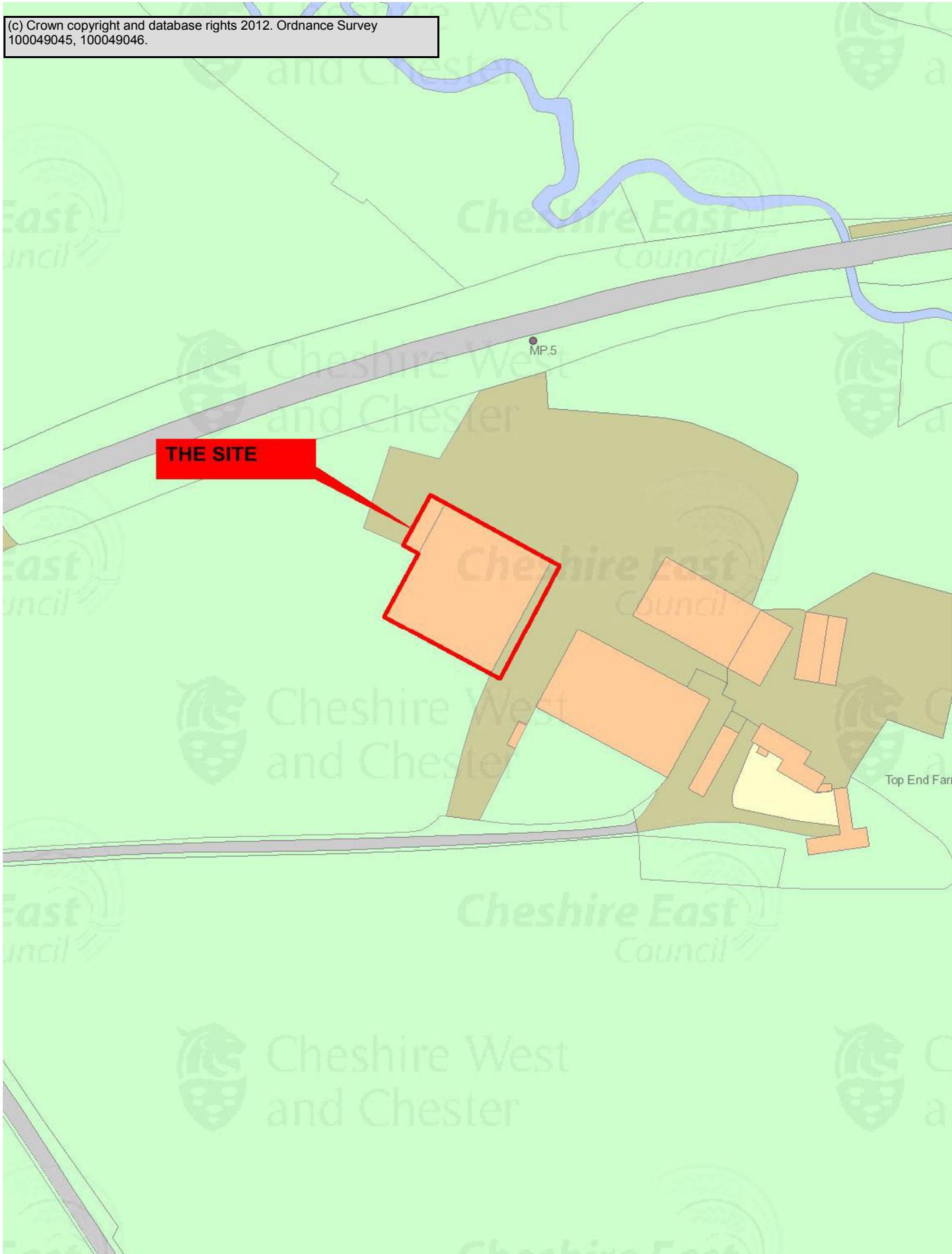
The application proposals are for the retention of unauthorised extensions to an agricultural building on a farming complex which is located within the Green Belt. Insufficient evidence has been submitted to demonstrate that the buildings are essential for the agricultural operation. Therefore the proposed development is considered to be inappropriate development within the Green Belt and would therefore cause harm to the character, appearance and openness of the Green Belt. In the light of this the proposal would represent an unsustainable form of development. The proposals are therefore contrary to Policies NE.1 and NE.14 of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and guidance contained within the National Planning Policy Framework.

## **12. RECOMMENDATIONS**

**REFUSE** for the following reason:

**The application proposals are for the retention of unauthorised extensions to an agricultural building on a farming complex which is located within the Green Belt. Insufficient evidence has been submitted to demonstrate that the buildings are essential for the agricultural operation. Therefore the proposed development is considered to be inappropriate development within the Green Belt and would therefore cause harm to the character, appearance and openness of the Green Belt. In the light of this the proposal would represent an unsustainable form of development. The proposals are therefore contrary to Policies NE.1 and NE.14 of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and guidance contained within the National Planning Policy Framework.**

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Application No: 12/0336N  
Location: Cherry Orchard Farm, WETTENHALL ROAD, POOLE, CW5 6AL  
Proposal: Proposed Grain Store Building  
Applicant: Mr M J Thomasson  
Expiry Date: 30-May-2012

**SUMMARY RECOMMENDATION:**

Approve subject to conditions

**MAIN ISSUES:**

Principle  
Design  
Amenity  
Ecology  
Public Rights of Way

**REASON FOR REFERRAL**

The application has been referred to Southern Planning Committee in line with the Council's scheme of delegation as the proposed building would have floorspace in excess of 1000 square metres.

**DESCRIPTION OF SITE AND CONTEXT**

This application relates to an existing farm unit known as Cherry Orchard Farm, Wettenhall Road, Poole. The site is situated within the Open Countryside, as defined by the Borough of Crewe and Nantwich Replacement Local Plan 2011. There are a number of modern agricultural buildings within the farm unit.

**DETAILS OF PROPOSAL**

The application seeks planning permission for a modern agricultural building for the purposes of storing grain. This would be sited to the north of the farm yard within a field. This would measure 44m by 44m with a height of 9m to eaves level and 10.9m to the ridge. The building would be constructed of concrete panels with dark green metal sheeting and grey fibre cement roofing.

## **POLICIES**

### **Borough of Crewe and Nantwich Replacement Local Plan 2011**

NE2 (Open Countryside)  
NE9 (Protected Species)  
NE14 (Agricultural Buildings Requiring Planning Permission)  
BE1 (Amenity)  
BE2 (Design)

### **Other Material Considerations**

National Planning Policy Framework

## **CONSULTATIONS (EXTERNAL TO PLANNING)**

### **Environmental Health:**

No objection subject to the building being used for the purposes described in the application.

## **VIEWS OF WORLESTON AND DISTRICT PARISH COUNCIL**

No comments received at time of report preparation.

## **OTHER REPRESENTATIONS**

No representations received at time of report preparation.

## **OFFICER APPRAISAL**

### **Principle of Development**

The application site is situated within the Open Countryside where policy NE2 (Open Countryside) provides that development which is essential for the purposes of agriculture will be permitted. Policy NE14 (Agricultural Buildings Requiring Planning Permission) relates specifically to agricultural buildings and seeks to ensure, amongst other things, that proposals are: essential for agricultural purposes; appropriately sited and design; provision is made for the drainage of foul, surface water drainage and animal wastes; there is adequate provision for access and movement of machinery and livestock; not detrimental to neighbouring amenity; and should not be readily convertible to residential use.

### **Design**

The application proposes a modern agricultural building to the north of the existing farm complex. This would measure 44m by 44m with a height of 9m to eaves level and 10.9m to the ridge. The building would be constructed of concrete panels with dark green metal sheeting and grey fibre cement roofing. Although the proposed building is quite large, the scale and appearance is similar to existing agricultural buildings located within the farm unit. The building would be sited to the north of the farm yard within an existing field. Whilst the

proposal would result in further encroachment of the farm yard into the Open Countryside, the proposal would be sited adjacent to existing buildings and would be seen in the context of the farm complex. As such it is not considered that the proposal which is for agricultural purposes would be harmful to the character and appearance of the Open Countryside. Sufficient space would be maintained for access and circulation, and as the proposal is a modern agricultural building it is not considered that this would be suitable for residential conversion in the near future.

The proposal would comply with Local Planning policies NE2 (Open Countryside), BE2 (Design) and NE14 (Agricultural Buildings Requiring Planning Permission)

### **Amenity**

The proposed development would be some 90 metres from the nearest dwelling 'Cherry Tree House'. There is an existing level of activity from the adjacent agricultural operations and it is not considered that the proposed grain storage building would be any further detrimental to neighbouring residential amenity over and above the existing site arrangements and use. The proposal would comply with Local Plan policies BE1 (Amenity) and NE14 (Agricultural Buildings Requiring Planning Permission).

### **Ecology**

Whilst no ecological surveys have been submitted with the application, upon visiting the site the existing depression to the southeast corner was not filled with water and therefore not suitable habitat for Great Crested Newts. The Council's ecologist is satisfied with the content of the application and raises no objection.

### **Public Rights of Way**

A public footpath runs along the southern boundary of the site (FP10 Poole). The proposal would not adversely affect or obstruct the footpath over and above the existing site arrangements. In terms of the impact on visual amenity from the public footpath, the proposed building, whilst large in scale and size, would be viewed in its agricultural context as part of a working farm.

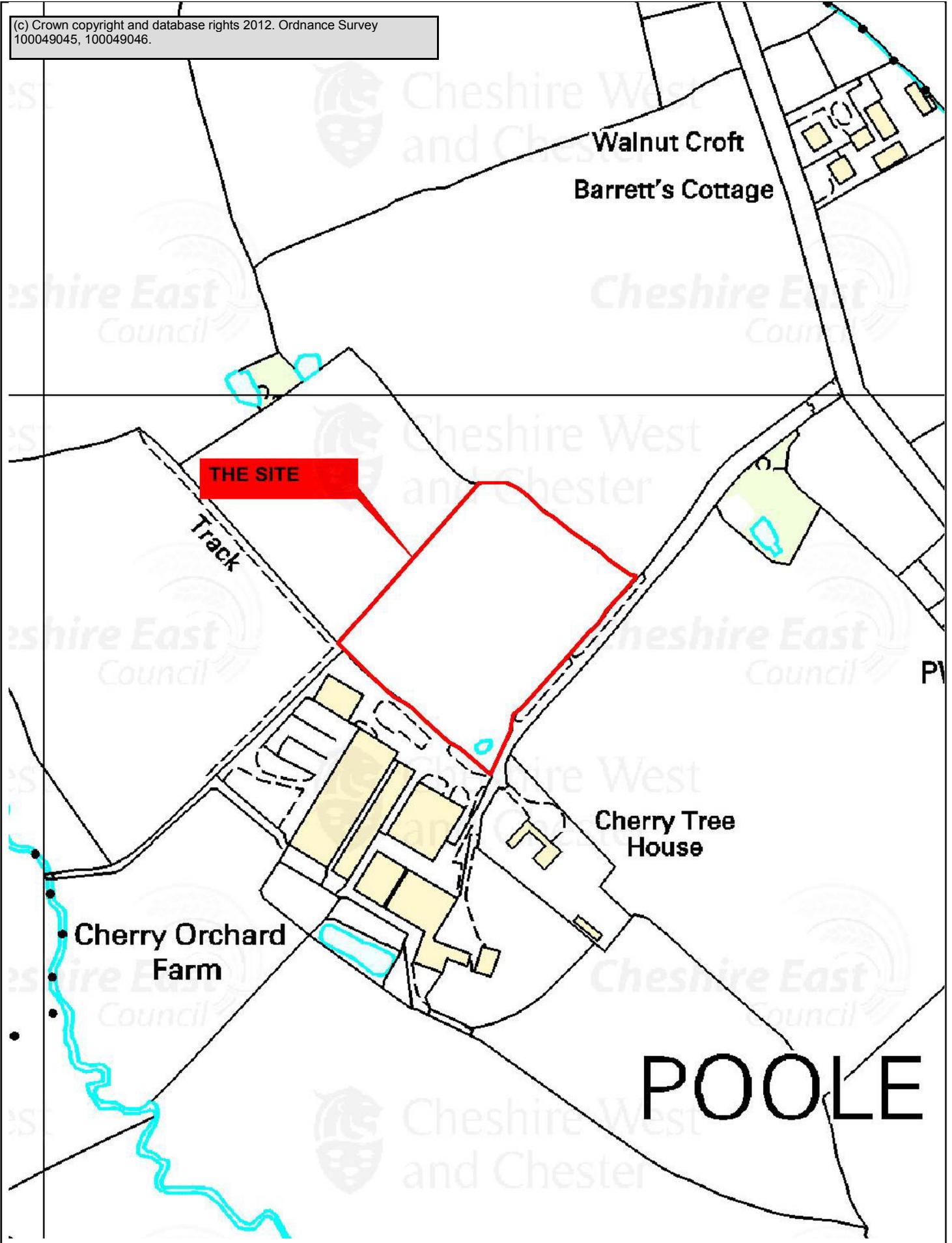
## **CONCLUSIONS AND REASON(S) FOR THE DECISION**

The application proposes an acceptable form of development within the Open Countryside which is for agricultural purposes. The proposal would comply with the provisions of Local Plan policies NE2 (Open Countryside), NE9 (Protected Species), NE14 (Agricultural Buildings Requiring Planning Permission), BE1 (Amenity), BE2 (Design) and is therefore recommended for approval accordingly, subject to the following conditions:

1. Standard Time
2. Approved Plans
3. Materials as Application



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Application No: 12/0593N

Location: Middlewich Road, Nantwich, Cheshire, CW56PD

Proposal: Provision of Greenway from Crewe to Nantwich and Sections from Wistaston Green Road to A51/Nantwich Bypass. The Proposal includes a 3 Metre Wide Surfaced Path Together with Associated Engineering and Landscaping Works.

Applicant: Mr Kevin Melling, CHESHIRE EAST COUNCIL

Expiry Date: 24-May-2012

#### **SUMMARY RECOMMENDATION**

**Approve with conditions**

#### **MAIN ISSUES**

- Principle of Development
- Impact on the Character and Appearance of the Open Countryside
- Impact on Landscape Features – Trees/Hedgerows
- Impact on Amenity of adjacent properties
- Impact on Highway Safety
- Impact on Protected Species

#### **1. REASON FOR REFERRAL**

The 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.

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

The application site is located entirely within the Open Countryside as defined by the Borough of Crewe and Nantwich Replacement Local Plan 2011. The land forms agricultural fields interspersed by hedgerow field boundaries. The site forms land adjacent to Middlewich Road on the field site of the hedgerow. There are numerous trees along the route of the Greenway within the hedgerow. The land is also identified as being within a hazardous installations consultation zone as defined by the Local Plan Proposals Map.

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

Consent is sought for the creation of an alternative cycle route to that previously approved. The application relates to a stretch of land from close to Colleys Brook to land close to the Rising Sun Public House.

The approved route diverted across the agricultural field to Peach Lane, passed Alvaston Hall, followed the route of a Green Lane and field boundaries before diverting back to Middlewich Road at the Rising Sun PH.

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. It is proposed that the laid route would be constructed from compact bituminous surfacing. The scheme includes the construction of a bridge over Colleys Brook, and also includes the introduction of additional stock proof fencing and trees.

An alternative route is required as part of the land on the previously approved route is no longer available. The land owner is no longer prepared to dedicate the land for the Greenway as they have concerns over liabilities arising from conflicts between cycle/pedestrian users and the farm and delivery vehicles. A further concern is the impact that the cycle route would have on the farm land through segregating fields.

### **4. RELEVANT HISTORY**

**11/1051N** – Planning permission approved for Provision of Greenway from Crewe to Nantwich, Sections from Wistaston Green Road to A51/Nantwich Bypass including a 3m wide Surfaced Path together with associated Engineering and Landscaping Works on 27<sup>th</sup> July 2011.

### **5. POLICIES**

#### **National Planning Policy**

National Planning Policy Framework (2012)

#### **Local Plan Policy**

NE.2 (Open Countryside)  
NE.5 (Nature Conservation)  
NE.9 (Protected Species)  
BE.1 (Amenity)  
BE.2 (Design Standards)  
BE.3 (Accessing and Parking)  
BE.4 (Drainage, Utilities and Resources)  
BE.5 (Infrastructure)  
BE.1 (Hazardous Installations)  
TRAN.5 (Provision for Cyclists)  
RT.9 (Footpaths and Bridleways)

## **Other Material Considerations**

Cheshire East Local Transport Plan (2011 – 2015)  
Cheshire East Right of Way Improvement Plan (2011 – 2026)

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

**Environment Agency** – No objection subject to informatives relating to Water Voles and pollution into water courses

**Strategic Highways Manager** – No comment or objection

**Sustrans** – Sustrans has been working with the council on this Connect2 project forming part of the National Cycle Network. We fully support the proposals in this planning application.

**Nantwich Civic Society** – Support route as alternative to already approved route.

**Countryside Access Development Officer** - The proposed development offers a significant access improvement for walkers, cyclists and horse riders in the area, offering a significant new length of safe, pleasant and traffic-free route for both leisure and travel use. The scheme addresses one of the high priority suggestions put forward during public consultation within the ROWIP, ref. T100.

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

**Nantwich Town Council** – No comment

**Wistaston Parish Council** – No objection

## **8. OTHER REPRESENTATIONS**

None received

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

Ecological Appraisal Report (prepared by Jacobs dated February 2012)

Arboricultural Statement (prepared by ACS consulting dated September 2011)

## **10. OFFICER APPRAISAL**

### **Principle of Development**

The National Planning Policy Framework requires consistency between Local Plan and those policies within the framework. Where Local Plan Policies are consistent with the Framework greater weight can be given to that Policy.

In general terms within the NPPF there is a presumption in favour of sustainable development. The NPPF seeks to achieve sustainable forms of development through, inter alia, contribute towards conserving and enhancing the natural environment and reducing pollution, and to take account of and support local strategies to improve health, social and cultural wellbeing. In addition planning decisions should recognise the intrinsic character and beauty of the countryside. Section 4 of the NPPF seeks to promote sustainable forms of transport. Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.

The application site is located entirely within the Open Countryside where Policy NE.2 states that only development which is appropriate to the rural area will be considered to be acceptable. Policy RT.9 relating to Footpaths and Bridleways states that proposals which improve the footpath network will be permitted.

The Cheshire East Local Transport Plan and the Cheshire East Right of Way Improvement Plan 2011-2026 seeks to improve green infrastructure in accordance with Policy H.3 which requires the enhancement of public rights of way/green infrastructure and endeavour to create new links. One of the key initiatives of the PROWIP is for the sustainable access to green spaces, and support initiatives to connect up the highway footway and public rights of way networks for greater pedestrian movement, and with regard to cycling, seek to provide appropriate highway improvements (e.g. on-road cycle lanes or wide nearside lanes) and off-road routes to make commuter cycling a safe and quick alternative to car use.

The application proposes the third stage of the Sustrans Connect 2 project and will provide a link from the north of Nantwich to the western side of Crewe. Planning permission has been approved for part of this route and this application proposes an alternative route to that previous approval.

It is considered that the Policies contained within the Local Plan are consistent with the presumption in favour of sustainable development at the heart of the NPPF and should be given significant weight in the consideration of this application. However, consideration needs to be given to the impact that the proposed greenway would have on the character and appearance of the open countryside, specific landscape features, protected species, the amenity of nearby properties/uses, and highway safety.

### **Impact on the Character and Appearance of the Open Countryside**

The application site is located within the Open Countryside and large sections of the route cross agricultural fields, as such the proposed development needs to be sensitively integrated into the rural setting. The revised route proposed by this scheme would continue the line of the route along the field boundary with Middlewich Road only, rather than cutting across fields as previously proposed. The scheme proposes a 3m wide track which would be treated in bituminous bound surfacing. In isolation a bituminous track is likely to cause detrimental harm to the character and appearance of the open countryside and would appear as an alien and incongruous feature on the landscape. It is therefore considered that this would be an insensitive and inappropriate form of development in this open countryside setting for the length of greenway proposed.

Notwithstanding these concerns, there are significant planning benefits for the proposed scheme through providing green infrastructure and enhancing access to sustainable modes of transport. Furthermore, whether the landscape concerns can be overcome by appropriate conditions should

be explored. Permission has been approved for the creation of a greenway which cuts across fields. This proposal would be sited adjacent to the field hedgerow and would contain development adjacent to Middlewich Road, which is more appropriate than cutting across fields as previously approved.

The application submission states that additional stock proof fencing, hedgerows and trees will be planted. Additional landscaping is welcomed and would help to integrate the development into the landscape and soften its impact. However a regimented scheme of landscaping could appear equally out of place on this landscape. Therefore a condition requiring a landscaping scheme to be submitted is suggested to ensure that any landscaping is appropriate to the rural setting.

A gravel or stone chipping surfacing could be more appropriate to the rural setting within the agricultural fields. It is acknowledged that a bituminous surfacing material may be more appropriate for ease of maintenance however this should not be at the expense of the character and appearance of the open countryside. Whilst the detail of the surfacing material as detailed in the application form is in the main considered to potentially be unacceptable it is considered that, rather than to refuse the application, a condition could be attached to any permission to require alternative surfacing materials to be explored and such details to be submitted and approved. Such a condition was attached to the previous application.

### **Impact on Landscape Features**

The proposed development is likely to require the removal of some small sections of hedgerow and/or trees to accommodate the 3m width of the greenway. No details have been submitted to demonstrate how much is likely to be removed in addition to that which has previously been approved, however at the time of writing this report the applicant a survey was being prepared. The extent of the removal of trees is likely to be minimal and would not significantly alter the wider landscape value of the area. Furthermore, and as detailed in the previous section, additional landscaping will be secured by condition which would help to blend the proposals into the rural environment. There are no protected trees along the route of the greenway.

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

The proposed route has been changed from that previously submitted as such it would no longer pass those dwellings on Peach lane and at Alvaston Hall. The route which is part of this application would not pass any residential properties. The section to the front of Rookery Lodge has already been approved. As such there are no amenity issues arising from this application.

### **Impact on Highway Safety**

Those sections of the route where the cycleway joins the public highway, at the Rising Sun Public House and Alvaston Business Park Roundabout have been approved and do not form part of this application. This application removes the conflict between uses of the cycle route and Peach lane/Alvaston Hall. However the route does cross the driveway to Alvaston Hall. There would be reasonably good visibility at the point where the greenway crosses the driveway. No objection has been raised from the Strategic Highways Manager and is therefore considered to be acceptable.

## **Impact on Protected Species**

A protected species survey has been submitted to support the application. However a number of questions have been raised relating to Water Voles and Bats. Further information has been provided by the applicants and a further response from the Councils Nature Conservation Officer is awaited.

## **Other Matters**

A hazardous Installation consultation zone runs along Middlewich Road and part of the adjoining field. The application site is partially within this consultation zone. However the development type is of a nature and low sensitivity which does not require consultation with the Health and Safety Executive. Therefore there are no implications on the hazardous implication or public safety risk to the users of the proposed development.

## **11. CONCLUSIONS**

The proposed development would provide an important stretch of infrastructure which would encourage the use of sustainable modes of travel. Whilst some harm may be caused to the character and appearance of the open countryside it is considered that benefits, along with appropriate conditions relating to landscaping and surfacing materials would overcome the harm caused. Furthermore, it is considered that there would be no significantly detrimental harm to the amenities of neighbouring properties, highway safety protected species or any other matter. In the light of this the proposed development is considered to be a sustainable form of development. The proposed development, as conditioned, is therefore considered to be in compliance with Policies NE.2 (Open Countryside), NE.5 (Nature Conservation), NE.9 (Protected Species), BE.1 (Amenity), BE.2 (Design Standards), BE.3 (Accessing and Parking), BE.4 (Drainage, Utilities and Resources), BE.5 (Infrastructure), BE.21 (Hazardous Installations), TRAN.5 (Provision for Cyclists) and RT.9 (Footpaths and Bridleways) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the guidance contained within the National Planning Policy Framework (2012).

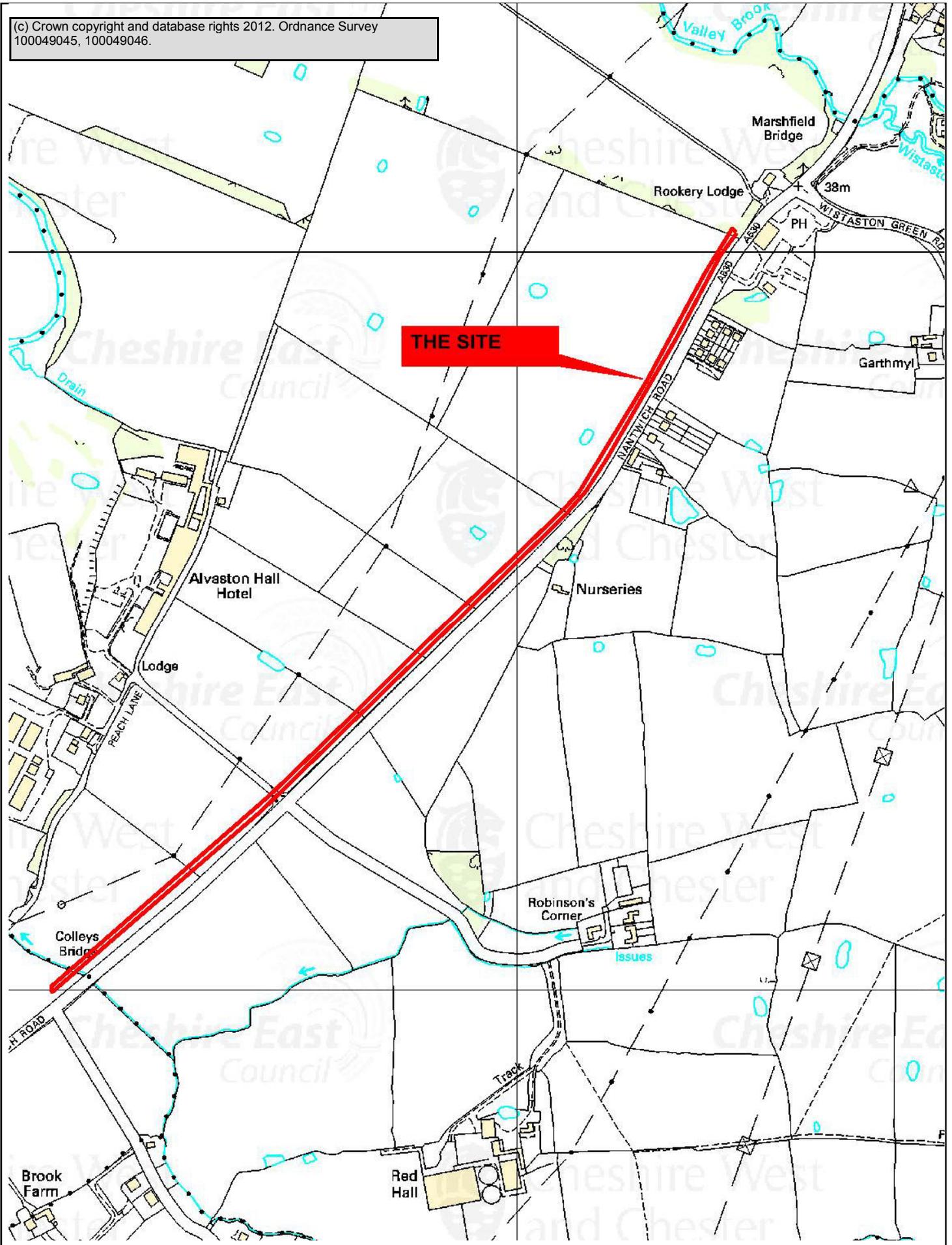
## **12. RECOMMENDATIONS**

### **APPROVE with conditions**

- 1) Commencement of Development**
- 2) Plans**
- 3) Details of surfacing materials to be submitted and approved**
- 4) Scheme of Landscaping to be submitted and approved – including fencing**
- 5) Scheme of Landscaping to be implemented**
- 6) Survey to be submitted and approved if works carried out between 1<sup>st</sup> March and 31<sup>st</sup> August**



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Application No: 12/0908N

Location: HAUGHTON HALL FARM, HALL LANE, HAUGHTON, TARPORLEY, CW6 9RH

Proposal: The erection of a new cubicle building.

Applicant: Phillip Posnett

Expiry Date: 08-Jun-2012

### **SUMMARY RECOMMENDATION**

**Approve with Conditions**

### **MAIN ISSUES**

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

## **1. REASON FOR REFERRAL**

This application is to be determined by the Southern Planning Committee as it forms agricultural floorspace that exceeds 1000sqm.

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

The application site forms an existing working dairy farm which is located within the Open Countryside as defined by the Local Plan Proposals Map. The farm is a large complex comprising a mix of modern agricultural buildings and traditional brick barn buildings. The surrounding landscape is primarily agricultural in nature with fields defined by hedgerows and hedgerow trees. The topography of the landscape is generally flat.

## **3. DETAILS OF PROPOSAL**

This application proposes the erection of a new agricultural cubicle building. The building would be approximately 90m in length and 19m in width including cantilever roof. The overall footprint of the building would be 1421sqm. The height to eaves would be 4.3m and 7m to the ridge of the roof. The building would be a steel portal framed structure with tanalised timber Yorkshire boards to both gable elevations. The roof would be clad with fibre cement corrugated sheets in a grey colour.

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

**P07/0400** – Planning permission was approved for Extension to Dairy Milking Parlour on 16<sup>th</sup> May 2007.

**P06/1229** – LPA determined that approval was required for Extension to Existing Cattle Housing Building on 28<sup>th</sup> November 2006.

**P04/0839** – Planning permission was approved Single Storey Steel Framed Milking Parlour on 1<sup>st</sup> September 2004.

#### **5. POLICIES**

##### **National Planning Policy**

National Planning Policy Framework (2012)

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

BE.1 Amenity  
BE.2 Design Standards  
BE.3 Access and Parking  
BE.4 Drainage, Utilities and Resources  
BE.5 Infrastructure  
NE.2 Open Countryside  
NE.14 Agricultural Buildings Requiring Planning Permission

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

**Environmental Health** – No objection subject to building only being used for purpose outline in D&AS.

**United Utilities** – No objection

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

None at time of writing report

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

None

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

Design & Access Statement

## **10. OFFICER APPRAISAL**

### **Principle of development**

The National Planning Policy Framework requires consistency between Local Plan and those policies within the framework. Where Local Plan Policies are consistent with the Framework greater weight can be given to that Policy within the Local Plan.

In general terms within the NPPF there is a presumption in favour of sustainable development. The NPPF seeks to achieve sustainable forms of development through, inter alia, proactively drive and support sustainable economic development, while seeking good design and a good standard of amenity, while also recognising the intrinsic character and beauty of the countryside. In addition paragraph 28 states that support should be given to economic growth in rural areas by adopting a positive approach for sustainable new development to promote a strong rural economy. In particular by promoting the development and diversification of agricultural and other land based rural businesses.

Policy NE.2 restricts inappropriate development in the Open Countryside. While Policy NE.14 is supportive of the creation of agricultural buildings which are justified, designed appropriately, take into consideration the impact on the landscape and also do not adversely affect the amenity of surrounding uses. It is therefore considered that the Policies contained within the Local Plan conform with the principle of sustainable development contained within the NPPF and should be afforded significant weight in the consideration of this application.

This scheme proposes agricultural development in a rural location which would support an existing agricultural enterprise. The existing enterprise comprises 180 dairy cows which extends to 172.4 acres plus an additional 288 acres of rented land. Milking takes place twice a day with calving taking place all year round. The proposed building would be required to improve the current livestock housing facilities and would allow for an increase in numbers in the future. The building has been designed in accordance with best practice for agricultural buildings and will be used for the milking of cows. The building would provide livestock with sufficient space to move and rest and improve standards. There are a number of dilapidated buildings on the farming complex. It is considered that the proposed development would help to improve the efficiency of the farming operation, improve conditions and accommodation at the site and would also help to expand and increase the viability of the farming operation in the future. Therefore the principle of the proposed agricultural development in this location is justified, in accordance with Policy NE.14 and is acceptable in principle.

The main considerations therefore are whether the proposed development is of appropriate design and would not result in any demonstrable harm to the amenities of neighbouring properties, highway safety or landscape features.

### **Impact on Landscape/Open Countryside**

The application proposes the construction of a new farm building which would be 90m in length and a maximum of 19m in width. The proposed development would create a building which is larger than existing buildings on the farming complex.

The building would be sited adjacent to the existing slurry lagoon which would be immediately to the west of the building. Other buildings on the farm complex would be sited further to the west and south of the siting of the proposed new structure. The building would be well related and grouped to the existing buildings on the complex and as such is sited to minimise its impact on the wider landscape. A public right of way crosses the field to the north of the building which at its closest would be 120m from the proposed development. The proposal would be seen against the backdrop and in the context of existing buildings when viewed from this vantage point.

The design of the buildings, which are of modern utilitarian style, are considered to be appropriate to the rural setting and would not be readily converted to a residential dwelling. The proposed slurry store is also considered to be of appropriate design.

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

The nearest property which is not within the farming complex is located 220m from the proposed building to the south west of the site. The existing farming complex would be sited between the proposed development and that residential property. The distance between the application proposals and existing structures between would mean that there would be no impact on the amenity of nearby properties through loss of daylight, overbearing or loss of privacy. With regard to noise and disturbance, the proposed building would be sited on the far side of the existing farm from residential properties and would not result in any significant harm through increased noise and disturbance. Environmental Health have raised no objection to the use of this building for milking.

### **Impact on Highway Safety**

There would be no alterations to the site access which is considered to be appropriate.

## **11. CONCLUSIONS**

The proposed development is of an agricultural nature which is essential for the enterprise and is therefore considered to be acceptable in principle. It is considered that there would be little demonstrable harm caused to the character and appearance of the landscape. There would be no demonstrable harm caused to the amenity of neighbouring properties or highway safety. In the light of this the proposed development is considered to be a sustainable form of development. The proposed development is therefore considered to be in compliance with Policies NE.2 (Open Countryside), NE.14 (Agricultural Buildings Requiring Planning Permission), BE.1 (Amenity), and BE.2 (Design Standards) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

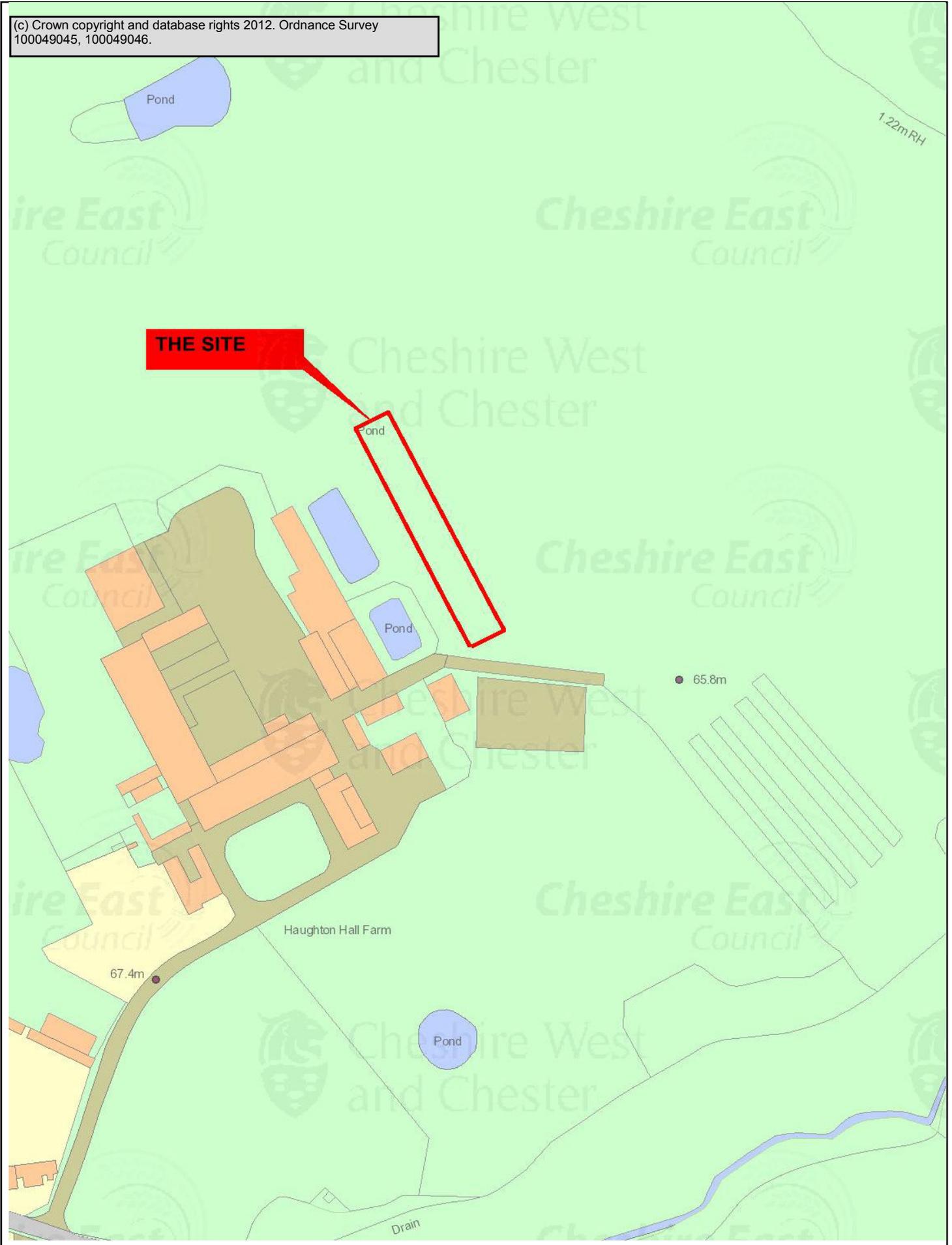
## **12. RECOMMENDATIONS**

**APPROVE subject to the following conditions:**

- 1. Standard Time Limit**
- 2. Approved Plans**
- 3. Materials as submitted**



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