

Application No: 10/3506M
Location: WOODSIDE POULTRY FARM, STOCKS LANE, OVER PEOVER,
KNUTSFORD, WA16 8TN
Proposal: CONVERSION OF BARN A INTO OFFICES (USE CLASS B1)
TOGETHER WITH ASSOCIATED PARKING
For DEAN JOHNSON FARMS LIMITED
Registered 01-Sep-2010
Policy Item No
Grid Reference 378113 373964

Date Report Prepared: 13 January 2011

SUMMARY RECOMMENDATION

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

MAIN ISSUES

- Whether the proposal represents inappropriate development in the Green Belt and if so, whether there are any very special circumstances that would outweigh any harm resulting from the proposal
- Whether the design and appearance of the proposed building is acceptable
- Whether the proposal would result in any adverse impact on nearby residents
- Whether access and parking arrangements are suitable
- Whether the impact on ecology is acceptable
- Whether the impact on trees and landscaping is acceptable

REASON FOR REPORT

This application has been referred to the Strategic Planning Board at the discretion of the Head of Planning and Housing.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises an existing former poultry shed constructed from a mixture of block walls and cladding. The existing building has a floor area of 849m² and has external dimensions of 36.2m long x 11.5m wide. It has an eaves height of 4.6m and a ridge height of 6.4m (with a smaller section where the eaves height is 5.8m). The building is set back from Grotto Lane by approximately 13m. There is an existing area of tarmac to the front of the building with grassed areas to the side and rear. The site forms part of a larger site which contains other buildings that were associated with the poultry farm. The site contains a number of existing trees along the south western

and south eastern boundary, with open fields located to the south and open fields and a residential garden area located to the north east.

DETAILS OF PROPOSAL

Planning permission is sought for the conversion of an existing building into offices (Use Class B1) together with associated parking. The building to be converted was previously used in association with a poultry farm that operated from the site. The remainder of buildings on site are proposed to be demolished in connection with another proposal for the erection of 15 affordable dwellings which was granted planning permission subject to the prior completion of a S106 legal agreement at the last meeting of the Board (10/0346M).

RELEVANT HISTORY

02/2275P

Outline Planning

DEMOLITION OF EXISTING BUILDINGS; ERECTION OF 7 DWELLINGS (OUTLINE PERMISSION)

refused 20021120

04/2630P

Full Planning

PART DEMOLITION AND CHANGE OF USE OF EXISTING BUILDINGS TO OFFICES (B1). CREATION OF 56 CAR PARK SPACES (RESUBMISSION 03/2630P).

refused 20041215 APP/C0630/A/05/1178009 Allowed 20060728

10/0346M

Full Planning

Erection of 15 affordable dwellings

Approved subject to the prior completion of a S106 legal agreement (decision yet to be issued)

POLICIES

Regional Spatial Strategy

DP1 Spatial Principles

DP2 Promote Sustainable Communities

DP4 Make the Best Use of Existing Resources and Infrastructure

DP5 Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility

DP7 Promote Environmental Quality

RDF4 Green Belts

W1 Strengthening the Regional Economy

RT2 Managing Travel Demand

RT9 Walking and Cycling

EM1 Integrated Enhancement and Protection of the Region's Environmental Assets
EM2 Remediating Contaminated Land
MCR3 Southern Part of the Manchester City Region

Local Plan Policy

NE11 Nature Conservation
BE1 Design Guidance
GC8 Reuse of Buildings
T2 Integrated Transport Policy
T3 Integrated Transport Policy
T4 Integrated Transport Policy
T5 Integrated Transport Policy
DC2 Extensions and Alterations
DC3 Amenity
DC6 Circulation and Access
DC8 Landscaping
DC9 Tree Protection

Other Material Considerations

PPG2: Green Belts
PPS4: Planning for a Prosperous Economy

CONSULTATIONS (External to Planning)

Highways: no objections subject to an amendment to the car park access.

Environmental Health: no objections subject to conditions regarding contaminated land, hours of HGV deliveries, time restriction on hours of use, car park barrier and control over any fans or air conditioning equipment.

Building Control: no objections as whilst it is considered that the proposals involve major or complete reconstruction of many areas of the building, the proposed alterations of the present scheme have a similarity to those shown on the proposal that was allowed on appeal. Building Control made similar comments about the amount of reconstruction at the time of the appeal but the Planning Inspector considered that the appeal proposal did not involve major or complete reconstruction.

Jodrell Bank: would like to see the incorporation of materials within the proposal to help to reduce the level of electromagnetic interference.

VIEWS OF THE PARISH / TOWN COUNCIL

Peover Superior Parish Council: believe proposal to be contrary to Policy H13 as to develop offices on the same site as affordable houses would adversely affect the amenities of the occupiers of these houses. Presume that the housing scheme will attract families and the increased volume of vehicles,

which an office block would create onto the site, coupled with children playing would in the opinion of the Council affect residents safety. Development of offices goes against the views expressed in the Parish Plan and additional infrastructure will be needed. The Council has had discussions with the applicant regarding the possibility of a combined community/office development within the barn. The Council would be keen to pursue this idea and develop a design which segregated commercial traffic and parking from residential and community use.

OTHER REPRESENTATIONS

To date, 10 representations from 8 different addresses have been received objecting to the proposal. The main points of concern raised are summarised below:

- Proposal would constitute new build offices in the Green Belt and would be inappropriate development
- No need for offices on the site, the fact that there has been planning permission in place for nearly 5 years without development proves this
- Proposed houses have been sited close to properties on Stocks Lane to protect the openness of the Green Belt on the plot where the offices are proposed. The consider this development on that very site would be a perverse deviation from that policy and decision
- New plans constitute major reconstruction which Macclesfield Borough Council previously refused
- Siting offices in a village residential area is inappropriate and the traffic will constitute a danger to children and young families sharing the access road
- No special need to justify this development
- Believe that an application for more low cost houses will follow this application
- Unlimited working hours at the office would cause disruption to the residents living on and adjacent to the site
- Project is designed to maximise the profitability of the site while delivering no discernible value to the village
- Affordable housing approval required the demolition of the barn that is the subject of this application
- Query how the approval of the affordable housing scheme affects the previous office approval
- Previous office permission specified no rebuilding in excess of 35% and stated that no windows would overlook residential properties, this has been totally ignored in this application
- Increasing road traffic on Grotto Lane and Stocks Lane is a major local concern. This will be further exacerbated by the housing scheme and this proposal
- Noted that the Strategic Highways and Transportation Manager considers that the number of parking spaces exceeds maximum standards
- Immediate surrounding roads to the proposed development do not have any pavements and very little verge areas. Any persons walking from this

site to the local playing field exercise areas would have to walk on the road which conveys heavy traffic and is a bus route

- Noted that proposals for a considerable number of affordable houses and commercial premises are being progressed at the neighbouring village of Chelford
- Consider that the site should be returned to agricultural use

APPLICANT'S SUPPORTING INFORMATION

A Planning, Design and Access Statement, a Bat Survey and a Great Crested Newt Report, a Structural Inspection Report, an Environmental Report, an arboricultural report and a Phase 1 & Phase 2 Contaminated Land Site Inspection Report have been submitted in support of the application.

The Planning, Design and Access Statement concludes that:

- The proposed development makes efficient use of an existing former poultry farm replacing it with an office use, the principle of which has already been established
- Adequate levels of car parking can be provided in a safe and secure location
- The conversion has been designed to respect the character of the existing/original building and improve its appearance in the Green Belt
- The proposed redevelopment of the site and new uses would enhance the amenity of neighbouring properties when compared with the lawful use of the site and the extant planning permission
- The development has also been designed to facilitate easy access for vehicles and pedestrians both to the site and within the building
- The proposal is considered to be an acceptable form of development in the Green Belt and would comply with the objectives of PPG2 and GC8 and would not harm the character of the Green Belt or the amenity of neighbouring properties

OFFICER APPRAISAL

Principle of Development

The principle of the re-use of existing buildings in the Green Belt can be acceptable provided that the requirements of paragraphs 3.7 – 3.10 of PPG2 are met together with the requirements of Local Plan policy GC8.

Policy

The policies relevant to the consideration of the application are listed at the policies section of the report.

Green Belt

As stated, the site lies in the Green Belt where the re-use of existing buildings can be acceptable provided that the requirements of PPG2 and Local Plan

Policy GC8 are met. Policy GC8 replicates the guidance contained within paragraph 3.8 of PPG2 and states that the reuse and adaptation of existing buildings in the countryside for commercial, industrial, institutional, recreational uses or as holiday accommodation will not be permitted unless;

- There is no materially greater impact than the present use on the openness of the countryside
- The building is of a permanent and substantial construction capable of being converted without major or complete reconstruction
- The form, bulk and general design of the building is in keeping with its surroundings
- The proposal respects local building styles and materials. The extension of reused buildings and the associated uses of surrounding land must not reduce the openness of the countryside. Within the Green Belt such proposals must not conflict with the purposes of including land in it

Each of these will be addressed in turn.

At the present time the building and the wider site is vacant, though was formerly used as a poultry farm. Additionally, consent exists for the entire site to be redeveloped for offices, including the part of the site covered by the scheme for affordable housing. This consent remains extant and capable of being implemented until 28 July 2011. Having regard to the previous use of the site as a poultry farm and to the extant consent, it is not considered that the proposed office use would have a materially greater impact on the openness of the countryside. Whilst the proposal would involve the provision of a parking area for 32 vehicles and the provision of an access track, the access track would be shared with the associated affordable housing scheme and would be located on the existing built up part of the site. The parking area would be located on part of the site that is currently undeveloped. However, it is closely related to the development on the site, is located to the rear of the building and is well screened to the side and rear by existing vegetation. Additionally, the approved office scheme involved the formation of parking areas to the side and rear of the buildings, partially on undeveloped land. When compared to that scheme, it is not considered that the current parking proposals would have any greater impact on the openness of the Green Belt.

The proposal is described as a conversion and a structural inspection report has been submitted with the application. This has been considered by the Council's Structural Engineer who considers that whilst the building may be of permanent and substantial construction, in his view, the proposal involves major or complete reconstruction of many areas of the building. He notes that the report concludes that the roof cladding and upper wall claddings are to be replaced, that the roof structure is to be strengthened/possibly replaced, the first floor is to have new decking and is to be strengthened, the ground floor is to be replaced at a lower level, the block wall between ground and first floor is to have a new inner block skin and new dividing walls at ground and first floor level are to be introduced to enhance the overall structural integrity of the building. Whilst the structural engineer is concerned about this level of work and whether it meets the test of policy GC8, he notes that similar concerns

were expressed in relation to the proposal that was allowed on appeal and that these concerns were not shared by the Planning Inspector who dealt with the appeal. As the previous consent remains extant, this permission and the considerations of the Planning Inspector who granted the permission are material planning considerations to be given significant weight when determining this application.

When comparing the amount of alteration proposed as part of the previously approved scheme with the current proposal, whilst the amount of alterations are broadly similar, the current proposal includes the introduction of larger openings at ground and first floor level in the end gables and the provision of slightly more openings in the south elevation and more openings in the north elevation. However, in the context of the requirements of policy GC8 and having regard to the comments of the Council's Structural Engineer and the previous Planning Inspector, it is not considered that objections can be raised on the basis of the amount of reconstruction proposed. However, if the Council is minded to approve the application, it is considered that conditions previously imposed relating to the submission of a method statement and retention of the block walls should be attached to any consent granted.

The form, bulk and general design of the proposed building is considered to be in keeping with its surroundings. Whilst the building is utilitarian in design and is a large, bulky structure it is nevertheless an agricultural building which would be expected in the countryside and the design of the proposed conversion would maintain its agricultural appearance. The external appearance of the building, including materials and openings would be the subject of suitably worded conditions should the Council be minded to approve the application and it is considered that the proposal would result in a significant improvement to the appearance of the building above the existing situation.

It is not proposed to extend the building as part of the proposal, and as discussed above, it is not considered that the provision of the parking area and access road would reduce the openness of the Green Belt. Similarly it is not considered that the proposal conflicts with any of the purposes of including land in the Green Belt.

For the above reasons, it is considered that the proposal complies with the requirements of Local Plan policy GC8 and with the requirements of PPG2.

Highways

Vehicular access to the site is to be taken from an amended access point off Grotto Lane which is to be shared with the affordable housing scheme. Parking is to be provided for 32 vehicles.

The Strategic Highways Manager has been consulted on the application and states that given the previous history of the site with the concept of offices being approved, there would be no highways issues raised regarding the principle of office development on the site. It is noted that whilst the 32 spaces

proposed slightly exceeds maximum standards, it is considered that this number of spaces is acceptable. There was some initial concern raised with regard to the access point to the car park as it was originally close to two of the houses proposed by the affordable housing scheme. However an amended plan has subsequently been received moving the access to the car park closer to the building and this is considered to overcome the initial concerns.

A number of highways related concerns were raised by third parties and the Parish Council. In particular concerns have been expressed regarding the impact of the proposal on the volume of traffic on local roads and regarding the safety of future residents of the houses as a result of traffic associated with the proposed office development. Whilst these concerns are noted, it is not considered that the scale of the proposed development is such that the increased volume of traffic on local roads would be significant enough to warrant refusal of the application, particularly given the extant consent for a larger office proposal. With regard to the impact on future residents of the affordable houses, again, this is not considered to be a significant issue given the scale of the proposed office, the relatively short length of the access road and given the fact that all of the houses would have rear gardens and private front garden areas for any children residing in the houses to play in.

Design

As previously stated within the report, the form, bulk and general design of the proposed building is considered to be in keeping with its surroundings. Whilst the building is utilitarian in design and is a large, bulky structure it is nevertheless an agricultural building which would be expected in the countryside and the design of the proposed conversion would maintain its agricultural appearance. Additionally it is not considered that the proposed conversion would be out of keeping with the character and appearance of the proposed affordable houses which have also been designed to have a simple, traditional, rural form.

Amenity

Local Plan policies DC3 and DC38 seek to ensure that new developments do not result in a significant adverse impact on the amenity of nearby residents. In this case, any impact on amenity needs to be considered in the context of any existing residents occupying properties along Stocks Lane and any future residents of the proposed affordable houses.

As originally submitted there was concern regarding the potential for the overlooking of and a loss of privacy to some of the proposed affordable houses. The elevations of the proposed office conversion have subsequently been amended to ensure that all first floor windows in the elevations facing the affordable houses would be obscurely glazed. Additionally a first floor balcony that was proposed on the end gable facing dwellings 14 & 15 has been removed. Officers are now satisfied that this will overcome any issues of overlooking and loss of privacy.

However, the impact of the bulk of the office building on the outlook from the affordable dwellings also needs to be considered. The proposed office would be located parallel but at a slight angle to proposed dwellings 1 to 5, at a distance of between 12.5m and 17m away. The front elevations of dwellings 14 and 15 would face towards and be located 26.5m to 27m away from the side gable of the proposed office. Local Plan policy DC38 provides guidelines on minimum distances between buildings and states that there should be a minimum distance of 21m front to front between buildings where a habitable room faces a non residential building and 14m where a habitable room faces a blank gable. Where there is a difference in levels between buildings, an additional 2m should be added to the distance.

In this case, now that amendments have been made to the scheme, it is considered that in order to meet the guidelines in Policy DC38 there would need to be a minimum distance of 16m between dwelling 1 (single storey) and the office building and a minimum of 14m between the other dwellings and the office. Whilst this distance is not met in respect of all of the dwellings, in this instance it is not considered that the proposal would result in an unacceptable sense of enclosure or be unacceptably overbearing to the proposed affordable dwellings as due to the relative orientation and position of the dwellings and office and the relatively low eaves and ridge height of the office building, a sufficient outlook for the dwellings would be provided.

It is considered that the relationship between the proposed office and other proposed dwellings and dwellings on Stocks Lane is acceptable.

Some concerns were expressed regarding the proposed hours of use of the office and the impact that this would have on nearby residents. Given the potential close proximity of residents within the affordable housing scheme, it is considered that the hours of use of the proposed office should be controlled by a suitably worded condition should the Council be minded to approve the application.

Ecology

The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places, if there is:

- no satisfactory alternative
- no detriment to the maintenance of the species population at favourable conservation status in their natural range
- a specified reason such as imperative, overriding public interest.

The UK implemented the EC Directive in The Conservation (Natural Habitats etc) Regulations 1994 which contain two layers of protection:

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

Circular 6/2005 advises LPAs to give due weight to the presence of a European protected species on a development site to reflect.. [EC] ...requirements ... and this may potentially justify a refusal of planning permission.”

In PPS9 (2005) the Government explains that LPAs “should adhere to the following key principles to ensure that the potential impacts of planning decisions on biodiversity are fully considered..... In taking decisions, [LPAs] should ensure that appropriate weight is attached to protected species... ... Where granting planning permission would result in significant harm [LPAs] will need to be satisfied that the development cannot reasonably be located on any alternative site that would result in less or no harm..... If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused.”

With particular regard to protected species, PPS9 encourages the use of planning conditions or obligations where appropriate and advises, “[LPAs] should refuse permission where harm to the species or their habitats would result unless the need for, and benefits of, the development clearly outweigh that harm.”

The converse of this advice is that if issues of species detriment, development alternatives and public interest seem likely to be satisfied, no impediment to planning permission arises under the Directive and Regulations.

In this case protected species surveys have been undertaken and a number of protected species identified including Great Crested Newts, Bats and Barn Owls. Great Crested Newts are present in garden ponds adjacent to the application site. Mitigation measures have been put forward in the form of amphibian fencing and pitfall trapping in accordance with Natural England guidelines. This is a standard best practice approach and is considered acceptable by the Council’s Nature Conservation Officer. In addition, to compensate for the loss of terrestrial habitat a substantial hibernacula and native species hedgerow is proposed for the north/east boundary of the site and three new ponds are proposed for an area of plantation woodland located off-site but within 250m of the proposed development. The off site works would need to be secured by a S106 legal agreement. The Councils Nature Conservation Officer also notes that the applicants state that the remainder of the plantation could be enhanced through native species planting and advises that to provide an acceptable area of replacement terrestrial habitat to compensate for the loss of habitat to the development the plantation must be managed to increase its value for amphibians and general biodiversity. This matter could be controlled by condition.

In terms of bats, there was evidence of limited bat activity in the form of a feeding perch or temporary roost within one of the buildings on site. The loss of this roost, in the absence of mitigation, is likely to result in a minor impact upon a very small number of individual bats and a negligible impact upon the conservation status of the species as a whole. The submitted report recommends the construction of a replacement bat loft above the building to mitigate for the loss of the roost and details the supervision and timing of the demolition to reduce the risk of killing or injuring any bats that may be present.

The proposed mitigation is considered acceptable in principle however concern has been expressed by the Nature Conservation Officer with regard to the size of the proposed bat loft which is considered to be smaller than that originally agreed in principle. The Nature Conservation Officer therefore initially recommended that a larger bat loft be provided. However it is now acknowledged that the bat loft proposed would be sufficient to mitigate for the loss of the feeding perch/temporary roost that was identified.

In this case it is considered that the tests of the EC Habitats Directive are met in that there is no suitable alternative to the proposal and it is of overriding public interest. The proposal involves the conversion of a disused poultry building as part of the redevelopment of a wider former poultry farm in a rural location. It would enable the site to be redeveloped to provide rural affordable housing and to provide an office in a converted building which would meet local and national housing objectives and would help to compensate for the current shortfall within the Borough. Additionally the scheme would improve the visual amenity of the area. Mitigation measures put forward by the applicants are generally considered acceptable and will serve to adequately mitigate any harm caused.

Landscaping and Trees

There are a number of existing trees on the site and an arboricultural report was submitted with the application. The Council's Forestry Officer raises no objections to the proposal subject to an appropriately worded condition noting that the development proposals can be implemented with the loss of only two trees both of which have been identified as presenting signs of terminal decline. The retained trees can be protected in accordance with current best practice.

Similarly the Council's Landscape Officer raises no objections to the proposal noting that the layout has an acceptable relationship to the site in terms of scale, design and impact on existing features. It is recommended that any approval includes conditions for landscaping, boundary treatments and consideration of any lighting requirements, as these are key features in the success of any detailed scheme.

Other Matters

The sites former use as a poultry farm and proximity to a landfill site means that the Council's Environmental Health department has suggested the

imposition of a suitably worded condition and note regarding contaminated land.

Some concerns have been raised as to whether there is a need for offices, particularly given that the previous approval for offices on the site hasn't been implemented. Whilst these concerns are noted, there is no requirement within Local Plan policy GC8 for the applicant to show that there is a need for the proposed commercial development. It is not therefore considered that objections could be raised in relation to the scheme on that basis.

Heads of Terms

Should the Council be minded to approve the application, a S106 legal agreement would be required to cover the following matters:

- provision of off site ecological works and habitat management plan

CONCLUSIONS AND REASON(S) FOR THE DECISION

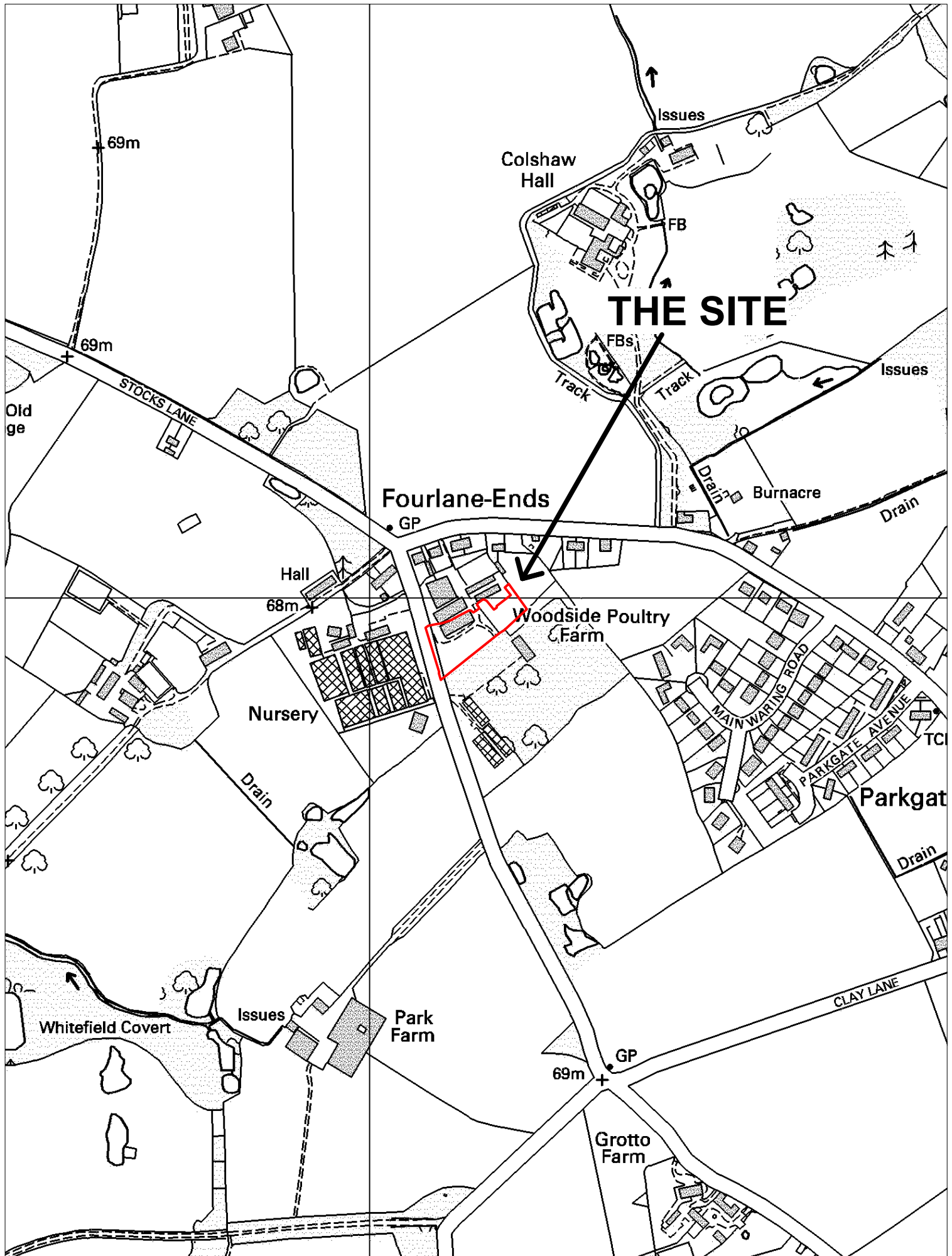
The proposal to convert the existing poultry shed on the site to offices is considered acceptable in principle. The proposal complies with the requirements of PPG2 and Local Plan policy GC8 in that the proposal would not result in a materially greater impact on the Green Belt; the building is of permanent and substantial construction capable of being reused without major or complete reconstruction; the form, bulk and general design of the building is in keeping with its surroundings; the proposal respects local building styles and the associated uses of surrounding land would not reduce the openness of the Green Belt or conflict with the purposes of the Green Belt. Access and parking provision is acceptable as is the impact on ecology and existing trees and landscaping. Now that amendments have been made to the scheme, the relationship between the proposed offices and the recently approved affordable housing scheme is considered acceptable and an acceptable level of residential amenity would be provided for future occupiers of the dwellings.

Application for **Full Planning**

RECOMMENDATION : Approve subject to a Section 106 Agreement and the following conditions

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A01BC - Change of use - no consent for alteration or extension
4. A05BC - Details of means of support
5. A02EX - Submission of samples of building materials
6. A25GR - Obscure glazing requirement

7. A04MC - Electromagnetic protection (Jodrell Bank)
8. A01HP - Provision of car parking
9. A04HP - Provision of cycle parking
- 10.A05HP - Provision of shower, changing, locker and drying facilities
- 11.A07HA - No gates - new access
- 12.A12HA - Closure of access
- 13.A30HA - Protection of highway from mud and debris
- 14.A01LS - Landscaping - submission of details
- 15.A04LS - Landscaping (implementation)
- 16.A02NC - Implementation of ecological report
- 17.A06NC - Protection for breeding birds
- 18.A08MC - Lighting details to be approved
- 19.A14GR - Business hours (excluding Sundays)
- 20.A20GR - Hours of deliveries
- 21.A22GR - Protection from noise during construction (hours of construction)
- 22.A17MC - Decontamination of land (Phase II)
- 23.Provision of car park barrier
- 24.No external fans or air conditioning units to be provided without prior approval
- 25.Submission of method statement
- 26.Retention of block walls
- 27.Construction of new junction prior to construction of any other part of the development
- 28.Construction of highways (manual for streets layout)
- 29.Development to be carried out in accordance with submitted arboricultural report
- 30.Provision of Bat Loft
- 31.Provision of Barn Owl Nesting Boxes
- 32.Provision of facilities for breeding birds



10/3506M WOODSIDE POULTRY FARM, STOCKS LANE, OVER PEOVER, KNUTSFORD, WA16 8TN
 NGR- 378,110:373,970

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