

Southern Planning Committee

Agenda

Date: Wednesday, 10th October, 2012
Time: 2.00 pm
Venue: Council Chamber, Municipal Buildings, Earle Street, Crewe
CW1 2BJ

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 disclosable pecuniary and non-pecuniary 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 19 September 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 with any apologies or requests for further information

Speakingatplanning@cheshireeast.gov.uk 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. **12/1023N Church Farm, Chester Road, Acton, Nantwich, Cheshire CW5 8LG: Proposed Residential Development to Provide 11 New Dwellings with Associated Vehicular Access, Garaging and Parking for J Tomlinson** (Pages 9 - 26)

To consider the above planning application.

6. **12/1073N Top End Farm, Barthomley Road, Barthomley, Cheshire CW2 5NT: Retention of Extensions to Agricultural Buildings for Mr Mark Abell** (Pages 27 - 38)

To consider the above planning application.

7. **12/2437N F J Need Foods Ltd, Spinneyfields Farm, Main Road, Worleston CW5 6DN: 'L' Shaped Portal Steel Framed Building for Mr P Need** (Pages 39 - 50)

To consider the above planning application.

8. **12/2794C Somerford Park Farm, Holmes Chapel Road, Somerford, Congleton CW12 4SW: Erection of Veterinary Building for Mr Simon King** (Pages 51 - 56)

To consider the above planning application.

9. **12/3234C Waggon And Horses, West Road, Congleton CW12 4HB: Alterations and Extension to Existing Building for Marston's PLC** (Pages 57 - 66)

To consider the above planning application.

10. **12/3464N Land to the Rear of 72 Broad Lane, Stapeley: Construction of a new car park adjacent to the school including relocation of the existing highway access for Trustees of Stapeley School** (Pages 67 - 74)

To consider the above planning application.

11. **12/3548N Reaseheath College, Main Road, Worleston, Nantwich, Cheshire CW5 6DF: Proposed 3 Storey, 150 Bed Residential Student Accommodation Building and Associated Landscape Works for Mr Meredydd David** (Pages 75 - 88)

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, 19th September, 2012 at Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

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

Councillors Rhoda Bailey, D Bebbington, P Butterill, W S Davies, D Marren,
D Newton and A Thwaite

NON-COMMITTEE MEMBERS IN ATTENDANCE

Councillors A Moran and D Brickhill

OFFICERS PRESENT

Daniel Evans (Principal Planning Officer)
Patricia Evans (Planning Lawyer)
Neil Jones (Principal Development Officer – Highways Development)
David Malcolm (Southern Area Manager – Development Management)
Julie Zientek (Democratic Services Officer)

Apologies

Councillors R Cartlidge, P Groves, A Kolker and M A Martin

Apologies due to Council Business

Councillors J Clowes and S McGrory

55 DECLARATIONS OF INTEREST

The following declarations were made in the interests of openness:

- Councillor D Bebbington declared that he had been involved with the Keep it Green Campaign, which had been the subject of recent correspondence in the local press. Councillor Bebbington declared that he had kept an open mind with respect to all the applications on the agenda for the current meeting, and that he would consider each item on its merits, having heard the debate and all the information.
- Councillor P Butterill referred to a letter regarding development on greenfield sites which had recently been published in the local press. Councillor Butterill declared that she had kept an open mind with respect to all the applications on the agenda for the current meeting,

and that she would consider each item on its merits, having heard the debate and all the information.

- With regard to application number 12/1989N, Councillor P Butterill declared that she was a member of Nantwich Town Council and a member of Nantwich Civic Society, but that she had not taken part in any discussions in respect of the application and had not made comments on it.
- With regard to application numbers 12/2508C and 12/2511C, Councillor A Thwaite declared that he knew the public speakers on behalf of the applicants, as they had been officers of the former Congleton Borough Council, of which he had been a Member.
- With regard to application number 12/1989N, Councillor D Marren declared that he was a member of Nantwich Town Council, but that he had not taken part in any discussions in respect of the application and had not made comments on it.
- With regard to application number 12/2511C, Councillor G Merry declared that she was a member of Sandbach Town Council, but that she had not taken part in any discussions in respect of the application and had not made comments on it.

56 MINUTES OF PREVIOUS MEETING

RESOLVED – That the minutes of the meeting held on 29 August 2012 be approved as a correct record and signed by the Chairman.

57 12/1989N LAND OFF ST ANNES LANE, NANTWICH: RESIDENTIAL DEVELOPMENT COMPRISING 24 DWELLINGS INCLUDING ACCESS, PARKING, LANDSCAPING AND ASSOCIATED WORKS FOR P E JONES (CONTRACTORS) LIMITED

Note: Councillor A Moran (Ward Councillor), Ms C Biggins (objector) and Mr D Short (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, a written update and an oral report of the site inspection.

RESOLVED

- (a) That, for the reasons set out in the report, the application be APPROVED, subject to the satisfactory completion of a Section 106 agreement making provision for the following:
 - A provision of 12.5% affordable housing (3 units) to be provided with a tenure mix of affordable social rent and intermediate tenure of 2 x 2 bed apartments provided as an intermediate tenure sold at 70% of

the open market value and 1 x 2 bed apartment provided as affordable/social rent

- A contribution towards local education provision of £43, 385
- A commuted sum in lieu of onsite open space for footpath improvements to Weaver Valley Riverside Park (£20,000)
- A scheme of management for the communal areas

and the following conditions:

1. Standard time – 3 years
2. Materials (including lime based mortar) to be submitted to the LPA and approved in writing
3. Submission of an amended landscaping scheme to be approved in writing by the LPA
4. Implementation of the approved landscaping scheme
5. Any tree/hedge removal/pruning to be implemented in accordance with the tree survey schedule CE/6624-SS1
6. Boundary treatment details to be submitted to the LPA and approved in writing
7. Remove PD Rights for extensions and alterations to the approved dwellings
8. Prior to any commencement of works between 1st March and 31st August in any year, a detailed survey is required to check for nesting birds.
9. Prior to the commencement of development the applicant to submit detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds, including swifts
10. Drainage scheme to be submitted and approved in writing
11. Development to be carried out in accordance with noise mitigation report
12. The hours of construction shall be limited to 08:00 – 18:00 Monday to Friday, 09:00 – 14:00 Saturday and not at all on Sundays or Bank Holidays
13. Any piling works shall be limited to 08:30 – 17:30 Monday to Friday, 09:00 – 13:00 Saturday and not at all on Sundays or Bank Holidays
14. Phase II Contaminated land report to be submitted to and approved in writing by the LPA
15. Completion of the proposed off-site highway works
16. Materials for windows, doors and gutters to be in keeping with the conservation area and samples of materials to be submitted to the LPA for approval
17. All bathroom and en-suite windows to be obscure glazed and non opening
18. Programme of archaeological mitigation in accordance with a written scheme of investigation submitted to and approved in writing prior to works commencing on archeologically sensitive areas of the site.
19. A Construction Management Plan, to include a delivery management plan

- (b) That, in the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Development Management and Building Control be delegated authority to do so in consultation with the Chairman, provided that the changes do not exceed the substantive nature of the Committee's decision.

58 12/2508C LYNDAL & NO 2 SOMERFORD VIEW, HOLMES CHAPEL ROAD, BRERETON, CONGLETON CW12 4SP: OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT TO INCLUDE THE DEMOLITION OF LYNDAL FOR MR & MRS F BAILEY & MR M BEECH

Note: Councillor J Deans (on behalf of Brereton Parish Council), Councillor S Broome (on behalf of Somerford Parish Council), Mr P Walker (objector) and Mrs E Cowdray (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 a written update.

RESOLVED – That, for the reasons set out in the report, the application be REFUSED for the following reason:

The proposed development, by means of its layout, siting, scale and density would appear cramped and out of character with the existing residential development in this rural settlement contrary to Policies GR1, GR2, PS7 and H6 of the First Review of the Congleton Borough Local Plan and the National Planning Policy Framework.

59 12/2511C 84, PARK LANE, SANDBACH CW11 1EP: DETACHED HOUSE AND GARAGE FOR NICK AND MR MARK BULLOCK

Note: A statement from Councillor B Moran, the Ward Member, was read out by the Southern Area Manager – Development Management.

Note: Mr G Allen (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 update by the Principal Planning Officer.

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

1. Time
2. Time for Reserved Matters
3. Approval of Reserved Matters

4. Two Storey Dwelling
5. No habitable windows to side facing elevations (north and south)
6. Hours of construction
7. Hours of any pile driving activities
8. Tree Protection
9. Construction details of vehicular crossing
10. Vehicular crossing to be re-constructed prior to occupation of the dwelling

60 12/2532N RED ACRES, WINDMILL LANE, BUERETON CW3 0DE: CONSTRUCTION OF 9NO. AFFORDABLE HOMES IN CONJUNCTION WITH HOUSING ASSOCIATION ON LAND WITHIN OPEN CONTRYSIDE AS A RURAL EXCEPTIONS SITE WITH ASSOCIATED ACCESS ROAD AND CAR PARKING FOR MARK ELLIS, MARKDEN CITY HOMES LTD

The Chairman reported that this application had been withdrawn by the applicant prior to the meeting.

61 12/2560N LEIGHTON HOSPITAL, MIDDLEWICH ROAD, LEIGHTON, CREWE, CHESHIRE CW1 4QJ: PROPOSED DEVELOPMENT CONSISTS OF: NEW BUILD THEATRES, RECOVERY & CCU AND ASSOCIATED PLANTROOM CONNECTED TO THE EXISTING TREATMENT CENTRE BUILDING. NEW VIE PLANT IN CONNECTION WITH NEW THEATRE DEVELOPMENT. EXTENSION TO THE EXISTING ENERGY CENTRE TO ACCOMMODATE NEW THEATRE DEVELOPMENT. 2NO NEW BED LIFTS WITHIN AN EXISTING COURTYARD AREA OFF THE EXISTING MAIN HOSPITAL STREET. REFURBISHMENT OF WARD 6A WITH ASSOCIATED DEMOLITION OF PART OF WARD 6A TO ENABLE CONSTRUCTION OF NEW THEATRE DEVELOPMENT. NEW HOSPITAL SITE WIDE PARKING RATIONALISATION WITH ASSOCIATED LANDSCAPING

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

The Committee considered a report regarding the above planning application and an oral update by the Southern Area Manager – Development Management.

RESOLVED – That authority be DELEGATED to the Head of Development Management and Building Control in consultation with the Chairman to approve the application for the reasons set out in the report, subject to:

- (i) no adverse comments from Environmental Health regarding the emissions from the energy centre chimney

(ii) the following conditions:

1. Standard
2. Materials including surfacing materials
3. Provision of Replacement parking
4. Covered Cycle Storage Facilities
5. Submission of landscape scheme
6. Landscape Implementation
7. Submission / approval and implementation of Environmental Management Plan
8. Submission / approval and implementation of details of the location, height, design, and luminance of any proposed lighting
9. Submission / approval and implementation of a scheme to minimise dust emissions arising from demolition / construction activities
10. Should any adverse ground conditions be encountered during excavation works, all work in that area should cease and Environmental Health be contacted for advice.
11. Submission, approval and implementation of a site waste management plan

62 12/2786N BENTLEY MOTORS LTD, PYMS LANE, CREWE, CHESHIRE CW1 3PL: INSTALLATION OF ROOF MOUNTED SOLAR PV SYSTEM FOR MR A ROBERTSON

The Committee considered a report regarding the above planning application.

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

- 1) Standard time limit (3 years)
- 2) Development to be carried out in accordance with approved plans
- 3) Materials / colours as submitted for buildings A5, A6, and F1
- 4) Materials / colours for buildings B1, C1 and G1 to be black unless otherwise agreed)

63 12/2897N 23, MAIN ROAD, SHAVINGTON CW2 5DY: TWO STOREY SIDE AND REAR EXTENSIONS WITH ELEVATIONAL CHANGES TO FRONT AND RAISING ROOF ON EXISTING GARAGE TO REAR (RESUBMISSION) FOR LLD LTD

Note: Councillor D Brickhill (Ward Councillor) and Mr R Lindop-Lamens (applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application, an oral report of the site inspection and an oral update by the Southern Area Manager – Development Management.

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 design, scale, mass and position would result in an overdevelopment of the site and would have a detrimental impact on the character and appearance of the streetscene and have an overbearing impact and cause loss of light to the occupants of 25 Main Road which would be harmful to the residential amenities of this property. As a result the proposed development would be contrary to Policies BE.1 (Amenity), BE.2 (Design Standards) and RES.11 (Improvements and Alterations to Existing Dwellings) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and advice advocated within the National Planning Policy Framework.

64 **12/2990N MUNICIPAL BUILDINGS, EARLE STREET, CREWE, CHESHIRE CW1 2BJ: PROPOSALS TO PROVIDE LEVEL ACCESS TO THE PRINCIPAL ELEVATION OF THE MUNICIPAL BUILDING BY RE-GRADING THE EXTERNAL PATH TO A GRADIENT OF LESS THAN 1:20 AND INTRODUCING NEW STEPS WITHIN THE PAVEMENT FOR NICK COOK, CHESHIRE EAST COUNCIL**

The Committee considered a report regarding the above planning application, a written update and an oral update by the Southern Area Manager – Development Management.

RESOLVED – That, for the reasons set out in the report, the application be referred to the Secretary of State with a recommendation of approval subject to the following conditions:

1. Standard (Listed Building).
2. Schedule of works,
3. All new materials to be used to be submitted to approved in writing,
4. Ramp to be constructed in existing surfacing materials and short falls made up with match materials to be submitted and approved in writing
5. Submission of details of proposed brass skateboard deterrent fixings to be submitted and approved in writing
6. Schedule of approved plans

The meeting commenced at 2.00 pm and concluded at 5.15 pm

Councillor G Merry (Chairman)

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Application No: 12/1023N

Location: CHURCH FARM, CHESTER ROAD, ACTON, NANTWICH, CHESHIRE, CW5 8LG

Proposal: Proposed Residential Development to Provide 11 New Dwellings with Associated Vehicular Access, Garaging and Parking

Applicant: J Tomlinson

Expiry Date: 27-Sep-2012

SUMMARY RECOMMENDATION

Approve subject to conditions

MAIN ISSUES

- **Principle of Development**
- **Housing Land Supply**
- **Residential Amenity**
- **Ecology**
- **Contaminated Land**
- **Trees and Landscape.**
- **Access and Highway Safety.**
- **Affordable Housing**
- **Design and Layout**
- **Open Space**

REFERRAL

The application has been referred to planning committee because it is for more than 10 dwellings and is therefore a major development.

1. SITE DESCRIPTION

The site is located within the curtilage of Church Farm, the farmhouse being a Grade II Listed Building. The site is immediately to the west of the farm buildings which have the benefit of Planning Permission and Listed Building Consent for conversion to three residential units under permissions P03/1323 and P03/1335 dated 7th September 2004. A

material start was made following the discharging of Pre-Start Planning Conditions on 4th September 2009.

To the west of the site is located the graveyard serving St. Mary's Church. The church itself is to the south beyond a pair of dilapidated almshouses. The church is the dominant feature in the village especially when viewed from a distance.

2. DETAILS OF PROPOSAL

The proposal involves the demolition of all the existing buildings on the site and the erection of 11 New Dwellings with Associated Vehicular Access, Garaging and Parking.

3. RELEVANT PLANNING HISTORY

There are no relevant previous applications

4. PLANNING POLICIES

National Policy

National Planning Policy Framework

Regional Spatial Strategy

DP1 – Spatial Principles

DP4 – Make best use of resources and infrastructure

DP5 – Managing travel demand

DP7 – Promote environmental quality

DP9 – Reduce emissions and adapt to climate change

RDF1 – Spatial Priorities

L4 – Regional Housing Provision

EM1 - Integrated Enhancement and Protection of the Region's Environmental Assets

MCR4 – South Cheshire

Local Plan Policy

RES.2: (Unallocated Housing Sites)

BE.7: (Conservation Areas)

NE.5 (Nature Conservation and Habitats)

NE.9: (Protected Species)

NE.20 (Flood Prevention)

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)

BE.4 (Drainage, Utilities and Resources)

TRAN.3 (Pedestrians)

TRAN.5 (Cycling)

Other Material Considerations

Cheshire East Interim Housing Policy
Cheshire East Interim Affordable Housing Policy

4. OBSERVATIONS OF CONSULTEES

United Utilities

No objection to the proposal provided that the following conditions are met: -

- This site must be drained on a separate system, with only foul drainage connected into the sewer. Surface water should discharge to the soakaway and may require the consent of the Local Authority.

Environment Agency

- No comments to make on this application.

Highways

No comment received at the time of report preparation

Cheshire Wildlife Trust

1. The application is accompanied by a Protected Species Survey and Biodiversity Assessment (Biota, 2008). This report is based on data that are now nearly 4 years old and would recommend that elements are resurveyed (as also recommended by the report's authors in paragraph 7.1.3 which states *'The conclusions and recommendations in this report in respect to surveys for protected species are based upon results from surveys in summer 2008. These data will only be of use for one year after which further survey to establish the position and possible changes in status will be necessary to ensure all activities are informed and guided by recent data on site status.'*
2. Also suggest that rECOrd (the Biodiversity Information System for Cheshire) is consulted for up-to-date species records, including birds. Previously, the desk study referred only to the Cheshire Mammal Group.
3. There are recent records of protected species within 1km of the site, notably water voles on the Shropshire Union Canal at Acton. Other water bodies within 1km may also support water voles and, although it is unlikely that this site has any attractions for this species, the possibility should be addressed in the report. In addition there are badgers within 1km of the site.
4. Disagree with the report's conclusion that there are no ponds within 500m of the site. There is a water-filled moat immediately to the west of the site, on land belonging to Glebe House, and another pond to the southwest of the site, on the Dorfold Hall Estate. Two other smaller ponds are shown on the OS map but may be dry. All of these should be assessed for their GCN habitat suitability as a minimum requirement. GCN are known to occur within 1km of Acton.

5. The farm is no longer a working dairy farm. This may have had implications on its attractiveness for some species, in particular breeding and/or roosting birds. Resurvey is therefore recommended.
6. CWT agrees with the recommendations given in the 2008 report for mitigation and enhancement (paragraphs 7.2.1 – 7.2.3), and potentially with any further recommendations arising from a new set of surveys.
7. CWT recommends that suggestions for biodiversity enhancement arising from the report/s are attached as appropriately-worded Conditions to planning permission, should it be granted. The reason for this is to ensure no net loss of biodiversity and achieve net gains if possible.

Natural England

- This proposal does not appear to affect any statutorily protected sites or landscapes, or have significant impacts on the conservation of soils, nor is the proposal EIA development. It appears that Natural England has been consulted on this proposal to offer advice on the impact on a protected species.
- The protected species survey has identified that bats, a European protected species may be affected by this application.
- Recommend that the Council follow standing advice in respect of this species
- Natural England have not assessed the survey for badgers, barn owls and breeding birds¹, water voles, widespread reptiles or white-clawed crayfish. These are all species protected by domestic legislation the Council should use standing advice to assess the impact on these species.

Brine Board

- The site which is the subject of this consultation is not within the Board's Consultation Area and therefore they would not normally make any comments.

Rights of Way

- Confirm that the development does not appear to affect a public right of way.

Environment Agency

- The consultation does not require a formal response from the Environment Agency as it falls outside the scope of referrals they would wish to receive.

Environmental Health

- The hours of demolition / construction of the development (and associated deliveries to the site) shall be restricted to: Monday – Friday 08:00 to 18:00 hrs Saturday 09:00 to 14:00 hrs Sundays and Public Holidays Nil

- All Piling operations shall be undertaken using best practicable means to reduce the impact of noise and vibration on neighbouring sensitive properties. All piling operations shall be restricted to: Monday – Friday 09:00 – 17:30 hrs Saturday 09:00 – 13:00 hrs Sunday and Public Holidays Nil
- In addition to the above, prior to the commencement of development the applicant shall submit a method statement, to be approved by the Local Planning Authority. The piling work shall be undertaken in accordance with the approved method statement. The method statement shall include the following details: Details of the method of piling, Days / hours of work , Duration of the pile driving operations (expected starting date and completion date), Prior notification to the occupiers of potentially affected properties, Details of the responsible person (e.g. site manager / office) who could be contacted in the event of complaint
- Prior to its installation details of the location, height, design, and luminance of any proposed lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall ensure the lighting is designed to minimise the potential loss of amenity caused by light spillage onto adjoining properties. The lighting shall thereafter be installed and operated in accordance with the approved details.
- The application area has a history of agricultural use and therefore the land may be contaminated.
- The application is for new residential properties with gardens which are a sensitive end use and could be affected by any contamination present.
- The applicant has submitted a Phase I Preliminary Risk Assessment for the site, and has also provided an updated walkover survey. Parts of the farmyard are proposed to be residential gardens as part of this planning application, as such we would require some confirmation that these areas are suitable for their proposed use.
- Asbestos sheeting has been identified during the site walkover, if this is to be removed it should be disposed of in line with current guidance.
- As such, and in accordance with the NPPF, prior to development commencing:
 - (a) A scope for an investigation and Risk Assessment shall be submitted to and approved in writing by the Local Planning Authority (LPA).
 - (b) Thereafter, prior to first occupation, the Investigation and Risk Assessment shall be carried out to assess actual and/or potential risks from land contamination in accordance with the agreed methodology, and approved in writing by the LPA.
 - (c) If such investigation and Risk Assessment identifies that remedial/protective measures are required, then a remedial/protection scheme shall be submitted to, and approved by, the LPA and shall be implemented.
 - (d) If remedial/protective measures are required, a Site Completion Statement detailing the remedial/protective measures incorporated into the extension shall be submitted to, and approved in writing by, the LPA in full prior to the first occupation and use of this development.

Greenspaces Officer

No comment received at the time of report preparation

Archaeologist

The site of the proposed development lies immediately to the north of St Mary's parish church, which has pre-Conquest origins, and to the east of Acton moated site, which is a Scheduled Monument and is likely to have been the seat of the local lord in the medieval period. Church Farm, therefore, may reasonably be considered as having lain within the heart of the early settlement and is likely to preserve evidence of earlier occupation.

It should be noted, however, that a recent evaluation in the proposed graveyard extension to the west did not locate significant archaeological remains and parts of the application area have been significantly disturbed by the slurry pits and existing buildings. In these circumstances, he does not think that it would be reasonable to advise that further pre-determination work should be carried out or that the area should be subject to formal excavation.

Instead, he advises that relevant aspects of the development (initial ground clearance, excavation of foundation trenches and major services) should be subject to a developer-funded watching brief. A report on the work should also be produced. The above programme of mitigation may be secured by condition, a suggested wording for which is given below:

No development shall take place within the application area until the applicant, or their agents or successors in title, has agreed a programme of archaeological mitigation in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. The work shall be carried out strictly in accordance with the approved scheme.

The use of such a condition is in line with the guidance set out in Paragraph 141, Section 12 (Conserving and Enhancing the Historic Environment) of the new National Planning Policy Framework. The Cheshire Archaeology Planning Advisory Service does not carry out archaeological work and the applicants will need to appoint an archaeological contractor to undertake the archaeological watching brief.

5. VIEWS OF THE PARISH / TOWN COUNCIL

- Acton, Edleston and Henhull Parish Council generally support this application. However, it has concerns regarding access and the house types proposed and raises these points as objections
- The Parish Council, working with consultants Martin Stockley, and with the knowledge of the highway authority, has adopted proposals for environmental improvements and traffic calming along Chester Road, Acton. The area of the junction with Wilbraham Road, almost opposite the proposed site access, has been designed in detail and safety audited by Cheshire East Council. However, the application makes no accommodation for these proposals and the Parish Council suspects that the architect is unaware of them. If the development takes place a contribution towards the environmental improvements will be sought. Furthermore, as designed, the site access lines could be impeded by a substantial oak tree, not included in the arboricultural assessment.

- The Council does not agree with the views expressed by the conservation corridor, regarding the house styles, and urges a review on the lines proposed originally by the architect and mentioned in the Design and Access Statement. The Council is strongly of the view that the three storey element is out of keeping with the locality – albeit that there is one substantial three storey house in its own grounds in the village.
- To the west the site adjoins the churchyard and its approved extensions. A substantial hedge is needed on this boundary. It is noted that storm water is to be dealt with by soakaways. It would be more appropriate for this to be dealt with by pipes to streams this reducing percolation through the churchyard.

6. OTHER REPRESENTATIONS

Representations have been received from Acton CE Primary School, 1 Wilbraham Road and Madam's Farm making the following points:

- Severe concerns regarding the access to the proposed development. The access appears to be sited on a bend opposite to the school. The school already experiences significant difficulties at school drop off and collection times due to limited parking. The road on which the school and proposed development is situated is very hazardous and speeding is a regular occurrence despite 30mph limits.
- Concern that with additional cars and its position on the bend, children's safety will be put at a greater risk.
- Where the pedestrian crossing island is proposed, it would appear to make it impossible for existing residents at 1 Wilbraham Road to turn cars left toward Nantwich from their driveway. At best it would be very difficult to turn left as it is already made difficult with school children going to and leaving Acton School. They may well have to cut the kerb to make the turn which would be dangerous when school children are around.
- Residents are supportive of small-scale well-designed development in the village. This fits those criteria.
- The architecture is suited to the location.
- There is concern about the associated roadworks.
- The Parish Council and its consultant Stockley has been developing the community's aspiration for the environmental improvements in the village, which include the treatment of the Wilbraham Road junction for a good few years. This community-led aspiration has been notified to the Planning Department, recently audited by the Highways Department and requested to be added to the infrastructure delivery plan as part of the Nantwich Town Strategy. Yet this scheme includes no elements of the community-led plan and in fact includes elements such as the refuge which would conflict with the plan. The development should be either delivering this community stated aspiration or making a financial contribution towards it.
- Residents object to the road design associated with this application.

7. APPLICANT'S SUPPORTING INFORMATION:

- Tree Survey
- Design and Access Statement
- Ecological Survey

8. OFFICER APPRAISAL

Principle of Development

The majority of the site is located within the settlement boundary where residential development is considered to be acceptable in principle. However, the access road will involve a small encroachment into open countryside. The application therefore needs to be treated as a departure, although given that the visual impact of the road on the openness of the countryside is comparatively minor, and the fact that it will be screened by proposed tree planting, and will enable a safe highway access to be achieved, it is considered to be acceptable in principle

Housing Land Supply

Paragraph 47 of the NPPF requires that there is a five year supply of housing plus a buffer of 5% to improve choice and competition. It is acknowledged that the Council does not currently have a five year housing land supply and, therefore regard must be given to the advice contained in paragraph 49 that:

“housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

This must be read in conjunction with the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF which for decision taking means:

“where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or*
- specific policies in the Framework indicate development should be restricted.”*

Members should note that on 23rd March 2011 the Minister for Decentralisation Greg Clark published a statement entitled ‘Planning for Growth’. On 15th June 2011 this was supplemented by a statement highlighting a ‘presumption in favour of sustainable development’ which has now been published in the National Planning Policy Framework (NPPF) in March 2012.

Collectively these statements and the National Planning Policy Framework mark a shift in emphasis of the planning system towards a more positive approach to development. As the minister says:

“The Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs. Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy”.

The Written Ministerial Statement: Planning for Growth (23 March 2011) goes on to say *“when deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development.”* They should, inter alia, consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession; take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing; consider the range of likely economic, environmental and social benefits of proposals; and ensure that they do not impose unnecessary burdens on development.

The proposal would assist the Council to meet its housing land requirements and would ease pressure of Greenfield sites elsewhere within the Borough. The proposal will help to maintain a flexible and responsive supply of land for housing, which is specifically identified above as a “key sector” and create jobs and economic growth in the construction industry and all the associated supply networks.

Therefore, in accordance with the NPPF the proposal should be considered favourably unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

Residential Amenity

The surrounding development comprises the original farmstead, church and historic core of the village to the south, Acton Primary School, and 1950's cul-de-sac development on the opposite side of the main road to the east and open countryside to the north and west.

A distance of 21m between principal windows and 13m between a principal window and a flank elevation are generally regarded to be sufficient to maintain an adequate standard of privacy and amenity between residential properties. The layout provided demonstrates that distances in excess of 40m will be achieved between the proposed dwellings and the school / properties on the opposite side of Chester Road. Furthermore, the proposed development will be screened by the existing farm buildings and proposed garage blocks.

The majority of dwellings in the village centre to the south, will be screened by the existing farm buildings, and the church. Furthermore, the nearest neighbouring dwelling will be in excess of 60m from the boundary of the development site. Therefore, no other adverse impacts on the living condition of existing occupiers are anticipated.

Turning to the level of amenity within the proposed development, the properties are arranged in two blocks, at right angles to each other, overlooking a central courtyard. Therefore, there will be no overlooking between proposed dwellings. The Council's SPG advocates the provision of 50sq.m of private amenity space for all new family dwellings. All of the proposed plots will include significantly more than 50sq.m. Therefore, the minimum standards set out in the Council's Supplementary Guidance would be considerably

exceeded and in view of the other mitigating factors, it is not considered that a refusal on amenity grounds could be sustained.

Ecology

Article 12 (1) of the EC Habitats Directive requires Member states to take requisite measures to establish a system of strict protection of certain animal species prohibiting the deterioration or destruction of breeding sites and resting places. Art. 16 of the Directive provides that if there is no satisfactory alternative and the derogation is not detrimental to the maintenance of the populations of the species at a favourable conservation status in their natural range, then Member States may derogate *"in the interests of public health and public safety or for other imperative reasons of overriding public interest, including those of a social and economic nature and beneficial consequences of primary importance for the environment"* among other reasons.

The Directive is then implemented in England and Wales The Conservation of Habitats and Species Regulations 2010. ("the Regulations"). The Regulations set up a licensing regime dealing with the requirements for derogation under Art. 16 and this function is carried out by Natural England.

The Regulations provide that the Local Planning Authority must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of their functions.

It should be noted that, since a European Protected Species has been recorded on site and is likely to be adversely affected by the proposed development, the planning authority must have regard to the requirements for derogation referred to in Article 16 and the fact that Natural England will have a role in ensuring that the requirements for derogation set out in the Directive are met.

If it appears to the planning authority that circumstances exist which make it very likely that the requirements for derogation will not be met, then the planning authority will need to consider whether, taking the development plan and all other material considerations into account, planning permission should be refused. Conversely, if it seems from the information that the requirements are likely to be met, then there would be no impediment to planning permission in this regard. If it is unclear whether the requirements will be met or not, a balanced view taking into account the particular circumstances of the application should be taken and the guidance in the NPPF. In line with guidance in the NPPF, appropriate mitigation and enhancement should be secured if planning permission is granted.

The application is supported by an ecological assessment undertaken by a suitably qualified consultant. Unfortunately none of the appendices associated the report, including the phase one habitat map have been submitted in support of the application.

The submitted report states that there are no ponds within 500m of the proposed development. This may be incorrect as a moat 160m to the west of the proposed development site and a pond located 300m to the north west of the site appear on the OS map.

In any event the report being undertaken in 2008 must now be considered out of date. The Council's Ecologist has therefore advised that up to date ecological surveys should be undertaken which include an assessment/survey of any ponds within 250m for their potential to support great crested newts and an assessment of the potential impact of the development upon this species. The report should also include a phase one map of the proposed development site.

However, the outstanding survey has been requested from the applicant and an update will be provided for Members either prior to, or at their meeting.

Contaminated Land

The proposed end use of the site is considered to be a "sensitive" use, and therefore an appropriate condition to secure a full ground investigation and any necessary mitigation measures is considered to be necessary. Subject to compliance with this condition it is considered that the proposal will accord with the requirements of PPS.23 Planning and Pollution control and Policy GR.8 of the local plan.

Trees and Landscape.

The Senior Landscape Officer has examined the proposals and commented that the site comprises part of a farm complex. There is some existing vegetation on / adjacent the site including trees, a roadside hedge and lengths of hedgerow adjoining the churchyard which provide screening and separation between the farm and the churchyard.

There are no TPO protected trees on site although the trees are afforded protection by the Conservation Area status. The submitted tree survey only covers one group of trees on the site and it is not considered that the survey is comprehensive. No reference is made to existing hedges on and adjacent to the site which are significant vegetation features, as is a mature oak tree on the roadside, to the north of the access.

The trees to the south west are not outstanding specimens although they are components in a hedgerow which helps to separate the site from the churchyard.

It appears tree crowns extend to the edge of buildings on plots 6 and 7 and it is likely the trees would need to be pruned significantly in order to accommodate the development. The relationship between the trees and buildings would be poor and a greater separation would be preferable. It is anticipated there may be shading problems from trees/hedges on plots 6 and 7 in particular. Therefore an amended plan has been provided by the applicant requiring the proposed properties to be moved 2m further north to increase this separation and to address this issue.

The proposed access arrangements would result in hedgerow loss. Although it is noted that replacement planting is proposed, where proposed development is likely to result in the loss of existing agricultural hedgerows which are more than 30 years old, it is considered that they should be assessed against the criteria in the Hedgerow Regulations 1997 in order to ascertain if they qualify as 'Important'. Should any hedgerows be found to be 'Important' under any of the criteria in the Regulations, this would be a significant material consideration

in the determination of the application. Hedgerows are also a habitat subject of a Biodiversity Action Plan. This information has been requested from the developer and an update will be provided for Members at committee.

It is important that the sections of hedgerow adjoining the church yard are retained and protected. This can be achieved through the use of conditions.

Indicative landscape works are shown on the site plan but no detailed hard or soft landscape proposals are provided. The site is prominent on the approach to Acton from the North and the development would be readily visible. Whilst planting is proposed to the north of the site to help to mitigate visual impacts, unless the overhead power lines are to be diverted, it is anticipated that such planting may be restricted by required clearances for the lines and it may not be possible to accommodate trees. However, a full landscaping scheme could be conditioned.

Boundary treatment will need further consideration. As stated above, existing hedgerows adjoining the churchyard have value. The close boarded fencing indicated is appropriate and no treatment is shown for the western boundary but this could also be addressed through the issue of conditions.

Access and Highway Safety.

The Council's Highways Engineer has examined the application and visited the site. He expressed concerns over the visibility attainable, which in effect is limited by the mature oak tree just north of the site. He therefore requested a speed survey from the applicant to justify the reduced visibility splay. The results of this survey have now been received. However, unfortunately, these indicate that a larger splay is still required and the tree in question would need to be removed. The Senior Landscape Officer has confirmed that this is a poor specimen and that she would have no objection to its removal. Therefore an amended plan has been provided showing the required, extended visibility splay.

The splay will also require removal of a significant length of hedgerow and, as stated above, the outcome of consultations under the Hedgerow Regulations was awaited at the time of report preparation and an update will be provided. Replacement hedge planting is shown on the drawings, outside the visibility splays.

The reference by the Parish Council to a proposed traffic calming scheme for the main road is noted. However, Highways have commented that the traffic scheme has no status at all. It is something that was mooted by the residents before reorganisation but not even on any current list for looking at by CEC. Consequently he does not consider that it has any relevance for this application.

The Highways Engineer had concerns over the standard of the access road. This needed to be 5.5m for at least 10 metres so drivers turning in do not need to abort their movement if another car is departing. Elsewhere the bend appeared to be too tight for a refuse vehicle. However, these issues have been raised with the applicant who has submitted an amended drawing and the Highways Engineer has now confirmed that the amended layout is acceptable.

Concerns of local residents regarding access to their driveways have been noted and the crossing point has been resited on the amended plans slightly southwards to ease conflict with driveways opposite. The Highways Engineer has confirmed that these amendments are acceptable.

The Highways Engineer also had concerns over the level of parking, given the site's rural character and few local facilities. Most of the parking is assigned (or would have to be assigned) to individual properties and so there is little flexibility or margin for visitors, compounded by lack of informal space on the access road. He therefore requested provision of at least two additional visitor parking spaces on the site. This has now been included within the amended plan.

Affordable Housing

The site is located in Acton, which has a population of less than 3000. The Council's Interim Planning Statement on Affordable Housing states at paragraph 3.7 that monitoring has shown that in settlements of less than 3,000 populations, the majority of new housing has been delivered on sites of less than 15 dwellings. The Council will therefore negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 0.2 hectares or 3 dwellings or more in all settlements in the rural areas with a population of less than 3,000 population. The exact level of provision will be determined by local need, site characteristics, general location, site suitability, economics of provision, proximity to local services and facilities, and other planning objectives. However, the general minimum proportion for any site will normally be 30%. This proportion includes the provision of social rented and/or intermediate housing as appropriate.

The Strategic Housing Market Assessment 2010 identifies that there is a need for 40 new affordable properties between 2009/10 – 2013/14 in the Acton sub-area. This equates to 8 per year made up of 6 x 1 bed, 1 x 2 bed, 1 x 4/5 bed and 2 x 1/2 bed for older persons. The SHMA 2010 established a slight over supply of 2 x 3 bed which gives the net requirement for 8.

A Rural Housing Needs Survey was also carried out to the southern rural Parishes of Cheshire East, including Acton (Acton also includes Edelston and Henhull). 227 questionnaire surveys were sent out to Acton and 76 returned, giving a response rate of 33% for the Parish. The survey established that there were 8 hidden households currently living in Acton who wished to form a new household in Cheshire East, and there were 7 members of households in Acton who had moved out of the Parish because they could not afford to buy or rent in the area and would wish to move back to the parish if cheaper housing was available.

Further evidence of affordable housing need can also be identified from the current number of applicants on Cheshire Homechoice which is the choice based lettings system used to allocate social housing across Cheshire East. There are currently 28 applicants for Acton. The number of bedrooms that these applicants require is 12 x 1 bed, 8 x 2 bed, 5 x 3 bed, 2 x 4 bed. 1 applicant has not stated how many bedrooms they need. Only 6 of the 20 applicants who require either a 1 or 2 bed property will consider a flat

As the site is for 11 dwellings and there is evident affordable housing need there is a requirement for affordable housing.

The affordable housing provision should be 30%, with a tenure split of 65% rented units (either social rent at target rents or affordable rent at no more than 80% of local market rents) and 35% of the units provided as intermediate tenure. This equates to 2 units as rented and 1 unit as intermediate tenure.

The Affordable Housing Interim Planning Statement requires that the affordable homes should be provided no later than occupation of 50% of the open market units, unless the development is phased and there is a high degree of pepper-potting in which case the maximum proportion of open market homes that may be provided before the provision of all the affordable units may be increased to 80%.

All the Affordable homes should be constructed in accordance with the standards proposed to be adopted by the Homes and Communities Agency and should achieve at least Level 3 of the Code for Sustainable Homes (2007). The Affordable Homes should also be integrated with the open market homes and not be segregated in discrete or peripheral areas.

The Affordable Housing Interim Planning Statement states that occupancy of the affordable housing should be controlled and that it should be transferred to a Registered Provider of social housing to own and manage. These requirements could be secured through a Section 106 Agreement.

Design and Layout

The overall design and layout of the dwellings generally reflects the two storey form of the adjacent barns with a simple roof form, and vernacular features and fenestration, typical of traditional farm buildings, which are sympathetic to this setting.

The concern of the Parish Council that the proposed three storey element is not appropriate in such a context, given its height which they believe serves to make it over dominant within this grouping, is noted. However, this element of the design was specifically negotiated by officers in order create a visual hierarchy within the development akin to the relationship between a traditional farmhouse, and its ancillary barns and outbuildings, which is typical of such rural settings. As a result its height is considered to be appropriate.

As originally submitted the "farmhouse" unit, which incorporates two dwellings, appeared to have two front doors. This was considered to detract from its intended appearance as a single dwelling. However, an amended plan has been submitted showing the front door to the second unit to be relocated to the side elevation, which has addressed this issue.

The proposed bricks and roof tiles need to be conditioned for submission for approval, to ensure they are appropriate in the context of this site. Given the potential visibility of rear gardens and the heritage sensitivity of the site the usual permitted development rights should be removed by condition.

The streetscene drawing shows a tower feature on the garage block, which is not shown on the more detailed elevations. This feature should be omitted to avoid such a visually dominant detail in this grouping. This could be secured by condition.

There do not appear to be any details of a proposed gate to the Chester Road end of the lane or at the access point to the proposed new off road courtyard or its adjacent garage complex, which will need to be five bar wooden gates, to reflect the rural context of the application site. The surfacing of the access lane, kerbing and definition of the threshold at the site entrance should all be sympathetically detailed in their designed and use of appropriate materials and ideally soft verge edges should be secured. These details could also be the subject of conditions.

Similarly details of the courtyard landscaping /planting need to be conditioned for submission for approval, to ensure that they are in keeping with this rural location. This should include the hard landscape elements to ensure that surfacing is appropriated it the heritage context.

The treatment of the boundaries to the scheme will also be important, both in defining the edge of the site against the countryside and against the churchyard. The boundary adjacent to the Almshouses in particular should be of a form appropriate to this context and a robust brick solution should be used rather than timber fencing. Similarly on the softer edges green boundaries should be used and hedging, tree screening and deep hurdle fencing on the northern boundary (Cheshire railings) should be secured by condition.

Open Space

The proposal does not make any provision for on-site open space. At the time of report preparation comments were awaited from the Council's Greenspaces Officer with regard to whether any contributions towards off-site provision would be required.

9. CONCLUSION

In summary, the proposal is considered to be acceptable in principle, as it lies predominantly within the infill boundary line as designated in the local plan. It will assist the Council in meeting its requirement for a 5 year housing land supply and will promote economic growth. The proposal is acceptable in terms of its impact on Residential Amenity. The Contaminated Land issue can be adequately addressed through conditions and the affordable housing requirement is being met on site. The design and layout is also considered to be acceptable and will enhance the character and appearance of the surrounding area.

There are a number of issues outstanding, but it is not expected that any of these would threaten the principles identified within the scheme, and therefore subject to the following the development complies with the relevant local plan policies and accordingly is recommended for approval.

10. RECOMMENDATION

APPROVE subject to

- Receipt of additional information in respect of Hedgerow Regulations
- Receipt of updated ecological survey
- No objection from the Council's Landscape Officer / Ecologist to the additional submissions
- No objection from Greenspaces officer

Signing of a Section 106 agreement making provision for:

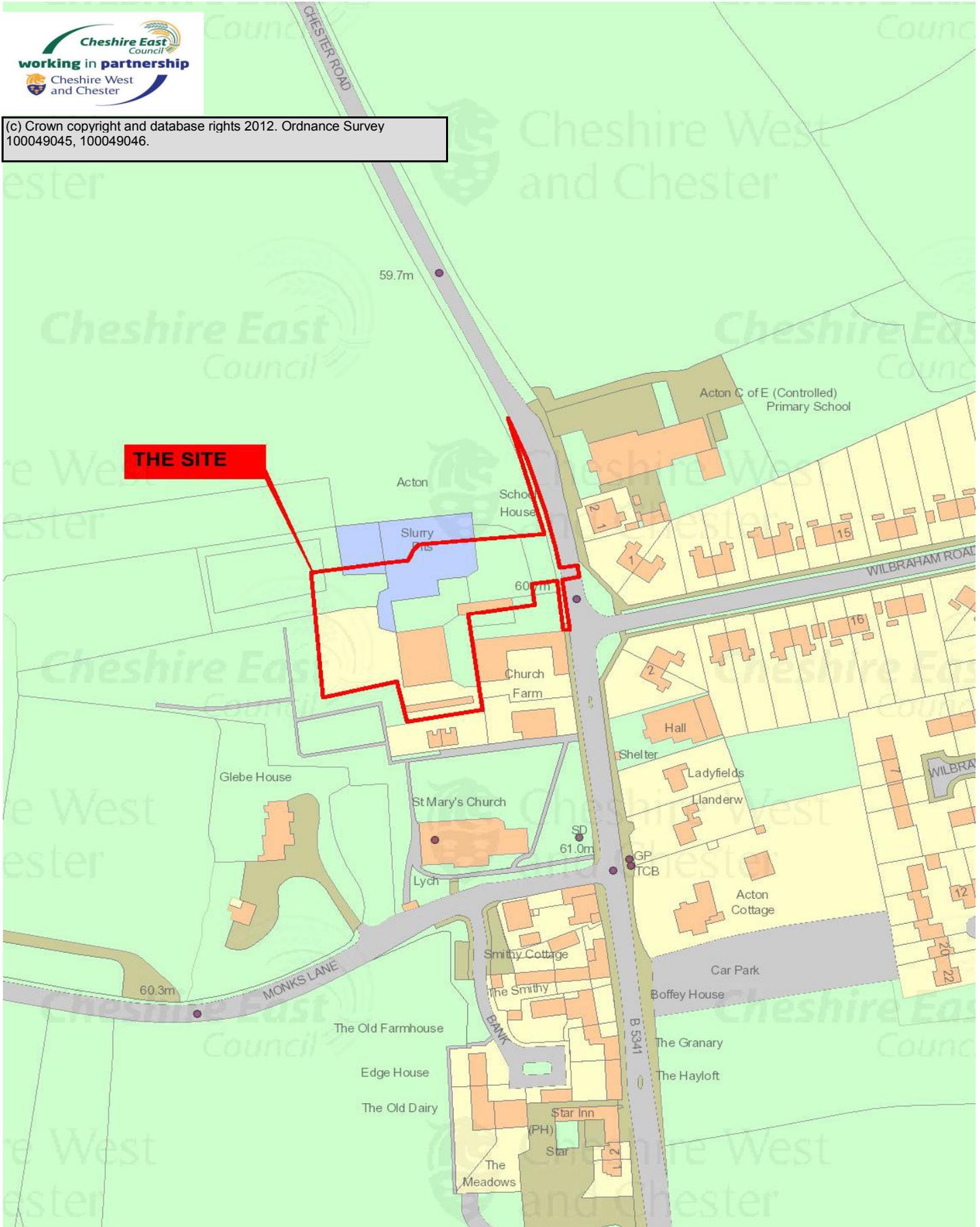
- Affordable Housing comprising to 2 units as rented and 1 unit as intermediate tenure.

And the following conditions:

1. Standard
2. Plans
3. Submission of details of bricks and roof tiles;
4. Submission of details of all gates;
5. Submission of details of boundary treatments;
6. Doors and windows to be in wood;
7. All gutters and fall pipes to be in black metal;
8. All external vents to be in black;
9. Submission of details of the proposed lighting scheme;
10. Submission of hard and soft landscape scheme;
11. Implementation of landscaping
12. Replacement hedgerow planting
13. Retention of hedgerow to church yard
14. Tree protection
15. Implementation of tree protection
16. Removal of permitted development rights.
17. Programme of archaeological mitigation
18. Contaminated land report
19. Hours of construction Monday – Friday 08:00 to 18:00 hrs Saturday 09:00 to 14:00 hrs Sundays and Public Holidays Nil
20. Pile driving Monday – Friday 09:00 – 17:30 hrs Saturday 09:00 – 13:00 hrs Sunday and Public Holidays Nil
21. Pile driving method statement
22. Submission of details of external lighting



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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

Approve with Conditions

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 was deferred from Southern Planning Committee on 6th June 2012:

- (a) for a Committee site inspection to enable Members to assess the impact of the development
- (b) for an expert assessment of the agricultural business plan

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 511.2m² and volume of 4058.52m³
- An extension to the western elevation of one of the buildings comprising 18.2m x 6.5m with a total footprint of 118.3m² and a volume of 650.65m³

The unauthorised extensions represent a 38.5% increase above the size of the authorised buildings to which they are attached.

4. RELEVANT HISTORY

ENFORCEMENT NOTICE APPEAL – An Enforcement Notice was served on the unauthorised operational development of the alteration and extension of two steel framed buildings (the subject of this application). This appeal was allowed on ground (f) only and the notice was varied. The appeal was dismissed and the enforcement notice upheld on the other grounds for appeal. The date of this decision was 18th September 2012.

The appeal on ground (f) was allowed and varied the notice to allow alternative requirements to:

1. Remove all plant, equipment, machinery, materials and fixtures which are not directly related to the agricultural use of Buildings A and B.
2. Cease using Buildings A and B for any other use other than the approved and lawful uses related to agriculture at Top End Farm.
3. Remove all waste materials from Buildings A and B and the surrounding land left as a result of the previous unauthorised concrete panel/component manufacturing process in Buildings A and B.

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 23rd December 2010.

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

P06/0450 – Consent approved for Erection of Agricultural Silage Building Relocated from Limes Farm on 2nd 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. In addition, Environmental Health have confirmed that they have been monitoring an alleged dust nuisance from the site/access. Should a statutory nuisance be identified then this could be enforced against under EPA legislation.

Environment Agency – No objection (falls outside remit)

Strategic Highways Manager – extensions are unlikely to lead to any significant traffic increase if used for the agricultural storage purposes for which they are intended.

However, given sensitivities surrounding the site additional information relating to existing lawful and proposed employee and vehicular numbers.

Following receipt of the additional information further comments received stating that:

- The Applicant has answered that there will be no additional full-time workers. Forecasts for numbers of additionally contracted out workers are required - especially as they are likely to come in tractor/trailer units.
- Whether workers will be brought to site in shared transport.
- The existing lawful use is 12 vehicles. Response doesn't indicate how many movements that are per day but the inference seems to be that instead of having a Feb-Sept operation they will have an all year round operation at the same level of daily activity - but clearly over the whole year rather than seasonally.

7. VIEWS OF THE PARISH COUNCIL

None received at time of writing report

8. OTHER REPRESENTATIONS

Two Petitions submitted, each containing 15 names, objecting to proposed scheme. The salient points being:

- Extensions not needed for farming activity as they are currently used for concrete manufacturing process,

- Huge expansion of buildings over the years and unauthorised activity,
- The farm has more space than it is reasonably expected to need,
- Unsightly buildings,
- Greenbelt land,
- Barthomley Lane is narrow and is unsuitable for largescale activities at Top End Farm,
- Grass verges have been destroyed,
- Risk of landslip and crack in railway bridge,
- Households impacted by noise, vibration and dust.
- Unauthorised extensions represent a 50% increase in buildings
- Previous buildings were not needed or required for agriculture as used for concrete panel making operation
- Land at Alsager, Noel End Farm, and Arclid in different ownership
- No field numbers for Mow Cop site
- Herd of 500 cattle would use 150 tons of gypsum and 200 tons of straw per annum. Balance is more likely to be associated with the business use of RMA Cattle Bedding Services
- Land for potato is sub let to a large producer who rents land in many locations, concern that Top End Farm is to become a regional storage centre which would have big impact on traffic
- 2000 tons of potatoes would require more than 100 acres. The maximum capacity at Top End Farm is 750 tons
- 1000 head herd would require 820 acres of pasture (re NVZ legislation). Maximum capacity, assuming 750 ton production of potatoes is 168 head of cattle.
- Feed would be 168 tons and this can be in the open crop storage site
- Proposed operations can be easily accommodated in existing buildings.

Objection received from neighbour citing e-mails from Cheshire East Council Highways. The Highways e-mails state that:

“Slow moving vehicles existing from the main access, as there is poor forward visibility for approaching vehicles, Congestion in terms of size of vehicles in relation to road widths, Mud and debris on highway, Verge Damage, Kerb Damage, Dust, Pollution, Operational hours, Vehicle numbers. The road also has a weight restriction for access only, which means that any large vehicle gaining entry to Top End Farm (for a business without planning consent), will technically be breaking the weight restriction” and second e-mail reading,

“After reviewing the photographs on the CD you’ve provided, I agree that the intensification at Top End Farm in terms of vehicular movements in relation the fabrication business is causing major problems in and around this area and is detrimental in terms of highways safety.

For the highways authority to support an application for the fabrication of concrete panelling at this site, vehicle numbers in relation to the business would have to be set and the operational hours restricted. The access into the site would have to be constructed to an adoptable standard to reduce the amount of debris coming onto the adopted highway with passing bays provided along the lane.

Turning movements will need to be demonstrated at the junction of Barthomley Road and Butterton Lane as the pictures provided clearly show HGV's having to cross the verge and kerbed junction when exiting right"

9. APPLICANT'S SUPPORTING INFORMATION

Design & Access Statement

Additional Information (dated May 2012)

Further Information relating to proposed farming enterprise (dated 19th July 2012)

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.

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 accordance with the NPPF in this respect. 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 original buildings, of which the extensions are the subject of this application, were constructed as agricultural buildings however in 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.

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. The unauthorised extensions that are the subject of this application represent a 38.5% increase in footprint to the existing buildings (not the 11% asserted by the applicant) and represent a significant increase over the existing building.

The additional information submitted outlines a business plan for the site following the removal of the unauthorised activities at the site.

The existing business operations at the farm comprise a mixed operation of rearing beef cattle, the growing of crops for animal feed and bedding, and the growing of potatoes. In more detail this comprises:

- A cattle herd on the farm ranges of 350 to 650 head, with space within the existing sheds for 140 head of cattle.
- Growing of grass for hay, barley, fodder beet, turnip and waste potatoes. Further feed is bought at harvest and stored in the buildings. Further dry feed is also brought in and stored at the site.
- Storage is also required for bedding of 300tonnes of straw and 1000 tonnes of gypsum
- Potatoes are grown on the farm but stored and marketed off site. 2000 tonnes are grown annually. Potatoes grown are Lady Rosetta grown on 30.66hectares for 2012
- One building on the site is also used for agricultural fertiliser, this, at its current level is ancillary to the primary agricultural operation.

It is the applicant's intention to increase the beef operations on the site. Calves will be bought and reared from an earlier age and fed in the farm buildings. Calves can then be put on the farm fields before finally being brought into the buildings for fattening in the last few months, as at present. The handling of additional younger stock will require additional building space. This will take place within one of the extended building which are the subject of this application for the rearing of up to 300 younger calves. It is stated that there is insufficient space within the existing buildings to do this and there are general health and welfare issues. In addition this would require additional space for feed and bedding.

The applicants state that extended buildings would also be used for the storage of potatoes which are also grown on the farm. Further to the additional feed and bedding demands of the

operation the farm also requires workshop space and storage space for equipment and machinery. It was for these reasons that the extended buildings were permitted initially.

The submitted information identifies that the farm comprises some 250 acres. Further to this, there is an additional 114 acres of land which is owned or rented and helps support the farming enterprise at the site. All of this land is subject to a claim for the single farm payment.

As requested by members an independent assessment of the submitted information has been carried out by Reading Agricultural.

Independent Appraisal

The applicant has stated that the expected potato yield in the current harvest to be 1,800tonnes, which is equivalent to 59tonnes per hectare. The average for the UK is 45 tonnes per hectare, and 53 tonnes per hectare is considered to be high.

The variety grown is Lady Rosetta which is a crisping potato and sold to food producers. No contract or evidence of the high yield has been produced, or the availability of irrigation necessary to achieve such a yield. Evidence of a payment to the British Potato Council levy would support the acreage.

Potatoes are grown on a 4/5 year rotation. In order to produce at the proposed level the applicant would need access to between 136ha and 170ha of land, or between 178ha and 222ha at average yield to produce 2000 tonnes a year.

In this current year 28% of the total farmed area (30.66ha) is used for growing potatoes. Unlikely that the applicant will be able to sustain a rotation that continues to use such a high proportion of land at Top End Farm, which will mean that he will need to compete in the rental market for high quality potato land.

No evidence has been produced to demonstrate that the applicant has a sustainable potato business operating at the scale necessary to justify the retention of buildings as a potato store.

Proposal is to also to expand cattle to a total number to 1,000head, assuming that cattle are finished at around 19 months indicates a production of 55 cattle per month. Given that calves are turned out at 3 months this suggests housing for 165 calves. This would require an area of approximately 250m² for accommodation. In addition, 700 animals would need to be kept at grass at any one time. 140ha of grazing would be required by the operation. This assumes some additional feeding would be required and does not take into account stocking rates set under the Action Programme for the reduction of nitrates loss from agriculture.

The cropping record for the current year indicates that the Applicant controls 43.73ha of grazing land plus 21.32ha of stubble turnips for winter grazing. The applicant has identified 108.68ha of land under their control within 8km of the site. The area of land available is inadequate to support a beef enterprise on the scale used to justify the retention of the extensions.

The north western (lean to) extension appears to be designed for personal rather than agricultural use. The design and location does not appear to be suitable to house livestock or store potatoes.

The south-eastern extensions are identified for; SW bay – feed storage, workshop, vehicle storage and bedding (gypsum) storage; and NE bay – rearing of additional 300 young calves and potato storage. The SW bay is suitable for the suggested uses, there may be some access problems, but unlikely to be unworkable alongside each other.

The proposed use of the NE bay/building for potato storage and rearing of calves is incompatible. Potato storage will require a climate controlled space in order to keep in bulk or boxed storage. The entire potato crop would require an area of 660m² (stored in 1.2m high boxes, four high). This building, including extensions, is 684m². In any event the building has lights in its roof and is not fitted with insulation or climate control equipment. It is not sealed against uncontrolled insulation as would be expected in a modern store.

250m² would be required for calf accommodation which, in addition with the potato storage, is unlikely to be available given the calculations.

The requirements of the building and the proposed uses are not shared. Potato storage requires a dark, well-insulated, sealed and climate controlled environment. While calf accommodation needs to be light, airy and well ventilated. The building as extended is for general purpose use rather than the specialist uses identified. Neither of the proposed uses is well-suited to the building without significant alteration.

Enforcement Decision

The development which is the subject of this application was the subject of an Enforcement Appeal which has recently been determined. While the appeal was dismissed on grounds (a) and (g). The requirements of the notice to demolish the unauthorised extensions was considered to be excessive and lesser requirements would remedy this breach. As such, the appeal was allowed on ground (f) and the wording of the Enforcement Notice has been varied. The wording of the Notice now includes other alternative measures which the appellant must comply with. These requirements are for the appellant to:

1. Remove all plant, equipment, machinery, materials and fixtures which are not directly related to the agricultural use of Buildings A and B.
2. Cease using Buildings A and B for any other use other than the approved and lawful uses related to agriculture at Top End Farm.
3. Remove all waste materials from Buildings A and B and the surrounding land left as a result of the previous unauthorised concrete panel/component manufacturing process in Buildings A and B.

Therefore the extensions that are the subject of this application can be retained providing that they are used for the lawful use of Top End Farm (agriculture). It is clear that these extensions can therefore be retained as long as they are used for agriculture whether they are required as essential or not.

Summary of Principle

By virtue of the Appeal Decision the retention of the extensions for agricultural purposes is allowed. To refuse the application would contradict the appeal decision, and would therefore be considered unreasonable.

Impact on Character, Appearance and Openness of Green Belt

Agricultural operations within the Green Belt are appropriate. It is considered that the retention of these extensions for agricultural purposes is appropriate development in the Green Belt and are acceptable. The Inspector considered that:

“Although the extensions will still have a noticeable visible impact on the openness of the Green Belt, the agricultural use would be appropriate in Green Belt term. The larger extensions relate more closely to the other farm buildings and in my view the impact on openness would, in any case, be outweighed by the advantages of the agricultural use”

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/authorised 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.

Concern has been raised with regards to dust generated from the site. It is not clear whether this is created from the authorised farm traffic or traffic relating to the unauthorised activities at the site. No objections have been received from Environmental Health with regard to the application proposals.

Impact on Highway Safety

There would be no alterations to the site access which is considered to be satisfactory for the existing authorised use.

It should also be noted that there could be a significant change in the nature of the agricultural operation which falls under the definition of agriculture which could change the frequency and type of vehicles visiting the site. In such circumstances the LPA would have no control over vehicular movements.

Those comments made by Cheshire East Councils Highways Authority by way of e-mail and which have been used as objection to this agricultural operation are not relevant. Those comments relate to a business use and not authorised agricultural use of the site. While there may potentially be an increase in farming traffic to and from the site this would be related to the established use.

The recent Inspectors decision states that:

“Whilst noting the concerns and the questions raised by nearby residents, I do not consider that the use of the extensions for agricultural purpose, (unlike the concrete manufacturing use) will have any unacceptable impact on their living conditions or highway safety matters”.

Given the lawful use of the site it is considered that there are no reasons to sustain a refusal of this application on highways grounds.

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. A recent Enforcement Appeal relating to these extensions has allowed the retention of these extensions provided that they are to be used for the agricultural operations of Top End Farm. In the light of this the proposed extensions are acceptable. The proposed development would therefore be in compliance with Policies, NE.1 (Development in the Green Belt), NE.2 (Open Countryside), NE.14 (Agricultural Buildings Requiring Planning Permission), BE.1 (Amenity), BE.2 (Design Standards) and BE.3 (Parking and Access) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the NPPF.

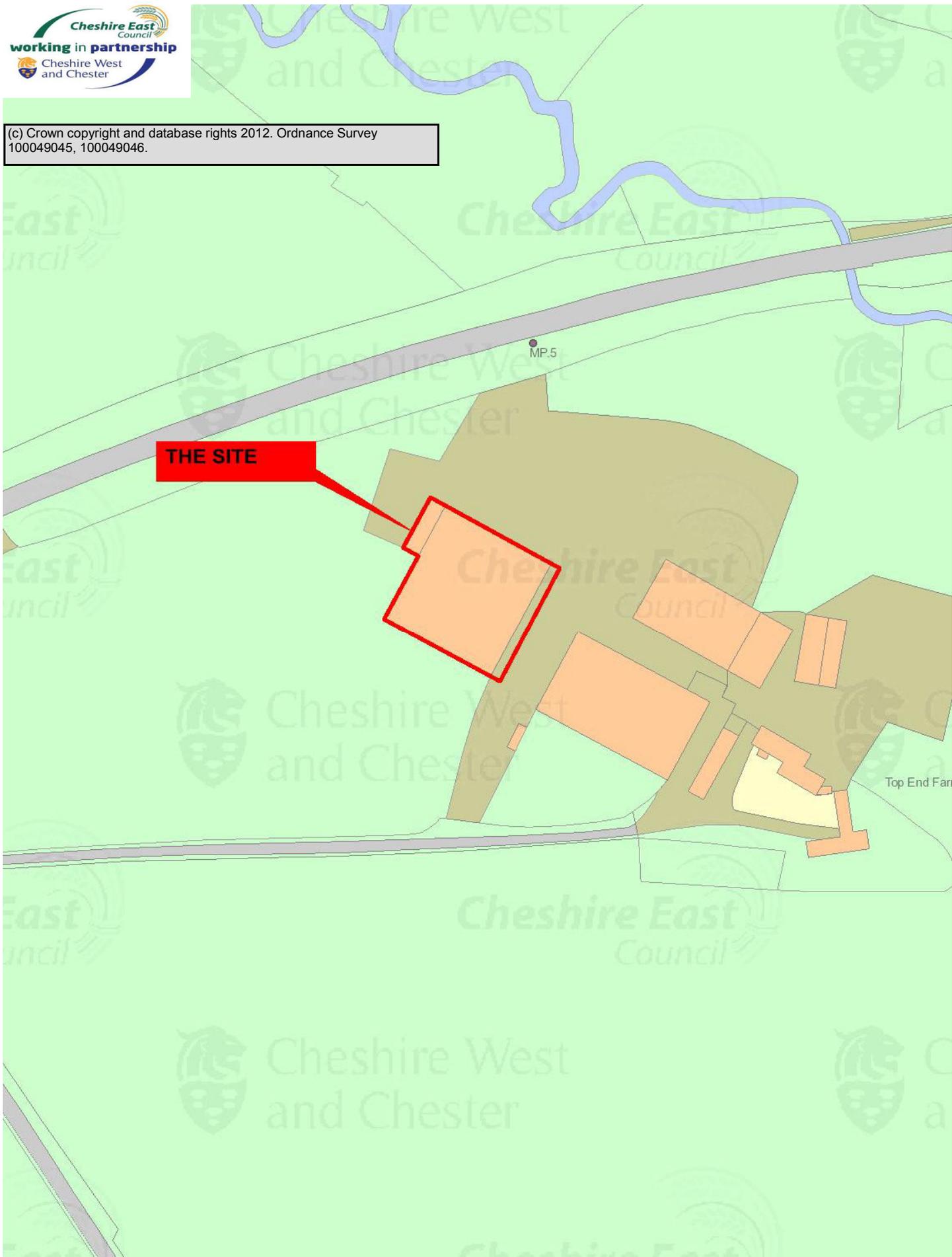
12. RECOMMENDATIONS

Approve subject to conditions

- 1) Agricultural operation to begin within 6 months of the date of this permission (in line with Enforcement Notice).**
- 2) Approved Plans**
- 3) To be used for agricultural purposes of Top End Farm only and not to be used for any other commercial operation**



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Application No: 12/2437N

Location: F J NEED FOODS LTD, Spinneyfields Farm, MAIN ROAD, WORLESTON, CW5 6DN

Proposal: 'L' shaped portal steel framed building

Applicant: Mr P. Need

Expiry Date: 27-Sep-2012

SUMMARY RECOMMENDATION: Approve subject to conditions

MAIN ISSUES:

- Key Issues;
- Need for the Building;
- Policy Position;
- Local Plan Policy/Government Guidance;
- Design;
- Amenity;
- Sustainability;
- Public Rights of Way;
- Drainage
- Highways
- Ecology

REFERRAL

This application is to be determined by the Southern Planning Committee Strategic as the floor area of the proposed building exceeds 1000msq and therefore constitutes a major proposal.

DESCRIPTION OF SITE AND CONTEXT

The application site is located directly towards the rear of existing industrial complex. The site itself is relatively flat and broadly rectangular in shape. The boundaries to the site are demarcated by post and rail fencing and mature hedgerows, which is punctuated at sporadic intervals by trees. The site is bounded on the north and east by open fields. The application site is located wholly within the open countryside.

DETAILS OF PROPOSAL

This is a full application for the construction of an 'L' shaped portal frame steel building measuring approximately 67m long by 42m deep at F J Need Foods Ltd, Spinney Fields Farm, Main Road, Worleston. The unit is required for the storage and processing of cheese, as the business has out grown the existing premises.

RELEVANT HISTORY

P95/0005 – Agricultural Building – Approved – 22nd February 1995

P96/0584 – Hay and Implements Store – Approved – 5th September 1996

P97/0679 – Relaxation of Condition to Replace Landscaping Mound with Beech Trees – Approved – 8th September 1997

P98/0664 – Agricultural Storage Building – Approved – 8th October 1998

POLICIES

National Policy

The application should be determined in accordance with national guidance set out in:

National Planning Policy Framework

Local Policy

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

NE.2	(Open Countryside)
BE.1	(Amenity)
BE.2	(Design Standards)
BE.3	(Access and Parking)
BE.4	(Drainage, Utilities and Resources)
BE.5	(Infrastructure)
E.4	(Development on Existing Employment Areas)
E.6	(Employment Development within the Open Countryside)
TRAN.1	(Public Transport)
TRAN.3	(Pedestrians)
TRAN.5	(Provision for Cyclists)
TRAN.9	(Car Parking Standards)

CONSIDERATIONS (External to Planning)

Highways: No objections subject to a condition requiring two warning signs to be displayed on the B5077.

PROW: No objections

Ecology: No comments received at the time of writing this report

Environmental Health: No objections subject to conditions relating to hours of construction and pile foundations.

VIEWS OF THE PARISH / TOWN COUNCIL

No comments received at the time of writing this report

OTHER REPRESENTATIONS

No representations received

APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement

A Design and Access statement has been submitted to accompany the application. This is available on the application file and provides an understanding of the proposal and why it is required.

OFFICER APPRAISAL

Key Issues

The main consideration is whether the design and scale of the building is acceptable, in terms of impact on the open countryside, on the amenity of nearby residents, highways safety, protected species, trees or any other material consideration.

Need for the Building

According to the applicants Design and Access Statement the proposed building will be used for the storage and processing of approximately 1000 tonnes of cheese. At present the company is operating to the full capacity of the existing buildings on the site and now need to expand the current processing and storage facilities. The applicant claims that this new building will improve the company as they will be able to have longer automated production lines, this in turn will help to create additional job opportunities in the local area and thus benefiting the local community.

Policy Position

The proposal is located within the Open Countryside and will be assessed against Policy NE.2 (Open Countryside) which restricts development other than that required for agriculture, forestry, outdoor recreation or other uses appropriate to the rural area.

Policy E.6 (Employment Development within Open Countryside) allows for 'small scale' employment development in rural areas in order to diversify the rural economy. However, due to the cumulative floor area of the proposed buildings measuring approximately 1682.4sqm, the proposal falls within the major application category and therefore cannot be described as small scale. As such, the proposal is clearly contrary to Policy E.6 (Employment Development

within the Open Countryside) and therefore constitutes a departure from the development plan.

Consequently, there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined:

"in accordance with the plan unless material considerations indicate otherwise".

Therefore, the application turns on whether there are any other material considerations, of sufficient magnitude, to outweigh the Development Plan presumption against the development.

Local Plan Policy/Government Guidance

As previously stated, the application site is located outside of the settlement boundary, as defined on the Crewe and Nantwich Replacement Local Plan Proposals Map, and is therefore situated in Open Countryside.

Policy NE.2 (Open Countryside) of the Crewe and Nantwich Replacement Local Plan restricts development other than that required for agriculture, forestry, outdoor recreation or other uses appropriate to the rural area. Whilst Policy E.6 of the Local Plan (Employment Development within the Open Countryside) restricts employment development to 'small scale' employment development in rural areas in order to diversify the rural economy. Small scale development should be adjacent to existing buildings or other existing employment areas. All new development should also meet the requirements of policies BE.1 – BE.5 as contained within the Local Plan.

According to the NPPF:

'The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore, significant weight should be placed on the need to support economic growth through the planning system' (para 19).

The guidance goes on to state that:

'To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st Century'.

The NPPF still sets its face against the development of new greenfield industrial developments in rural areas, and brownfield sites should be utilised in the first instance. The National Planning Policy Framework is more up to date than the Local Plan which does not have policies with regards to large scale developments of this type and size within the Open Countryside.

The National Planning Policy Framework also promotes sustainable modes of transport. Transport policies have an important role to play in facilitating sustainable development, but also in contributing to wider sustainability and health objectives. The NPPF goes on to state

that smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel.

In practical terms, this means that new industrial development should be located where the number of vehicle journeys generated is minimised. This means that an employment site should be accessible by a realistic choice of transport, walking and cycling. However, the NPPF recognises that this aim may not be wholly achievable in rural areas. It specifically states:

'The Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas'.

Design

The application site is located directly towards the rear of the existing warehouses which serve F J Need Foods. There are already four portal frame buildings (albeit much smaller in scale) which are in situ and are proposed to be demolished in order to make way for the proposal and therefore, the development site constitutes brownfield land. The surrounding built development comprises warehouses and office block to the west and south. Therefore, the proposed development will be seen in this context and will not be viewed as an isolated or divorced site, within the open countryside.

The proposed development will comprise of one stand alone unit. The proposed building is separated from the neighbouring warehouses located to the west of the application site by an access road. Furthermore, there are already areas of hardstanding to the front of the proposed buildings to be demolished, which will be used as car parking and servicing areas.

The design and scale of the building is of typical modern industrial units with shallow pitched roofs and simple portal frame construction. The footprint of the proposed unit is in the shape of a letter 'L'.

The proposed unit will measure approximately 67m long by 42.6m deep (at the widest points) and is 7.3m high to the eaves increasing to 8.9m high at the apex of the pitched roof. According to the submitted plans the proposal will be clad on the elevations and the roof by composite cladding, details of which will be secured by condition, in the event that planning permission is approved.

According to the submitted amended plans there will be 3no. personnel doors on Elevation A, 2 Personnel doors on Elevation B, 3 large openings and 2 personnel doors on Elevation C and a roller shutter door, personnel door and another personnel door at first floor level with external steel staircase on Elevation D. It is considered that the design, scale and proportions of the apertures are in keeping with the host property and will not appear as incongruous or obtrusive features.

It is considered that the proposed building is uniform and utilitarian in form and is designed for functionality rather than form. The building is similar in design and size to other units within the area and across the Borough and it is considered that it will not appear as alien or

incongruous feature within the streetscene. As such the proposal complies with policy BE.2 (Design Standards).

Amenity

Policy BE.1 (Amenity) states that development will be permitted provided that the development:

- is compatible with surrounding land uses,
- does not prejudice the amenity of future or neighbouring occupiers,
- does not prejudice the safe movement of traffic
- does not cause an increase in air, noise, water pollution

which might have an adverse impact on the use of land for other purposes.

It is considered that the redevelopment of the site for industrial purposes is considered to be compatible with the surrounding land uses. The proposal is unlikely to result in noise, air or water pollution. However, a principle consideration in determining this application is its effect upon the amenity of adjacent occupants and in this respect Policy BE.1 requires that development does not have a prejudicial impact on the amenity of occupiers in an adjacent property.

The nearest residential properties are located in excess of 67m to the north west of the application site. Therefore, given the separation distances, intervening vegetation and boundary treatments, it is considered that any negative externalities caused by the proposed development will be minimised. Furthermore, colleagues in Environmental Health have been consulted and raise no objection to the proposal. However, in order to mitigate any negative externalities caused by the proposal a number of conditions will be attached to any decision in order to help reduce any noise and disturbance impact that could be caused by this development. These include:

- hours of operation,
- details of noise reduction measures,
- hours of construction
- details of any external lighting.

Sustainability

The NPPF identifies that there is a presumption in favour of sustainable development and that significant weight should be attached to proposals which enable economic growth and the delivery of sustainable development. With regard to the rural economy, the Framework identifies that the support should be given to the sustainable growth of rural businesses.

It is noted that the application site is located in a remote rural location far removed from any established settlements. However, the site is located adjacent to the Main Road, Worleston, which is a heavily trafficked road. A condition will be attached to any decision requiring the provision of secured covered cycle parking. Furthermore, it is considered that, in order to encourage some sustainable forms of transport, a condition relating to a travel plan should be attached to any permission. The NPPF advocates the use of Travel Plans stating:

'All developments which generate significant amounts of movement should be required to provide a Travel Plan' (para. 36).

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

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

Public Rights of Way

Colleagues in PROW have been consulted and they state that no public rights of way in the vicinity of the application. Therefore, it is considered that the proposal complies with policy RT.9 (Footpaths and Bridleways).

Drainage

Development on sites such as this generally reduces the permeability of at least part of the site and changes the site's response to rainfall.

The NPPF states that in order to satisfactorily manage flood risk in new development, appropriate surface water drainage arrangements are required. The guidance also states that surface water arising from a developed site should, as far as possible, be managed in a sustainable manner to mimic the surface water flows arising from the site prior to the proposed development.

It is possible to condition the submission of a satisfactory drainage scheme in order to ensure that any surface water runoff generated by the development is sufficiently discharged. This will probably require the use of Sustainable Drainage Systems (SUDS) which include source control measures, infiltration devices as well as filter strips and swales which mimic natural drainage patterns. Overall, it is considered that the application is in accordance with policy BE.4 (Drainage, Utilities and Resources).

Highways

Colleagues in the Highways Department have been consulted and they advise that the application 'will generate increased use of the minor road forming a cul-de-sac off the B5077. This is used little other than by the applicant and does not consider that the intensification sufficient to justify an objection.

The junction of the access lane with the B5077 is poor and just south of a bend on the main road. It is recommended that any approval be conditioned so that before beneficial occupation

the applicant provides at his expense two warning signs on the B5077 advising of the junction'. Furthermore, it is noted that there is sufficient space for vehicles to be parked clear of the public highway and for vehicles to manoeuvre so that they can enter and exit the site in a forward gear. Overall, it is considered that the proposal complies with policy BE.3 (Access and Parking).

Ecology

The Councils Ecologist has been consulted and he confirms 'that the existing buildings on this site have limited potential to support protected species such as bats and barn owls and I do not anticipate the proposed development having a significant impact on Great Crested Newts. Consequently no surveys for these species are required to inform the determination of this planning application'

The proposed development may however have an adverse impact upon breeding birds therefore a survey will be required to ascertain whether birds are present. It is considered prudent to attach a condition requiring a survey to check for nesting birds, subject to the imposition of this condition it is considered that the proposal complies with policy NE.9 (Protected Species).

CONCLUSIONS AND REASON(S) FOR THE DECISION

It is accepted that the application site is located in a remote location and in an unsustainable location. However, the proposal serves a specific local need and will generate further employment.

It is considered that the design, scale and form of the buildings would sit comfortably with those in the locality. The development can be accommodated on the site without causing significant harm to the character and appearance of the open countryside or the amenities of nearby residential properties.

There are no significant concerns relating to protected species or loss of trees.

The proposal is therefore in compliance with Policies NE.2 (Open Countryside), NE.9 (Protected Species), BE.1 (Amenity), BE.2 (Design Standards), BE.3 (Access and Parking), BE.4 (Drainage, Utilities and Resources), BE.5 (Infrastructure), BE.6 (Development on Potentially Contaminated Land), E.6 (Employment Development within the Open Countryside) and TRAN.9 (Car Parking Standards) of the Borough of Crewe and Nantwich Replacement Local Plan 2011, and guidance contained within the National Planning Policy Framework.

Approve subject to the following conditions

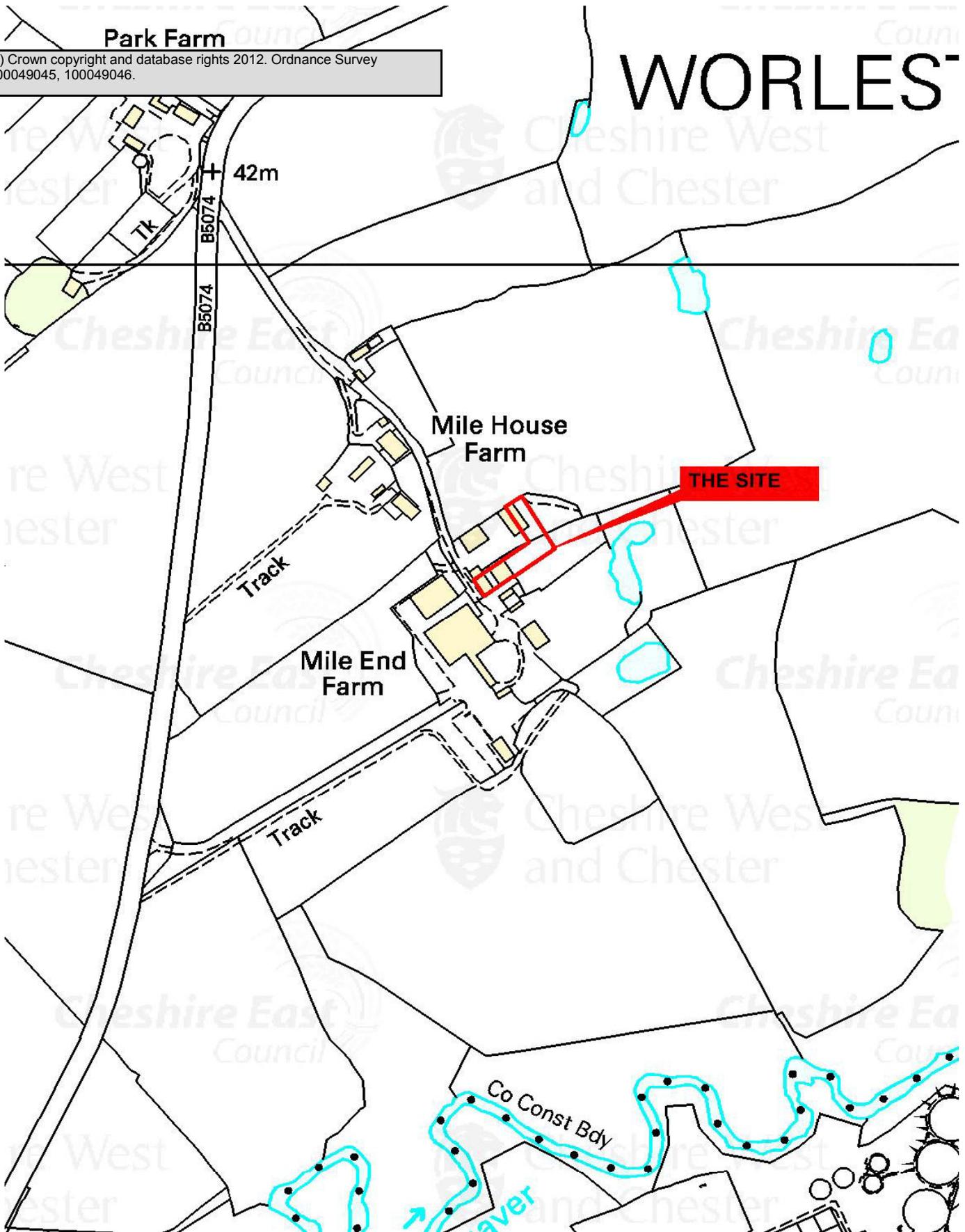
- 1. Standard Time Limit**
- 2. Plan References**
- 3. Materials to be submitted and agreed in writing**
- 4. Details of any external lighting to be submitted and approved**
- 5. Landscaping Submitted**
- 6. Landscaping Implemented**

- 7. Details of boundary treatment to be submitted and approved in writing**
- 8. Surfacing materials**
- 9. Drainage scheme to be submitted and approved in writing**
- 10. Details of secured covered cycle parking to be submitted and agreed in writing**
- 11. Incorporation of sustainable features to be submitted and approved in writing**
- 12. Hours of use of the unit to be submitted and agreed in writing**
- 13. Details of noise reduction measures for the unit to be submitted and approved in writing**
- 14. Travel Plan**
- 15. No outside storage**
- 16. Hours of Construction**
- 17. Hours of Pile Foundation**
- 18. Restrict Use to B2 and B8 for the storage and processing of cheese only**
- 19. Details of the Warning signs to be submitted and agreed**
- 20. Nesting Birds**

Park Farm

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WORLES



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Application No: 12/2794C

Location: SOMERFORD PARK FARM, HOLMES CHAPEL ROAD, SOMERFORD, CONGLETON, CW12 4SW

Proposal: Erection of Veterinary Building

Applicant: Mr Simon King

Expiry Date: 23-Oct-2012

SUMMARY RECOMMENDATION: Approve subject to conditions

MAIN ISSUES:

- Principle of the development
- Design, Siting and Scale
- Appearance
- Amenity
- Highways
- Trees

DESCRIPTION AND SITE CONTEXT

The application relates to the equine veterinary practice, located at this existing, large equestrian facility, situated on the north eastern side of Holmes Chapel Road, Somerford. The land is designated in the local plan as being within the open countryside. There are residential properties to the west and open countryside to all other directions.

This is an extensive equestrian facility that attracts many visitors to the area. The veterinary practice has its equine clinic based at Somerford Park Farm, within existing buildings. The clinic has now outgrown these facilities which no longer provide the amount or standard of accommodation required for the needs of the business.

DETAILS OF PROPOSAL

The proposal is for the erection of a new building which would comprise of the following:

- 10 Stables
- Theatre with dedicated knock down/recovery
- 3 diagnostics rooms
- Foal isolation
- Feed Store
- Staff changing

- Pharmacy
- Client meeting/conference room
- Sterilisation room
- Equipment store
- Offices
- X-ray room
- Laboratory
- Customer waiting
- WC

This would be contained in a single storey building, constructed of block work, vertical metal profiled sheet cladding, with fibre cement profiled sheet for the roof. It would be sited adjacent the existing horse box parking area and opposite the recently erected satellite stable block.

RELEVANT HISTORY

Somerford Park Farm has an extensive planning history; however the most recent and relevant is 11/0561C, for the satellite stable block opposite the site.

POLICIES

National Guidance

National Planning Policy Framework

Regional Spatial Strategy

DP1 Spatial Principles

DP2 Promote Sustainable Communities

RDF2 Rural Areas

Congleton Borough Local Plan First Review 2005

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

PS8 – Open Countryside

GR1 – New Development

GR2 – Design

GR6 – Amenity and Health

GR9 – Parking and Access

RC5 – Equestrian Facilities

NR1 - Trees

E5 – Employment Development in the Open Countryside

CONSIDERATIONS (External to Planning)

Environmental Health:

No objections.

Highways:

No objections.

Jodrell Bank:

Request the inclusion of screening materials in the development.

Natural England:

Do not consider that the proposal would have an adverse impact.

VIEWS OF TOWN/PARISH COUNCIL

Express no objection, but do voice concerns about what other sites within the complex have been considered as there may be a 'creep' of buildings in the south easterly direction.

OTHER REPRESENTATIONS

None received at the time of report writing.

OFFICER APPRAISAL

Principle of Development

The site is designated as being within the open countryside and as such development of facilities for outdoor sport, recreation which preserve the openness of the countryside are considered to be acceptable. Policy RC5 has eight criteria that must be met for equestrian facilities to be considered acceptable, including ecology, impact on landscape, loss of agricultural land, impact on amenity, parking provision and being linked to the bridleway network. It is considered that the proposal would meet these requirements.

Policy E5 allows for the expansion or redevelopment of an existing business, appropriate to a rural area or essential for the continuation of operations which are already on site where there are no suitable existing buildings which could be re-used. It is considered that the proposal meets these requirements.

It is therefore considered that the erection of a new equine, veterinary facility on the site would be acceptable in principle.

Design, Siting and Scale

The proposal is for a single storey building that would reflect the appearance of the other equestrian buildings in terms of design and materials at the site and is considered to be acceptable in design terms. The scale of the building is considered to be acceptable as it is similar to the scale of the existing buildings in close proximity to the site.

The building is to be sited adjacent to the horse box parking area and opposite the new satellite stable building. The proposed siting is considered to be the most appropriate in the context of the existing equestrian facility.

Amenity

Policy GR6 requires that new development should not have an unduly detrimental effect on the amenities of nearby residential properties from loss of privacy, loss of sunlight or daylight, visual intrusion, environmental disturbance or pollution and traffic generation access and parking. Having regard to this proposal, the stable block would be in excess of 40m away from the nearest residential property and as such it is not considered that there would be any adverse impacts on residential amenity.

Highways

The proposal would not lead to any loss of parking spaces and there would be no alteration to the existing access. There would be an adequate level of parking provision within the site and the wider equestrian complex. The proposal is therefore considered to be in compliance with Policy GR9 of the adopted local plan.

Trees and Landscape

The proposed building would be sited in a paddock adjacent to an area used for the storage and parking of horse boxes. The site is bounded by fences with a mature hedge to the A54 road boundary. A landscaping plan has been submitted with the application as has a tree protection method statement. The details shown on the proposed landscape plan are considered to be acceptable as it will provide adequate screening of the site when viewed from the A54. The tree protection method statement is also considered to be acceptable.

The proposal is therefore considered to be acceptable in terms of impact on the local landscape and trees.

Ecology

The application is supported by an extended phase one habitat survey that has been undertaken by a suitably qualified and experienced ecological consultant.

The River Dane Site of Special Scientific Interest (SSSI) is nearby the site, however Natural England do not consider that the development would have any adverse impact on the SSSI.

The proposal is therefore considered to be acceptable in ecological terms.

CONCLUSIONS AND REASONS FOR THE DECISION

In conclusion, the proposed development complies with the relevant policies contained within the adopted local plan. The proposal is of an appropriate scale and design and is therefore recommended for approval.

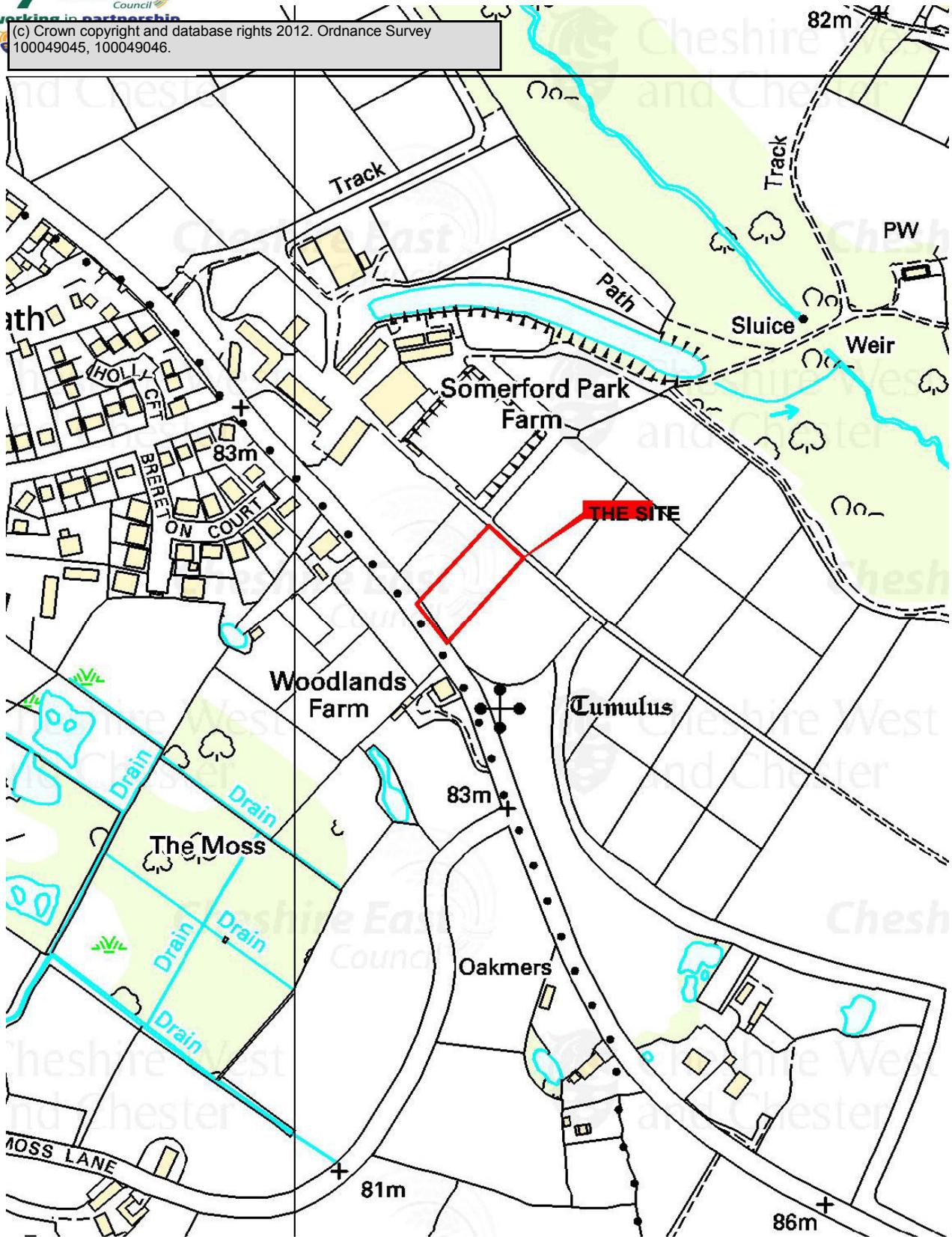
RECOMMENDATION:

Approve subject to the following conditions:

- 1. Commence development within 3 years**
- 2. Development in accordance with agreed drawings**
- 3. Materials as stated in the application**
- 4. Development in accordance with the Tree Protection Method Statement**
- 5. Screening materials to protect the Jodrell Bank Telescope**



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Application No: 12/3234C
Location: Waggon And Horses, WEST ROAD, CONGLETON, CW12 4HB
Proposal: Alterations and extension to existing building.
Applicant: Marston's PLC
Expiry Date: 16-Oct-2012

SUMMARY RECOMMENDATION

Approve with conditions

MAIN ISSUES

- Principle of Development
- Design - Character and Appearance
- Impact on Amenity of Adjacent Properties
- Highways and Parking

1. REASON FOR REFERRAL

This application has been called in for determination by the Southern Planning Committee by Local Ward Councillor Gordon Baxendale. The reasons for calling in the application are as follows:

- Highway grounds and significant loss of amenities, lack of information of change of use to convenience store

2. DESCRIPTION OF SITE AND CONTEXT

This application relates to the site of the Waggon and Horses public house and associated car park, located on the traffic island bounded by West Road and Holmes Chapel Road in Congleton. The former Jewson's builder's merchant is located directly to the south of the site, with the roundabout to the west and residential properties to the north and an adjacent vehicles sales and repair business. The site is within the Congleton Settlement Zone Line as designated in the adopted Congleton Borough Local Plan First Review.

3. DETAILS OF PROPOSAL

This application is for the alteration and extension of the Waggon and Horses public house on West Street in Congleton to facilitate changing the premises into a convenience store. The extensions would attach to the rear west facing elevation where there are already some single storey projections. The extensions would replace an existing open terraced area adjacent to the existing car park.

4. RELEVANT HISTORY

0862/3 - NEW FLOOR AND COVERED WAY TO LADIES TOILET – Permitted 19.11.1974

14404/3 - CONVERSION OF PART OF PREMISES FOR USE AS FISH & CHIP & CHINESE TAKE-AWAY MEAL SHOP – Permitted 14.09.1982

26750/3 - SINGLE STOREY EXTENSIONS AND ALTERATIONS – Permitted 01.12.1994

08/0884/FUL - Erection of gazebo structure to provide a covered external drinking and smoking area – Permitted 22.07.2008

5. POLICIES

Local Plan Policy

PS4	Towns
GR1	General Criteria for Development
GR2	Design
GR4 & GR5	Landscaping
GR6 & GR7	Amenity & Health
GR9 & GR10	Accessibility, Servicing and Parking Provision
GR17	Car Parking
GR18	Traffic Generation
S2	Shopping and Commercial Development Outside Town Centres

Other Material Considerations

National Planning Policy Framework

6. CONSULTATIONS (External to Planning)

Strategic Highways Manager

None received at time of writing report

Environmental Protection:

Recommend Refusal - Reason: Insufficient Information

Insufficient information has been submitted with the application relating to the impact of the development on air quality and noise impact. In the absence of this information; it has not been possible to adequately assess the impact of the proposed development in terms of compliance with material planning considerations.

OPERATIONAL PHASE OF DEVELOPMENT

The main areas of concern regarding noise impact relate to:

a) Deliveries

A delivery bay is not identified on the plans.

(b) New Plant and Equipment

3 No. AC units and a condenser is proposed. No noise data has been submitted regarding the characteristics of the introduction of new noise sources and their impact on the neighbouring residencies.

At this location, the ambient noise level is predominated by road traffic noise. This background noise may mask plant noise through the daytime. However, it is possible that during the night time, when the ambient noise level is lower, the operation of the plant units may become more noticeable.

(c) Waste Storage/ Bin Store / Trolley Park

How shall waste be transferred from the store? What is the proposed frequency of movements? What time of the day shall they take place?

Noise Mitigation Scheme Required

There is insufficient information contained within the application to determine if a loss of amenity caused by noise arising from the proposed development shall result.

The applicant is required to submit a Noise Impact Assessment completed by suitably qualified person/s to determine the noise levels that occupiers in proximity to the proposed site shall be subjected to.

The assessment shall address the issues mentioned above, the hours of operation and any other noise generating activities that the store will contribute, for example operation of roller shutters.

Measurement of the existing background noise level and noise prediction calculations arising from the proposed development shall be detailed. This can be achieved by measurement and/or prediction calculation models, taking into account the combination of the developments individual noise sources and any attenuation afforded by ground, distance and/or barriers. This will enable the applicant to assess in isolation the developments noise impact in order to develop noise mitigation strategies to mitigate the noise impact of the proposed development on residential amenity.

Any mitigation shown as part of the report must demonstrate by measurement or prediction calculation that internal noise levels at sensitive receptors (monitoring point to be agreed) achieves the "good" standard within BS8233:1999 and external noise levels as detailed in WHO Guideline for Community Noise, 1999.

A scheme for the acoustic enclosure of any fans, compressors or other equipment with the potential to create noise shall also be included.

The noise impact assessment shall address the following:

The rating level ($L_{Aeq,T}$) from all fixed plant and machinery associated with the development, when operating simultaneously, shall not exceed the background noise level ($LA_{90,T}$) by more than -10dB at any time when measured at the nearest noise sensitive premises.

Noise measurements and assessments shall be carried out in accordance to BS 4142 "Rating industrial noise affecting mixed residential and industrial areas". 'T' refers to any 1 hour period between 07.00 hrs and 23.00 hrs and any 5 minute period between 23.00 hrs and 07.00 hrs.

The rating level of the noise emitted from the site shall not exceed the existing background level. The measurement and assessment shall be made in accordance with BS4142:1997, Method for Rating Industrial Noise Affecting Mixed Residential and Industrial Areas. The assessment shall detail what steps are to be taken to mitigate any noise disturbance.

BS 4142, BS8233 and World Health Guidelines give values and design ranges for the measurement of noise. It is VERY UNLIKELY that anyone other than a qualified, experienced noise consultant will be able to carry out an assessment of noise. For information the Institute of Acoustics www.ioa.org.uk can provide a list of qualified acousticians.

A representative assessment is required; this will take into account the information provided by the documents above, in addition any special circumstances must be mentioned in any report. e.g. tonal values, impact noise, number and loudness of individual events, weather conditions etc. Shortened measurement periods may be acceptable provided they are agreed in advance.

The noise assessment needs to cover the noisiest periods, taking into account the character of the area.

Hours of Operation

Clarification is sought with regards the hours of operation.

Lighting

Details of the location, height, design, and luminance of any proposed lighting shall be provided.

The details shall ensure the lighting is designed to minimise the potential loss of amenity caused by light spillage onto adjoining properties.

DEMOLITION AND CONSTRUCTION PHASE OF DEVELOPMENT

Hours Of Demolition And Construction

The hours of demolition / construction of the development (and associated deliveries to the site) shall be restricted to:

Monday – Friday 08:00 to 18:00 hrs

Saturday 09:00 to 14:00 hrs

Sundays and Public Holidays Nil

Pile Foundations

All Piling operations shall be undertaken using best practicable means to reduce the impact of noise and vibration on neighbouring sensitive properties. All piling operations shall be restricted to:

Monday – Friday 09:00 – 17:30 hrs

Saturday 09:00 – 13:00 hrs
Sunday and Public Holidays Nil

In addition to the above, prior to the commencement of development the applicant shall submit a method statement, to be approved by the Local Planning Authority. The piling work shall be undertaken in accordance with the approved method statement:

The method statement shall include the following details:

1. Details of the method of piling
2. Days / hours of work
3. Duration of the pile driving operations (expected starting date and completion date)
4. Prior notification to the occupiers of potentially affected properties
5. Details of the responsible person (e.g. site manager / office) who could be contacted in the event of complaint

Floor Floating (Polishing Large Surface Wet Concrete Floors)

All floor floating operations shall be undertaken using best practicable means to reduce the impact of noise and vibration on neighbouring sensitive properties. In addition, prior to the commencement of development the applicant shall submit a method statement, to be approved by the Local Planning Authority. The floor floating work shall be undertaken in accordance with the approved method statement:

The method statement shall include the following details:

1. Details of the method of floor floating
2. Days / hours of work
3. Duration of the floor floating operations (expected starting date and completion date)
4. Prior notification to the occupiers of potentially affected properties
5. Details of the responsible person (e.g. site manager / office) who could be contacted in the event of complaint

Major Development Construction Phase Environmental Management Plan

Prior to the development commencing, an Environmental Management Plan shall be submitted and agreed by the planning authority. The plan shall address the environmental impact in respect of air quality and noise on existing residents during the demolition and construction phase. In particular the plan shall show mitigation measures in respect of;

Noise and disturbance during the construction phase including piling techniques, vibration and noise limits, monitoring methodology, screening, a detailed specification of plant and equipment to be used and construction traffic routes;

Waste Management: There shall be no burning of materials on site during demolition / construction

Dust generation caused by construction activities and proposed mitigation methodology.

The Environmental Management Plan above shall be implemented and in force during the construction phase of the development.

Air Quality

The plans associated with the application appear to show the alterations are for the use of the building as a convenience store

The development lies on the boundary of the A34 West Road Air Quality Management Area which was declared in 2005 as a result of breaches of the European Standard for nitrogen dioxide

Insufficient information has been submitted with the application relating to the impact of the development on local air quality and specifically within the Air Quality Management Area. In the absence of this information, it has not been possible to adequately assess the impact of the proposed development in terms of compliance with material planning considerations.

7. VIEWS OF THE TOWN COUNCIL

Refuse - due to the plans appearing to show the alterations are for the use of the building as a convenience store.

8. OTHER REPRESENTATIONS

A total of 2 letters of representation have been received objecting to this application on the following grounds:

- Local highway network very busy
- Poor access to site for customers and deliveries
- Increased congestion
- Increased noise from deliveries, and compressors running 24hrs a day for the refrigeration or air conditioning units
- Proposed opening hours
- Already enough supermarkets in the area
- Eyesore when coming into Congleton
- Site is not large enough for this type of business or delivery vehicles
- Pelican crossings too close to roundabout raising serious health and safety issues
- Lighting at front of premises

9. APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement

10. OFFICER APPRAISAL

Principle of Development

This application is for the extension and alteration of the Waggon and Horses public house in Congleton. The proposals are to facilitate the change of use of the premises from a drinking establishment (Use Class A4) to a retail convenience store (Use Class A1). The Use Classes Order allows movement between certain use classes without requiring the benefit of planning permission, which includes a permitted change from A4 to A1. Consequently, this application is not to consider the merits of the change of use. The key issues to consider are; the impact of the alterations and extensions on the character and appearance of the site and the area, the impact on the residential amenity afforded to neighbouring properties and other issues raised by representation.

The site is within the Congleton Settlement Zone line where there is a general presumption in favour of development provided that it is in keeping with the towns scale and character and does not conflict with other relevant policies of the local plan. This application is for the extension of existing commercial premises and therefore is acceptable in principle subject to compliance with other material planning considerations.

Design, Appearance and Visual Impact

Local Plan Policies GR1 and GR2 relate to the design of new development and state that all development will be expected to be of a high standard, to conserve or enhance the character of the surrounding area. Matters such as height, scale, form and grouping, materials, the visual, physical and functional relationship of the proposal to neighbouring properties, the streetscene and to the locality generally need to be considered.

The proposed extensions would attach to the rear west facing elevation of the building fronting the car park. There are already 2 single storey projections positioned on each side of the west facing elevation with an open terraced area situated in between and to the left hand side. The proposed extensions would occupy the open terraced area whilst extending the existing single storey projections. Thus, the proposed extensions would span the whole width of the rear elevation.

The extensions would be single storey stretching some 13.9 metres from the main two-storey part. The extensions would respect the scale and proportions of the main two-storey part of the building as it would step down from the main pub allowing the two-storey part to remain dominant. The extension would be well distanced from neighbouring buildings and as the scale would be acceptable.

As viewed from the street, the massing of the side elevations would be broken up with some niches. The extensions would be brick built, roofed with tile and the facades would be rendered to match the main building. The end elevation facing the car park would have 3 apex gable features with valley roof joints which would introduce a frontage and improve the appearance of the back of the building facing the roundabout.

In design terms, the proposed extensions would respect the scale and appearance of the main pub and would not detract from the character or appearance of the area. As such, the design of the proposals is deemed to be acceptable and in compliance with local plan Policies GR1 and GR2.

Impact on the Amenity of adjacent properties

Local Plan Policy GR6 deals with amenity and health and states that any development adjoining or near to residential property will only be permitted where the proposal would not have an unduly detrimental effect on their amenity due to amongst other things, loss of privacy, loss of sunlight and daylight and traffic generation, access and parking.

Owing to its position on a traffic island, the site is detached from neighbouring properties and as such enjoys decent separation with the nearest neighbours. The proposal will not therefore give rise to loss or privacy, loss of sunlight or increased direct overlooking.

Environmental Protection have recommended refusal of the application due to insufficient information relating to the impact on the area in terms of noise and air quality. Conditions have also been suggested to control the permitted hours for deliveries and opening times.

Having regard to these issues, it should be noted that the existing use of the site is as a public house with no planning controls / restrictions over times of opening or deliveries etc. In addition, the proposal does not propose a change of use as this is not required. The building can operate as a retail outlet without the need for planning permission and with no conditions controlling hours of operation and deliveries. As such the recommendation of refusal on the noise grounds and air quality would not be reasonable or sustainable. Hours of construction, piling and floor floating have been recommended, and these are considered to be reasonable and should be imposed.

The goods to be sold at the store would include newspapers and fresh products such as bread and milk. Commodities such as this are usually delivered early, in particular newspapers and it would be unreasonable to restrict the store to these time constraints, especially considering the fall back position and the fact that the existing public house has no limits on the hours of delivery and nor would a shop if the applicant chose to convert the existing building. As such it is recommended that delivery hours be restricted to 6.30am to 7pm and the opening hours to 6.30am to 9pm.

It was also recommended that lighting details be submitted for approval. This detail can be secured by condition. As the proposal does include the provision of 3 A/C and condenser units, it is recommended that a condition requiring details of the acoustic enclosure of these units is submitted and approved before development commences. It is therefore considered that subject to the recommended conditions, there would be no significant adverse impact on the residential amenities of neighbouring properties.

Highways and Parking

The extensions would not encroach onto the existing parking area and as such the number of spaces would not be affected. The car park benefits from 2 points of access, one to the north of the car park off Holmes Chapel Road and the second to the south of the car park off West Road. These would not be altered and it is not considered that the extensions would not give rise to highway safety concerns.

11. CONCLUSIONS

This application is to consider the extension and alteration of the existing Waggon and Horses public house. The proposal is not to consider a change of use to a retail convenience store as this does not require planning permission. The design of the proposed extensions and alterations would be acceptable. The relationship between the development and surrounding residents is considered to be acceptable and the issues of noise identified by Environmental Protection could be dealt with by condition.

The proposed development being considered as part of this application would not adversely affect current parking or highways considerations. The proposed development is therefore considered to be in compliance with the relevant local plan policies and guidance contained within the National Planning Policy Framework.

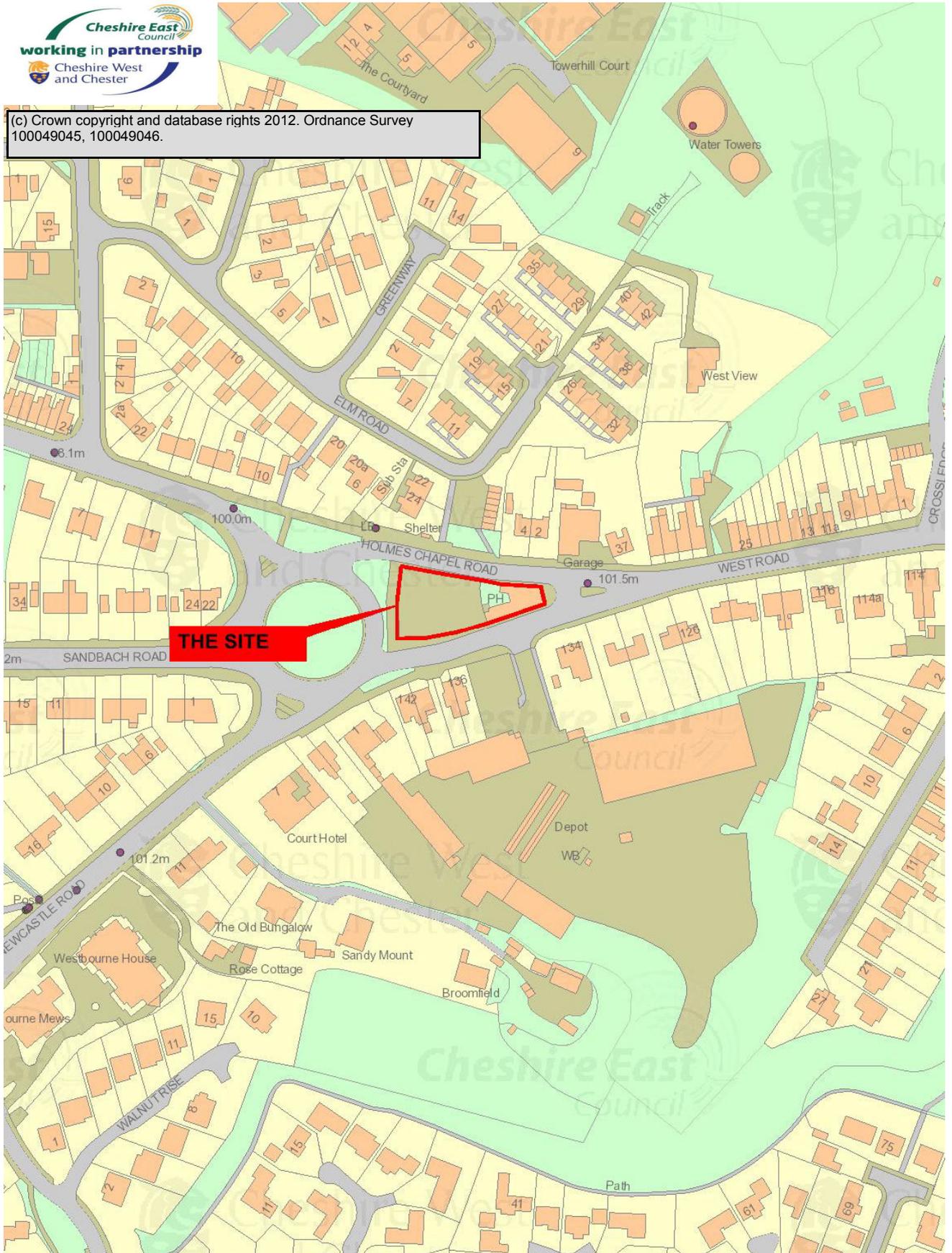
12. RECOMMENDATIONS

APPROVE with conditions

1. Standard time limit
2. Development in accordance with the approved plans
3. Submission and approval of external materials and finishes
4. The maximum weight of vehicles allowed to deliver to the site restricted to a maximum of 7.5 tonnes
5. Deliveries to be to between 0630 to 1900 hours
6. Opening hours to be between 0630 to 2300 hours
7. Details of lighting to be submitted to and approved
8. Details of bin storage to be submitted and approved
9. Details of acoustic enclosure of fans / compressors and noise generating equipment to be submitted and approved
10. Construction hours limited to 0800 to 1800 hours Monday to Friday, 0900 to 1400 hours on Saturdays and no working on Sundays or Public Holidays
11. Submission of a method statement should pile foundations be required
12. Submission of a method statement for any floor floating taking place



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Application No: 12/3464N

Location: LAND TO THE REAR OF 72 BROAD LANE, STAPELEY

Proposal: Construction of a new car park adjacent to the school including relocation of the existing highway access

Applicant: TRUSTEES OF STAPELEY SCHOOL

Expiry Date: 30-Oct-2012

Planning Reference No:	12/3464N
Application Address:	LAND TO THE REAR OF 72 BROAD LANE, STAPELEY
Proposal:	Construction of a new car park adjacent to the school including relocation of the existing highway access
Applicant:	TRUSTEES OF STAPELEY SCHOOL
Application Type:	FULL PLANNING
Ward:	Nantwich South & Stapeley
Registration Date:	4 th September 2012

SUMMARY RECOMMENDATION

Approve subject to S106 (to secure financial contribution) and conditions

MAIN ISSUES

Principle – Open Countryside
 Design
 Amenity
 Ecology
 Highways

REASON FOR REFERRAL

The application has been referred to Southern Planning Committee, as the proposed development would constitute a departure from the Development Plan.

DESCRIPTION OF SITE AND CONTEXT

The application site relates to a parcel of land adjacent to Stapeley Broad Lane Primary School and to the rear of 72 Broad Lane. The site is agricultural land, and part of it has recently been used as a contractors compound area for development works to the school. A field drain runs

to the west of the site with residential properties situated along Broad Lane. The site is situated within the Open Countryside, as defined by the Borough of Crewe and Nantwich Replacement Local Plan 2011.

DETAILS OF PROPOSAL

The application seeks planning permission for a school car park and new access. The access would be situated between the school building and 72 Broad Lane which is a redundant school house.

This application follows the withdrawal of application ref 11/1462N and refusal of 12/0630N.

12/0630N was refused for the following reason:

The application fails to demonstrate the required visibility splays of 2.4m X 90m in both directions, and due to the poor visibility when exiting the proposed access onto A529 the proposal would be unacceptable in highways safety terms. This would be contrary to policy BE3 (Access and Parking) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 which seeks to ensure, amongst other things, that safe vehicular access and egress arrangements should be provided.

The notable change in the current application is that vehicular access point has been repositioned.

RELEVANT HISTORY

12/0630N Construction of a New Car Park Adjacent to the School Including Relocation of the Existing Highway Access (Refused 18th April 2012)

11/1462N Construction of a New Car Park Adjacent to School Including Relocation of the Existing Highway Access (Withdrawn 13th September 2011)

POLICIES

Borough of Crewe and Nantwich Replacement Local Plan 2011

BE1 (Amenity)

BE2 (Design)

BE3 (Access and Parking)

NE9 (Protected Species)

Other Material Considerations

National Planning Policy Framework

CONSULTATIONS (EXTERNAL TO PLANNING)

Highways:

The Strategic Highways Manager has no objection to the application subject to the following:

- Visibility splays and no obstruction above 0.6 metres
- Contribution of £4,000 via a section 106 Agreement towards traffic management measures outside the school
- Internal access gate to be set back as per plan 12183 (4) 001
- Submission of updated school travel plan to address the efficient use of the car park / drop off area and to minimise the amount of on street parking

Ecology:

No comments received at time of report preparation.

Environmental Health:

No objection subject to the following conditions:

(i) The hours of construction of the development (and associated deliveries to the site) shall be restricted to:

Monday – Friday	08:00 to 18:00 hrs
Saturday	09:00 to 14:00 hrs
Sundays and Public Holidays	Nil

VIEWS OF STAPELEY 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, as defined by the Borough of Crewe and Nantwich Replacement Local Plan 2011. Policy NE2 (Open Countryside) provides that development will be permitted which is for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to rural areas.

Whilst not falling specifically within the above categories, significant weight is given to the demands and safe operation of the school, which is an established site within the Open Countryside. The Local Planning Authority would consider a departure from the Development Plan for the provision of a new car park and access, subject to the proposal being acceptable in highways safety terms. The proposal would also be subject to other Local Plan policy considerations BE1 (Amenity), BE2 (Design) and NE9 (Protected Species). These policies seek to ensure, amongst other things, that proposals have an acceptable impact on neighbouring residential amenity; are appropriate in design terms; and do not adversely affect nature conservation interests.

Design

The application includes the provision of a car park and new access off Broad Lane between the school building and property number 72 Broad Lane.

The car park would be situated adjacent to the school site and would accommodate 43No standard parking spaces, 3No disabled spaces, 1No bus space and a drop off zone within the site. The layout of the site is generally dictated by parking standards and turning movements of associated vehicles including delivery vehicles and the school bus. Part of the car park would also be utilised during the daytime as a playground and given this dual use, internal gates and other means of enclosures are identified on the proposed site plan. The application proposes gravel as the surfacing material to the car park which is considered to be acceptable in terms of its appearance having regard to the rural location of the development. A scheme for boundary treatments to the site to incorporate hedgerow planting would be secured by condition in order to ensure adequate screening of the parking area and in the interests of the appearance of the development within the Open Countryside.

The proposal would result in further encroachment into the Open Countryside however the visual impact would be lessened to a degree as the proposal would be seen in the context of adjacent forms of development, in particular the established school site.

Amenity

The proposed access would be sited adjacent to number 72 Broad Lane which is a vacant former school house. The access would be located between this property and the school building. The access would be around 4 metres from the nearest side facing elevation of number 72, however there are no ground floor windows on this gable end, and a side garden area would be retained. The proposal would result in the intensification of vehicle use adjacent to this property at peak school times given the siting of the access. However, there is already an existing level of vehicular activity associated with the school site, with Broad Lane being a main route into Nantwich. As such, high volumes of traffic are an existing feature in this area. Taking this into account, it is not considered that the proposal would result in further significant detriment to the residential amenity of potential future occupiers of this property.

Property numbers 78 and 80 Broad Lane are situated 17 to 20 metres to the east of the application boundary. These dwellings have a good level of screening from existing hedgerow boundaries and further screening would be provided to a degree in the longer term by hedgerow planting to the perimeter boundaries of the proposed car park.

Having regard to the above it is not considered that the proposal would be detrimental to neighbouring residential amenity and would therefore comply with Local Plan policy BE1 (Amenity).

Lighting

The application includes the provision of 6No lighting poles to be positioned within the car park, as shown on the lighting plan. The application form states that these would be 4 metres in height with low lux level lighting. No detailed information has been provided, for example details of the appearance of the lighting columns or hours of use. These details would be

secured by condition for subsequent approval due to the potential impact on the character and appearance of the Open Countryside and visual amenity of the locality.

Ecology

In the previous application 12/0630N there were no nature conservation issues identified and therefore it is unlikely that there would be any adverse impacts associated with the current application.

However ecology comments have not been received at the time of report preparation and these will be provided by update.

Highways

It is accepted that there is an existing parking situation at Stapeley Broad Lane Primary School. The Local Planning Authority has engaged in detailed pre-application discussions with the school's agent and the Highways Authority to develop a suitable solution which would include the provision of a new vehicular access and dedicated car park adjacent to the school. The school has also been advised (through its agent) that it has a responsibility to continue to develop a robust travel plan and engage with pupils, parents and other providers to promote sustainable transport options. It is noted that the current application is not accompanied by an updated travel plan.

The current application follows a previous refusal under application 12/0630N following an objection from the Strategic Highways Manager due to substandard visibility and subsequent highways safety impact. The current application includes a re-positioned access point that would be sited between the school building and number 72 Broad Lane. The plans show that a visibility splay of 2.4m x 90m in both directions can be achieved. However, this would involve the demolition of part of the school building to the Broad Lane frontage in order to achieve this. The school building would be in the non-leading direction and as such the Strategic Highways Manager is satisfied that visibility splay can be reduced in this direction only, in order to avoid having to demolish part of the building. As the visibility splay would be reduced in the non-leading direction it is necessary to ensure that traffic management is put in place to prevent obstruction to the visibility splays. This would be secured through a financial contribution of £4,000 to the Highways Authority, via a Section 106 Legal Agreement.

The current application has overcome the previous reason for refusal of 12/0630N. Subject to conditions and a S106 to secure a financial contribution for traffic management, the Strategic Highways Manager has raised no objection to the application.

The proposal would comply with Local Plan policy BE3 (Access and Parking) which seeks to ensure, amongst other things, that safe vehicular access and egress arrangements are provided.

CONCLUSIONS AND REASONS FOR THE DECISION

The application addresses the previous reason for refusal of planning reference 12/0630N as the access is able to achieve a visibility splay of 2.4m x 90m in the leading direction. Subject to

conditions and traffic management to be secured through a financial contribution via a s106, the proposal would be acceptable in highways safety terms. The proposed development would be contrary to Local Plan policy NE2 (Open Countryside) however, the improvement to highways safety is considered to outweigh the harm to the Open Countryside to allow a departure from the Development Plan. The proposal would not adversely affect neighbouring residential amenity.

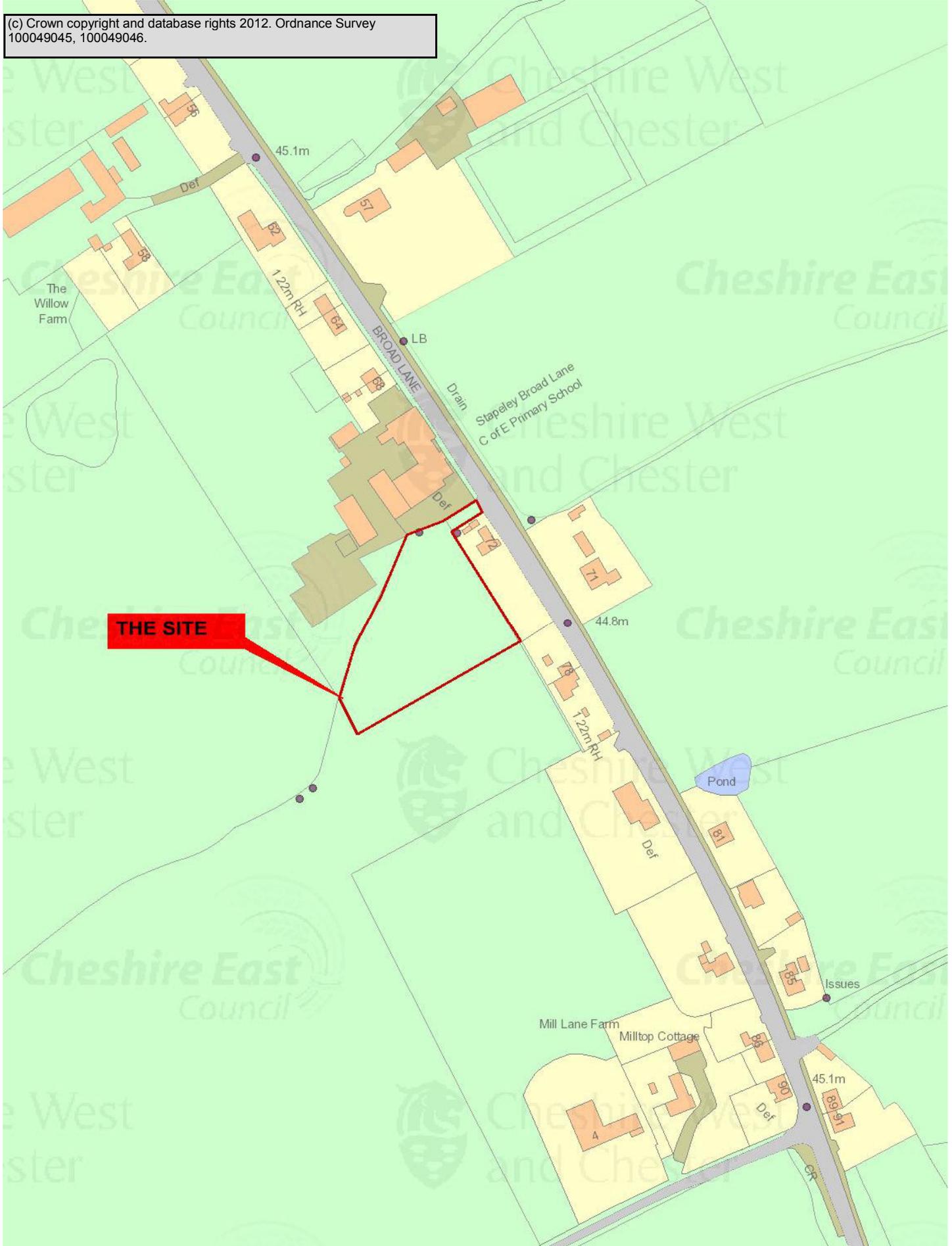
RECOMMENDATION:

The application is recommended for approval subject to the following:

- **no adverse impacts on nature conservation interests**
- **S106 to secure a financial contribution of £4,000 for traffic management**
- **the following conditions**

1. Standard time
2. Approved plans
3. Materials as application
4. Details of lighting columns and hours of use
5. Visibility Splays
6. Internal access gate to be set back as per submitted plan
7. Submission of School Travel Plan
8. Boundary treatments

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Application No: 12/3548N

Location: REASEHEATH COLLEGE, MAIN ROAD, WORLESTON, NANTWICH, CHESHIRE, CW5 6DF

Proposal: PROPOSED 3 STOREY, 150 BED RESIDENTIAL STUDENT ACCOMMODATION BUILDING AND ASSOCIATED LANDSCAPE WORKS.

Applicant: MR MEREDYDD DAVID

Expiry Date: 12-Dec-2012

SUMMARY RECOMMENDATION: Approve subject to conditions

MAIN ISSUES:

- Site History;
- Policy;
- Need for Additional Student Accommodation;
- Design Standards;
- Amenity Considerations;
- Drainage;
- Sustainability of the Site;
- Landscape;
- Highways;
- Public Rights of Way; and
- Ecology

REFFERAL

This application is included on the agenda of the Southern Committee as the proposed floor area of the building exceeds 1000m² and therefore constitutes a major proposal.

DESCRIPTION OF SITE AND CONTEXT

Reaseheath College is located approximately two miles north of Nantwich town centre and is accessed off the A51 ring road. The application site is located on the periphery of the college campus in a prominent position adjacent to Wettenhall Lane. Located immediately to the north of application site is another hall of residence (Windsor Hall) and to the south is Crewe Alexander football training ground. The main college campus is located to the east. The site originally comprised a large wooded area; however, many of these trees which are not protected by a TPO have since been felled. The application site is located just outside the Reaseheath Conservation Area and is wholly within the open countryside.

DETAILS OF PROPOSAL

This is a full application for a three storey student accommodation block comprising 150 bedrooms at Reaseheath College, Wettenhall Road, Nantwich. According to the submitted plans the footprint of the proposed building is shaped like a curved letter 'L'. The building will measure approximately 9.6m high to the roof (and 11.6m high to the top of the roof cowls) and is 11.7m deep by 46m wide and 104m long.

RELEVANT HISTORY

P06/0507 - Demolition of Shed and Erection of Construction Workshop. Approved 4th July 2006

P06/0512 - Change of Use from Manufacturing Building to IT Centre including Demolition of Oil Store and Erection of New Entrance. Approved 4th July 2006

P06/0991 - 96 Bed Two Storey Student Accommodation Building With Associated Car Parking And Landscaping. Approved 4th December 2006

P07/0024 – Erection of Electricity Generation Facility. Approved 26th February 2007

P07/0380 – Erection of Milking Parlour. Approved 21st May 2007

P07/0412 – 4 Isolation Pens. Approved 1st May 2007

P07/0517 – Replacement Animal Care Centre. Approved 20th July 2007

P07/0508 – Extension to Existing Calf House. Approved 31st May 2007

P07/0541 – Demolition of Store and Maintenance Buildings and Construction of Learning Resource Centre and Alterations to Parking. Approved 4th June 2007

P07/0638 – Demolition of Temporary Classroom Block and Construction of a New Estates Maintenance Workshop to Replace Facilities Demolished to make way for the New Learning Resource Centre. Refused 25th June 2007.

P07/0761 – New Engineering Academy Building Approved on 29th August 2007.

P08/1142 - Construction of Barn for Teaching, Barn for Staff/Student Services, Tractor/Tool Store, Landscape Workshop and Teaching Area, 3 Commercial /Teaching Glasshouses, 3 Polytunnels and Associated Works (Development to be Constructed over 2 Phases) – Approved – 11th December 2008

09/1155N - Demolition of the Cross College Building including Student Union Office to make way for the New Student Hub approved under application P08/1126 (Crewe & Nantwich) Conservation Area Consent – Approved – 5th June 2009

09/2160N - Refurbishment and Extension of the Existing Food Processing Department to Accommodate a New Student Training Facility – Approved – 22nd September 2009

10/0279N - Demolition of Single Storey Teaching/Amenity Block and Erection of New Two Storey Food Centre of Excellence for Business and Research Use – Approved – 16th April 2010

10/1345N - Removal of the Existing Flue (1m Diameter by Approx 10m High) and the Addition of Three Smaller Flues (1 x 514mm Diameter by Approx 10m High, 2 x 378mm Diameter by Approx 10m High) – Approved – 11th May 2010

10/3339N - Proposed Extension and Alterations to Provide Extended Catering Facilities, including an Enlarged Kitchen and additional Dining for Students and Staff - Approved

11/2450N - Construction of a New 2 Bay Silage Clamp Extension on Hall Farm within the College Grounds – Approved – 15th August 2011

11/2449N - The Construction of a New Calf House on Hall Farm within the College Grounds – Approved – 26th August 2011

12/1175N – Proposed 3 Storey 150 Bed Residential Student Accommodation Building –
Refused – 16th August 2012

POLICIES

National Policy

The application should be determined in accordance with national guidance set out in:

National Planning Policy Framework

Local Policy

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

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.5	(Nature Conservation and Habitats)
NE.9	(Protected Species)
CF.2	(Community Facilities)
RT.9	(Footpaths and Bridleways)
TRAN.5	(Provision for Cyclists)
TRAN.6	(Cycle Routes)
TRAN.9	(Car Parking Standards)

CONSIDERATIONS (External to Planning)

Ecologist: No objections subject to the following being conditioned no development within the bird breeding season and incorporation of features for birds into the scheme.

Environmental Health: No objection subject to conditions relating to hours of operation, pile foundations, floor floating and lighting.

Air Quality: No objections subject to a scheme to minimise dust emissions arising from the construction of the building.

Contaminated Land: No objection subject to the following informative

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 2012 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.

PROW: No objection subject to details of the cycle route

Sustrans: No objections subject the following

Sustrans currently holds a licence with Reaseheath College for the National Cycle Network route through the grounds linking Nantwich riverside via the toucan crossing of the A51 to the college itself and to Wettenhall Road. The development of the site will affect the route, realigning it at the NW end. We have confirmed to the college's agents that we have no problem with this in principle. The design issues relating to this though that are important are:

- continuity of the route, with surfacing to a bitmac footway standard, with no upstands at joints
- improved signing of the route with stylus signs following the theme of the Nantwich riverside paths
- a raised crossing where the route crosses the car park access road.

As the licence has been in place for 13 years, we would prefer the college to dedicate this route now to the benefit of students and local people. Please can this be discussed as part of this application?

2) Within the design we would like to see cycle storage under cover and at a convenient location for students.

3) Travel planning for the site is important as part of the wider Reaseheath College travel plan.

Highways: No comments received at the time of writing this report

Landscape: No comments received at the time of writing this report

VIEWS OF THE PARISH / TOWN COUNCIL

No comments received at the time of writing this report

OTHER REPRESENTATIONS

No comments received at the time of writing this report

APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement
Tree Survey
Transport Statement
Protected Species Survey

OFFICER APPRAISAL

Site History

Members will recall that planning application (12/1175N) was refused planning permission by the Southern Planning Committee on the 8th August 2012 for the following reasons:

‘The Local Planning Authority considers that the size, siting, scale, form and design of the proposed three storey student accommodation block would represent an unduly prominent feature within the landscape which would have an adverse impact on the character and appearance open countryside and neighbouring buildings contrary to policies NE.2 (Open Countryside) and BE.2 (Design Standards) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and advice advocated within the National Planning Policy Framework’.

‘The proposed development relates to the provision of 150 one bed apartments for student accommodation with the provision of 11 off street parking spaces. This level of parking provision is less than one quarter of the maximum standard identified at Appendix 8.1 of the Local Plan. It is considered that the inadequate levels of parking at the application site will lead to pressure for off road car parking contrary to policy BE.3 (Access and Parking) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and advice advocated within the National Planning Policy Framework’.

Since the issue of the Decision Notice the applicant has been in intensive discussions with Officers to amend the scheme in order to overcome the reasons for refusal.

Policy

The principle issues surrounding the determination of this application is whether the development is in accordance with Policies BE.1 (Amenity), BE.2 (Design Standards), BE.3 (Car Parking and Access), NE.2 (Open Countryside), NE.5 (Nature Conservation and Habitats), NE.9 (Protected Species), TRAN.9 (Car Parking) and CF.2 (Community Facilities) of the Borough of Crewe and Nantwich Replacement Local Plan 2011. These policies seek to ensure that the proposed development respects the scale, form and design of the existing buildings and the general character of the area.

In summary, these policies seek to protect the character and appearance of the open countryside whilst allowing for appropriate development. Policies also protect residential amenity and ensure safe vehicular access and adequate parking. A new building will not be permitted unless it harmonises with its setting and is sympathetic in scale, form and materials to the character of the built form and the area particularly adjacent buildings and spaces.

Need for Additional Student Accommodation

The applicant stresses that the college is in urgent need of additional student accommodation. The college has seen a significant increase in student numbers over the last few years and as such demand outstrips available supply. The college currently lease student

accommodation in Nantwich but the lease for this accommodation is due to expire and will not be renewed.

The applicant has assessed whether the proposed building could be sited at any other location in the campus, but due to various constraints could not be accommodated elsewhere. The applicant was asked whether the number of units could be reduced, but due to the numbers required and economic reasons, this could not be achieved.

Design Standards

This application has been subject to extensive negotiations between officers and the applicant and his agent. However, it is still appreciated that this is a finely balanced application.

Guidance advocated within NPPF supports well designed buildings. Policy BE.2 (Design Standards) is broadly in accordance with this guidance but places greater emphasis on the impact to the streetscene and encouraging development which respects the character, pattern and form of development within the area.

As a matter of fact, the NPPF states *'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'* (paragraph 64)

However, the NPPF clearly states that *'Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is however, proper to seek to promote or reinforce local distinctiveness'* (paragraph 60).

The design of new development should be of a high standard and wherever possible the built environment and surroundings should be enhanced. It is important that the relationship with the existing street scene is considered and improved, and not harmed by new development.

The proposed three storey student accommodation block is located in a prominent position in close proximity to Wettenhall Road. The building will be visible at both long and short ranges as one is driving up and down Wettenhall Road. According to the submitted plans the footprint of the proposed building is shaped like a curved letter 'L'. The building will measure approximately 9.6m high to the roof (and 11.6m high to the top of the roof cowls) and is 11.7m deep by 46m wide and 104m long. There will be some car parking will be located to the front of the building and the cycle shelter will be located to the side. The applicant has submitted plans which show that the highest part of the roof of the student accommodation block is approximately 300mm lower than the neighbouring Crewe Alexander Training Dome. Therefore, the building due to its height will not be overly conspicuous.

According to the submitted plans the proposed building will be constructed out of facing brick, with cedar cladding to the drums at the ends of the building and at other regular along the rear elevation of the building and zinc cladding to the roof cowls. The elevations will comprise of facing brick of differing colours in order to create a contrast and zinc cladding. These materials will be secured by condition, in the event that planning permission is approved.

Members were previously concerned that the building due to its size, siting, scale, form and design would represent an unduly prominent feature within the landscape adjacent to Wettenhall Road and as such would appear as an alien and incongruous feature.

Following negotiations the applicant has made a number of changes to the scheme. The mass of the building is broken up by setting certain sections back, which creates reveals and utilising contrasting materials including glass and different colour facing brick and other materials, including zinc. The height of the building has been reduced by approximately 1.1m and it has been re-sited further away from Wettenhall Road by approximately 22.5m. Furthermore, the building incorporates a partial flat roof and the remainder is a very shallow pitch, which helps to reduce its scale and mass and additionally is broken up by 6 large roof cowls. Whilst it is acknowledged that the roof cowls have been reduced in size, they still appear quite large and appear cumbersome and an additional condition will be attached requesting large scale plans to be submitted and approved to assess the specific detail of these features. In addition to all of the above, the proposed building is located in a much wider landscaped area as the existing central access road has been removed to increase the landscape area.

Located at the ends of the building and at regular intervals along the rear elevation are large drums, which are clad in Cedar. It is considered that these elements add further articulation to the facades by helping to break up the linearity of the longer sections of building and they also add interest and animation to the various elevations. The provision of green roofing to soften the roofscapes, will improve biodiversity and contribute to sustainable drainage. In addition, the applicant is proposing to use green walls on the front elevations of the accommodation block. The use of the green walls is welcomed as it helps to assimilate the proposal into the local environ, which is quite leafy. It is noted that no green walls are proposed on the side elevation facing Wettenhall Road or on the rear elevation facing Crewe Alexander Training ground. In order to help soften these elevations, which could appear quite stark, additional green walls, will be conditioned for these elevations

The agent states that the elevations of the building have been specifically developed to reflect the function of the building, with door and window patterns clearly setting up a rhythm across the façade. It is intended that this, in combination with changes in colour scheme and materials across the façade will create a vibrant and dynamic impression to the overall composition of the building. The agent is aware that the building is contemporary in nature and reflective of the more modern buildings located around the centre of the site. They are aware that the building is located directly opposite Windsor Hall, which is traditional red brick building constructed in the 1920/30's era and they did not want to create a pastiche form of development. It is considered that given the amount of landscaping located to the front and sides of the building, the building will be seen in its own context. This will also help to reduce the overall bulk of the building in its landscape setting.

Internally the building will comprise of entrance foyers, 150 bedrooms, kitchen areas laundry and plant room and refuse store.

Overall, it is considered that the proposed accommodation would be of a modern design and the bulk of the building would be reduced through the staggered elevations and the use of different blocks of material. The use of red facing brick is considered to be acceptable as the neighbouring Windsor Hall has been constructed out of similar material and more modern

materials such as Cedar and Zinc cladding help to break up the scale and mass of the proposal. Additionally, the existing trees around the periphery of the site will help to screen the proposal. It is considered that the proposal complies with policy BE.2 (Design Standards).

Amenity Considerations

Policy BE.1 (Amenity) states that development will be permitted provided that the development is compatible with surrounding land uses, does not prejudice the amenity of future or neighbouring occupiers, does not prejudice the safe movement of traffic and does not cause an increase in air, noise, water pollution which might have an adverse impact on the use of land for other purposes.

It is considered that the development of the site for student accommodation within an existing college campus area is considered to be compatible with the surrounding land uses. The proposals are also unlikely to result in noise, air or water pollution. A principle consideration in determining this application is its effect upon the amenity of adjacent occupants. This primarily includes the residents of Windsor Hall and other residential dwellings within the locality. The general thrust of Policy BE.1 requires that development does not have a prejudicial impact on the amenity of occupiers in an adjacent property.

The neighbouring student accommodation block (Windsor Hall) is located to the north of the application site. It is noted that there are two car parks, (one is located to the front of the proposed student accommodation block and other is to the front of Windsor Hall) in addition there is a large grassed area, which will also be landscaped. The Councils SPD states as a general indication, there should ideally be a distance of 21m between principal elevations and 13.5m between a principal elevation and a side elevation and the case of flats there should be 30m between principal elevations with windows to first floor habitable rooms. According to the submitted plans there is a distance of approximately 75m separating the proposed building from the front elevation of Windsor Hall on the opposite side of the landscaped area. Therefore, it is considered that the proposal will not have a significant detrimental effect on the residential amenities of the occupiers of this property and the proposal accords with Policy BE.1 (Amenity).

The impact upon the residential amenity of nearby residential properties is also a consideration in particular the properties located on Cinder Lane and Holly Bank Farm which are located to the north west of the application site and properties to the south of the application site on Millstone Lane. It is considered that the proposed development will have a marginal impact on the residential amenities of the neighbouring there is a distance in excess of 240m separating the application site from Holly Bank Cottage, 270m from the nearest property on Cinderhill Lane and 320m from the properties on Millstone Lane. Overall, it is considered given the separation distances and intervening vegetation will help to mitigate any negative externalities caused by the proposed development.

Drainage

Development on sites such as this generally reduces the permeability of at least part of the site and changes the site's response to rainfall.

The NPPF states that in order to satisfactorily manage flood risk in new development, appropriate surface water drainage arrangements are required. The guidance also states that surface water arising from a developed site should, as far as possible, be managed in a sustainable manner to mimic the surface water flows arising from the site prior to the proposed development.

It is possible to condition the submission of a satisfactory drainage scheme in order to ensure that any surface water runoff generated by the development is sufficiently discharged. This will probably require the use of Sustainable Drainage Systems (SUDS) which include source control measures, infiltration devices as well as filter strips and swales which mimic natural drainage patterns. Concerns have been raised that if the proposal was to be approved, it will exacerbate flooding in the immediate area and it is considered prudent to attach a condition relating to drainage, if planning permission is to be approved. Furthermore, colleagues in United Utilities have been consulted and raised no objection. Overall, it is considered that the application is in accordance with policy BE.4 (Drainage, Utilities and Resources).

Sustainability of the site

The NPPF identifies that there is a presumption in favour of sustainable development and that significant weight should be attached to proposals which enable economic growth and the delivery of sustainable development. With regard to the urban economy, the Framework advises that developments should be located and designed where practical to:-

- Accommodate the efficient delivery of goods and supplies;
- Give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;
- Create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians;
- Consider the needs people with disabilities by all modes of transport

The document goes onto enunciate that

'Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised'. (paragraph 34).

The site would be sited in a sustainable location alongside the existing student accommodation for Reaseheath College. The site would have easy access to the college, a shop and food outlets. Furthermore, the college is within walking distance of Sainsburys supermarket and Nantwich town centre. A condition relating to secured, covered cycle provision should be attached to any approval. Furthermore, it is considered that, in order to encourage some sustainable forms of transport, a condition relating to a travel plan should be attached to any permission. The NPPF advocates the use of Travel Plan stating:

'All developments which generate significant amounts of movement should be required to provide a travel plan' (Para 36).

Overall, it is considered that the site is in a sustainable location and the proposal is in accordance with Policy BE.3 (Access and Parking) and advice advocated within the National Planning Policy Framework.

Landscape

No comments have been received at the time of writing this report from the Landscape Officer. Members will be updated in the update report once these comments have been received.

Highways

Members were concerned that the previous application provided inadequate levels of parking which could have led to pressure for off road parking. The applicant has attempted to address these issues by altering the access arrangements and increasing the number of car parking spaces.

The access to the proposed student accommodation block would be via the existing access off Wettenhall Road, which will be realigned. A new access road will be formed which will serve Windsor Hall and there will be a new car park to the front of this building (car parking for Windsor Hall is located to the rear) and another car park to the front of the proposed student accommodation block. Both of these car parks will be linked by a new access road. The car parks will be landscaped accordingly. It is considered that there is sufficient space within the site for vehicles to maneuver so that they access/egress the site in a forward gear.

According to the submitted plans, the proposed development would create 150 one bed apartments for student accommodation with a total of 50 (4 of which will be disabled) offstreet car parking spaces. The maximum car parking standards contained in Appendix 8.1 of the Local Plan identify that Use Class C2 (Residential Institutions) requires one car parking for every three beds. This would give a maximum requirement of 50 spaces to serve the development. It is considered that the proposal is in accordance guidance advocated within the Local Plan. Additionally, there are additional car parks within the campus which could be used by students and there is spare capacity. Furthermore, the applicant is proposing a cycle shelter, which could be utilised by students and will provide a sustainable mode of transport and applicant is willing to update their Travel Plan.

Comments from colleagues in Highways are awaited and will be included in the update report.

Public Rights of Way

As part of the application the applicant is proposing to alter and realign the existing cycleway. Therefore, colleagues in the PROW have been consulted and they state that 'The proposed development will affect a footway/cycleway which is operated under licence with Sustrans, the sustainable transport charity, and which forms part of Regional Route No. 75 of the National Cycle Network. The specification, width, signage and alignment of the route will therefore need prior agreement from Sustrans, as will the temporary arrangements for users during the construction period. Consideration should be given to the dedication of this route as a recorded Cycle Track in order that its availability can be secured for future use'. It is considered prudent to attach a condition requiring full detailed specification of the proposed

cycleway. It is considered that the proposal as conditioned complies with policies RT.9 (Footpaths and Bridleways) and TRAN.6 (Cycle Routes).

Ecology

The applicant has submitted a protected species survey to accompany their application and it identified that Great Crested Newts and roosting Bats as being potential ecological constraints on the proposed development. The Councils Ecologist has been consulted and states that he does anticipate the proposed development having an impact upon Badgers, Great Crested Newts or Reptile Species.

The Councils ecologist goes on to state that two trees have been identified on site that have the potential to support roosting bats. From the submitted plans it appears that these trees will be retained as part of the proposed development. Furthermore, to mitigate any impacts on bats due to lighting of the site, should be low level and directional in order to avoid any light spillage onto the adjacent trees and hedgerows. A condition can be attached requiring details of any external lighting to be submitted and agreed. Overall it is considered that the proposal complies with advice advocated within policy NE.9 (Protected Species) and the National Planning Policy Framework.

CONCLUSIONS AND REASON(S) FOR THE DECISION

Having regard to the pattern of existing development in the area and other material considerations, it is concluded that the proposed development would be in accordance with Policies BE.1 (Amenity), BE.2 (Design Standards), BE.3 (Access and Parking), BE.4 (Drainage Utilities and Resources), BE.5 (Infrastructure), NE.5 (Nature Conservation and Habitats), CF.2 (Community Facilities), TRAN.5 (Provision for Cyclists), TRAN.6 (Cycle Routes), TRAN.9 (Car Parking) of the Borough of Crewe and Nantwich Replacement Local Plan 2011, and that it would not materially harm the character or appearance of the area or the privacy and living conditions of neighbouring occupiers and would be acceptable in terms of highway safety.

Approve subject to the following conditions:

- 1. Standard Time Limit**
- 2. Plan References**
- 3. Materials**
- 4. Surfacing Materials**
- 5. Drainage**
- 6. Cycle Shelters**
- 7. Landscaping Submitted**
- 8. Landscaping Implemented**
- 9. Car Parking**
- 10. Travel Plan**
- 11. Roof Cows**
- 12. Tree Protection Measures**
- 13. Lighting Scheme to be Submitted and Approved**
- 14. Hours of Construction**

Monday to Friday	08:00 to 18:00 Hours
Saturdays	09:00 to 14:00 Hours
Sundays and Public Holidays	Nil

15. Pile Foundations

Monday to Friday	08:30 to 17:30 Hours
Saturday	08:30 to 13:00 Hours
Sundays and Public Holidays	Nil

16. Floor Floating

Monday to Friday	07:30 to 20:00 Hours
Saturday	07:30 to 13:00 Hours
Sundays and Public Holidays	Nil

17. Dust Control – in order to minimise dust arising from demolition/construction activities a scheme shall be submitted and approved

18. Features for Breeding Birds

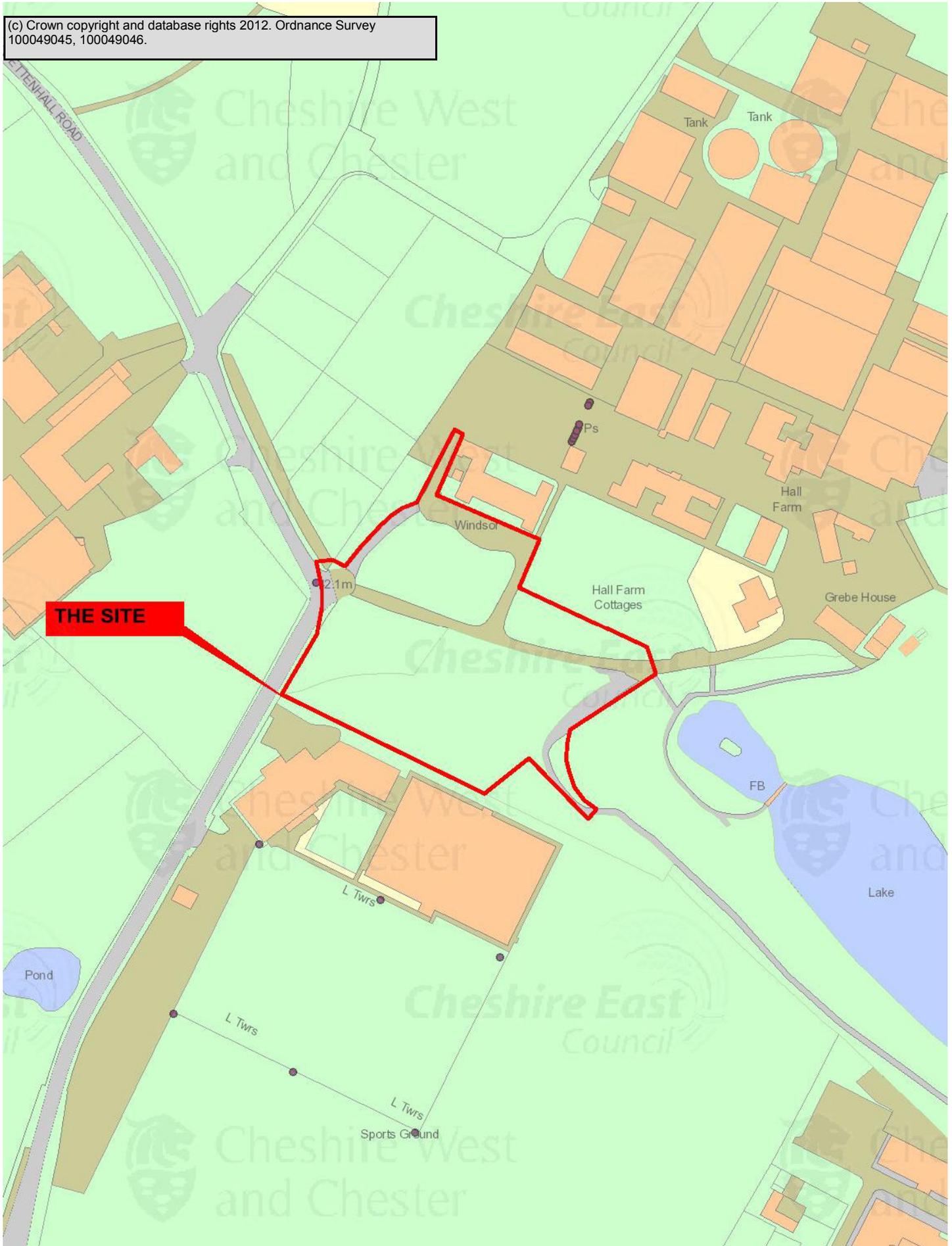
19. No Development within the Bird Breeding Season

20. Additional Green Walls for the elevations facing Wettenhall Road and Crewe Alexander Training Ground.

21. No development shall take place until a scheme to minimise dust emissions arising from construction activities on the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development. The construction phase shall be implemented in accordance with the approved scheme, with the approved dust suppression measures being maintained in a fully functional condition for the duration of the construction phase.

22. Detailed Specification of the cycleway to include width, signage, materials used in the surface and to include any temporary arrangements.

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