Planning Reference No:	09/3564N
Application Address:	The Maggot Farm, French Lane,
	Baddington, Nantwich
Proposal:	Re-development of Brownfield Site at Hack
	Green Maggot Farm to Include demolition
	of Existing Industrial Buildings and Erection
	of 4 Barn Style Dwellings.
Applicant:	Mr. Harry Moulton
Application Type:	Full Planning Permission
Grid Reference:	364575 348011
Ward:	Cholmondeley
Consultation Expiry Date:	23 rd November 2009
Date for determination:	8 th December 2009

MAIN ISSUES

The main issues are:-

- Principle of the development
- Loss of employment site
- Affordable Housing
- Impact of development on character and appearance of the open countryside
- Impact of the development on highway safety
- Living conditions
- Ecology
- Contaminated land
- Drainage

SUMMARY RECOMMENDATION

Approved subject to Section 106 Agreement and Conditions.

REFERRAL

This application is referred to the Strategic Planning Board because the development is a departure from the Replacement Local Plan.

1. SITE DESCRIPTION AND DETAILS OF PROPOSAL

The application relates to an existing maggot farm, located near the small hamlet of Hack Green, which is approximately 2 miles south of Nantwich. The site is accessed off a track which also serves the Hack Green Secret Bunker tourist attraction. The Shropshire Union Canal is located approximately 300m to the south west of the site.

The site has been operating as a maggot farm for approximately 30 years in which time it has been built up to it's present scale. The farm produces maggots for sale to local fishing shops and anglers. The owners of the maggot farm are now considering alternative uses for the site. This is due to a combination of personal circumstances, the economic climate and complaints form local residents about odours produced by the process.

The site extends to approximately 0.85 acres and comprises 2 steel portal framed buildings, various brick buildings and areas for hard standing. The buildings have a total floor area of around 632sqm and are currently utilised for maggot production (total floor area 236sq.m.). fly house, loading area, refrigeration units, skip area, offices and WC's. There is a small, man-made carp pool to the south of the buildings and the site is currently screened by a line of leylandii to the north west.

The area immediately surrounding the site is predominantly agricultural, with a mixture of grassland and arable cropping, though the Hack Green Secret Nuclear Bunker is to the southwest of the site and dominates the immediate locality. The nearest surrounding residential development comprises Hack House, Hack Farm and New Farm, which are all within 400m of the site.

Proposal

This application seeks consent to demolish the existing buildings and redevelop the site for the provision of 3 barn style dwellings.

2. RELEVANT PLANNING HISTORY

P99/0811	Incinerator and enclosure to burn animal waste – Approved 1999
P93/0989	Renewal of permission for refrigeration and storage building Approved 1994
P91/0023	Renewal of permission for portable building for refrigeration and storage use Approved 1991
7/19336	Single storey Extension to Maggot Farm. – Approved 1991
7/16691	Extension of breeding shed – Approved 1989
7/16057	Renewal of 7/13452
7/13542	Renewal of 7/11481 – Approved 1986
7/11481	Two portable buildings – one to be used as refrigeration unit, the other
	for storage – approved 1984
7/10673	Rebuilding, replacement of air cleaning plant destroyed by fire and roofing – Approved 1984
7/09574	Extension, Scrubbing Tower and External Ducting – Approved 1982

3. PLANNING POLICIES

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

Regional Spatial Strategy

DP1 (Spatial Principles)

DP2 (Promote Sustainable Communities)

DP4 (Make the Best use of Existing Resources and Infrastructure)

DP5 (Manage Travel Demand)

DP7 (Promote Environmental Quality)

DP8 (Mainstreaming Rural Issues)

DP9 (Reduce Emissions and Adapt to Climate Change)

RDF2 (Rural Areas)

L5 (Affordable Housing)

MCR4 (South Cheshire)

Cheshire Replacement Waste Local Plan

Policy 11A (Development and Waste Recycling)

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.6 (Development on Potentially Contaminated Land)

TRAN.9 (Car Parking Standards)

NE.2 (Open Countryside)

NE.5 (Nature Conservation and Habitats)

NE.9 (Protected Species)

RES.5 (Housing in the Open Countryside)

Other Material Considerations

PPS1 (Delivering Sustainable Development)

PPS3 (Housing)

PPS7 (Sustainable Development in Rural Areas)

PPS9 (Biodiversity and Geological Conservation)

PPG13 (Transport)

Interim Statement on Affordable Housing

4. OBSERVATIONS OF CONSULTEES

Highway Authority: There is no increase in vehicle movements as a result of this application and therefore no objection.

Environment Agency: No objections to the proposed development. Note there are no public sewers in the area but the Agency would prefer any foul drainage to be connected to

a main sewer where feasible rather than via a package treatment works and discharge into a nearby small water course. If discharge to a foul sewer is the only feasible option, the tertiary sewage treatment is to be incorporated as part of the whole foul sewage discharge design. Recommend conditions for drainage details and contaminated land survey to be submitted for approval.

Natural England: In summary, taking into account the nature of the application, they advise that surveys for the presence of protected species be carried out prior to planning permission being considered.

Environmental Health: The site is currently in use as a maggot farm and therefore there is potential for contamination of the site. The proposed residential use is considered to be sensitive. Therefore, conditions are recommended requiring a site investigation and any necessary remediation to be carried out prior to commencement of development.

Public Rights of Way: The development does not appear to affect a right of way.

United Utilities: No objection to the proposal.

5. VIEWS OF THE PARISH COUNCIL

Sound and District Parish Council support the application.

6. OTHER REPRESENTATIONS

A letter has been received from the Hack Green Nuclear Bunker Museum making the following points:

- The museum is brightly illuminated with bright tungsten orange lighting
- The museum operates loud public announcements in the carpark every 20 minutes during opening times.
- On a small number of days, the museum uses a large radar dish located adjacent to the proposed development. This rotates at over 35mph and creates a loud droning noise.
- They occasionally run and test a Secomat warning siren, which is very loud
- These may result in complaints from future residents.

7. APPLICANT'S SUPPORTING INFORMATION:

Design and Access Statement

Use:

- The site has operated as a maggot farm for approximately 30 years
- The use involves hatching maggots on rotting meat
- Buildings on sit include covered skip areas, production and loading areas, WC, offices and kitchen, production areas, and fly houses.

- The 5 workers arrive at 5am, carry out work until 8pm and then go out on deliveries for the rest of the day, returning at lunchtime. Around 35 vehicle movements per day are generated.
- The use original fell within a special class of B7 in the Use Classes, Order. However, in 1987, this was amalgamated in class B2 (General Industrial)
- It is proposed to redevelop the site for residential use.
- Although Local Plan policy carries a presumption against residential development in the open countryside
- E, there are other material considerations which need to be taken into account.
- These include the fact that it is a brownfield site, and there have been complaints about the maggot farm from local residents and environmental health.
- The current owner wishes to retire and there is no interest in the farm as a growing concern. Therefore if production ceases there is a risk of the buildings falling into disrepair.
- The current use also adversely impacts on the adjacent tourist destination at the Secret Bunker.

Amount and Scale:

- It is proposed to create 4 open market residential units.

- The units will vary in size from 3,100sq.ft to 2,200sq.ft. which will provide a range of housing
- There will be 2 garage spaces for each unit as well as turning and parking in the courtyard
- The units will be mostly 2 –storey with a small amount of single storey
- The units will be of suitable size and scale of potential occupants whilst being appropriate to appear as converted traditional barns. Thought has been given to the nature of the site and the type of properties seen in the rural area.

Layout:

- The exact layout of the site will be agreed as part of the reserved matters. However, the concept is that the units will be arranged around an open courtyard to create the appearance of a traditional agricultural range of buildings. To the rear of each of the units will be a garden area
- The plan has been carefully designed considering the size and shape of the site and therefore the physical restrictions.

Appearance and Landscaping:

- The proposed units will appear as traditional converted barns. An illustrative elevation plan has been provided to show how they may appear, although this will be dealt with at reserved matters stage
- External materials will be red facing brick with either plain tiles or natural slate. Traditional detailing will be added to eaves and windows and doors will be carefully designed to include large threshing barn doors, arched openings, pitching eyes, vertical boarding etc.
- Roof lights would be conservation style

- There will be no chimneys only metal flues Traditional ventilation and brick details will be provided
- The proposal will significantly improveme the appearance of the site by removing the modern industrial buildings
- The site is not agricultural or rural in nature and has a negative impact on the surrounding area at present.
- There are other residential properties in the area including barn conversions and therefore the proposal would respect its surroundings.
- The existing access to the site will be used and will enter the courtyard to the northwest of the site. Native hedges will extend around the boundary of the site. And small trees and shrubs will be planted.

Access

- Access is via a no through road to the bunker, which is unadopted
- This joins French Lane, which in turn gives access to Cool Lane, which runs between Audlem and Nantwich.
- The existing access will be utilised to give access to the courtyard, within which there will be parking for 2 vehicles per property plus visitor parking. Garages will also be provided
- The proposal will not result in additional vehicle movements, and is likely to result in a reduction. There will also be a significant reduction in heavy commercial traffic to the site
- Visibility at the access is goof in both directions.
- The private access road is capable of accommodating the small amount of traffic from the development, particularly given that the number of vehicles will reduce and the commercial traffic to the magget farm will cease.
- French Lane is very narrow and the reduction in commercial traffic will improve safety and congestion on this road, particularly in the summer when there are a large number of tourists visiting the bunker.
- It is thought that the narrow access is one reason why there has been little interest in a commercial re-use of the site.
- The site is accessible by public transport including regular bus services. D&G Coach and Bus operate regular bus service from Whitchurch to Nantwich and the nearest bus stop is within walking distance (0.6miles)where French lane meets Coole Lane
- There are also school and collage buses which run regularly during term time. Nantwich Railway station is approximately 3 miles from the site.
- The properties will be new-building and constructed to ensure inclusive access and facilities for the disabled as well as current building regulations in respect of pedestrian, vehicle and emergency access.

Supporting Statement

- The proposed scheme is for the redevelopment of a Brownfield industrial site at Hack Green. The site has been operating as a maggot farm but due to the personal circumstances and the economic climate the applicant Mr. Moulton has been considering alternative uses for the site. Mr. Moulton put the property on the market as a bait farm but also stressing the potential for alterative industrial and commercial uses. The property was described as an industrial style property suitable for a variety of uses and is marketed through Buckingham's Property Specialists. The property has been on the market for over 12 months and there has been little demand for the buildings as a maggot farm or indeed any other industrial or commercial use. Having explored alternative uses for the buildings and marketed the property for industrial and commercial uses Mr. Moulton us now looking at the potential of the site for residential development.

- Due to the lack of interest in the site as a going concern for the continued use as a maggot farm, and for alternative industrial / commercial uses, if the maggot farm ceases to operate the buildings will become unused and redundant. This could lead to the buildings falling into a state of disrepair and becoming an eyesore, or even and environmental health issue. Use as a maggot farm also causes problems and as the buildings get older factors such as smell may become more difficult as the equipment gets old and dated. Small scale residential development would involve the demolition of the industrial style buildings and the construction of carefully designed traditional residential units. This would allow the cessation of the maggot farm which causes some local residents distress and also mean that the buildings doe not get left empty and fall into a stated of disrepair.
- Although the saved policies within the Local Plan restrict residential development in the open countryside, other material considerations need to be taken into account and regional and national planning police should also be considered. Small scale residential development would improve the site as the industrial style buildings will be replaced by traditional barn style dwellings more suitable to the area. Three maggot farms would ease to operate, removing a nuisance in the area in terms of smell and flies and commercial vehicles would stop accessing the site. The survey carried out revealed that 72% of local residents responding living within a 1 mile radius of the site are positive about potential small scale residential development. Regional and national policy guidance encourages the re development of Brownfield sites such as the maggot farm site.
- This application provides an opportunity to remove a local nuisance and redevelop the site to provide in keeping dwellings which help to sustain local service. The amenity of the local area will be improved and there is likely to be a knock ion benefit to local tourism. The Council are respectfully asked to show support for this scheme of redevelopment.

8. OFFICER APPRAISAL

Main Issues

The proposal is for the demolition of all the existing buildings, and their replacement with four new dwellings. The main issues are the principle of development, impact on the character and appearance of this area of open countryside, impact on highway safety, and impact on protected species.

Principle of Development.

The site is located in open countryside where policies in the Replacement Local Plan do not allow for the replacement of employment buildings by residential development. Policy RES.5 and NE.2 allow for infilling and agricultural workers dwellings where the functional and financial tests are satisfied. However, the size of the proposed development and its arrangement would not comply with the definition of infilling in the Local Plan. As former employment land, the site does however fall within the definition of Previously Developed Land (PDL) in PPS3. This document emphasises the need to provide market and affordable housing in both urban and rural areas and the need to ensure that housing is made available to all.

The development proposes three open market houses and one affordable dwelling, which would be available on a discounted for sale basis. PPS3 states at paragraph 36 "priority should be for Previously Developed Land, in particular vacant and derelict sites and buildings." Nationally, the government seeks to achieve 60% of housing on PDL. The development of this site would contribute to that target.

PPS 3 also states that Local Authorities should manage their housing provision to provide a five year supply. A report was considered by the Council's Cabinet on 18th October 2010 which noted that following a review undertaken as part of the LDF Annual Monitoring report, as at April 2010 the Council had 4.58 years housing land supply. Consequently at present the Council is unable to demonstrate a five year housing land supply. In such circumstances, PPS3 states, the Council should give favourable consideration to suitable applications for housing in order to address the shortfall.

In considering the use of PDL for housing in rural areas, PPS3 states that not all sites will be suitable for housing and the proposed development site should be considered in relation to policies for sustainable development. The site is located with a small number of other dwellings on French Lane. The site is 3.6 miles from Hankelow and 5.5 miles from Audlem. However, a shorter route is available from the site to Nantwich for walkers and cyclists via the canal tow path.

Loss of Employment Site

Policy E7 of the Local Plan states that development which would cause the loss of an existing employment site to other uses will be permitted where:

- it can be demonstrated that the present use harms the character or amenity of the surrounding adjacent area,
- the site is not capable of satisfactory use for employment and overriding local benefits would come from the proposed development; or
- it can be demonstrated that there would be no detrimental impact on the supply of employment land or premises in the borough

In addition, proposals must be appropriate to the existing form and character of the surrounding area and the proposed use would not be likely to restrict the range of uses which could be carried out by businesses on employment sites in close proximity.

The applicants have provided evidence that the existing maggot farm use has resulted in considerable nuisance to neighbours in terms of odours and has generated a significant number of complaints to environmental health over the time that it has been operating. Consequently, it is considered that present use harms the character and amenitiy of the surrounding adjacent area and there would be overriding local benefits from the proposed redevelopment. Further benefits would arise from the provision of additional housing land to help to meet the Borough wide shortfall and also through the provision of much needed rural affordable housing.

The existing buildings and plant on site are largely very specialized in nature and could not be easily adapted for alternative employment uses, although the 2 large portal framed buildings are more versatile. The site could also be cleared and redeveloped for employment uses. However, the site has been marketed as a potential employment redevelopment opportunity over a period of time without success. The marketing exercise shows that there is no demand for use of these buildings or site. The submission considers that this is because of its remote location, poorly connected to major roads and the condition of the buildings. This demonstrates that the site is not capable of satisfactory use for employment and the proposal therefore complies with Policy E7.

Affordable Housing

Policy RES.7 of the Local Plan states that in settlements of less than 3,000 or less a lower threshold of 5 units is applied and exceptionally, where there is a proven need, the threshold is sites of more than 1 unit. The Council's interim affordable housing policy states that the Council will 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.

Therefore, in view of the location, it is considered that the proposal which is the subject of this application triggers a requirement for affordable housing. The interim policy states that 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%.

In this case four dwellings are proposed, and therefore 30% would equate to 1.2 dwellings, and having regard to the small scale of the scheme, the remote location and the restricted site area, it is considered to be reasonable to round this number down to a single dwelling.

The applicant has agreed to this requirement and is proposing that the affordable unit should be offered on a "discounted for sale" basis. The Interim Policy states that this is an

acceptable form of affordable housing, subject to a minimum of 30% and up to 50% of the market price. In this particular case, the developer has offered to construct a 3 bedroom unit with a 40% discount. The housing section has confirmed that they are happy to accept this offer, subject to the necessary Section 106 Agreement being put into place:

- to ensure that the house is sold at the agreed discounted rate,
- is only available to those in housing need on a 'cascade' basis,
- to ensure that local people in housing need are given priority for the affordable dwellings (with the provision of nomination rights to be given to Cheshire East)
- to ensure that the benefit of below market price housing is available in perpetuity to future occupants.

The proposal therefore complies with Policy Res.7 of the Local Plan and the Cheshire East Interim Policy on Affordable Housing.

Impact on the appearance of the open countryside

The site is clearly visible from the access road to the Secret Bunker Museum and there are number of other roads and rights of way in the area, including the canal towpath. The site is therefore readily visible in the landscape. The layout of the proposed development provides a group of dwellings arranged as a courtyard. It is considered that this arrangement provides an appropriate layout, which will have the same form and appearance as a traditional farmstead and will be contained within the footprint of the existing buildings. It will result in a substantial reduction in built mass and footprint on the site. The development will therefore offer benefits not only in the removal of unsightly buildings but will ensure that the replacement buildings help to create a sense of place which is in keeping with the rural character of the surroundings rather than a suburban cul-de-sac form of development.

The design of the dwellings at this point in time is illustrative. However, the intention is to construct 4 dwellings which reflect the traditional agricultural buildings which can be found in the vicinity, many of which have been converted to residential properties. Given the isolated and rural nature of the site, this approach is considered to be appropriate. The design will be subject to the submission of details at the reserved matters stage.

Highways

In view of the fact that the Strategic Highways Manager confirms that the development will not result in substantially more vehicle movements per day than the existing use of the site it would be difficult to refuse the application on the grounds of highway safety. Whilst the pattern of vehicle movements through the day will be different to the existing use, the amount of traffic generated is at a low level and the loss of the larger vehicles which currently visit the site, as a result of the proposed development, is also a benefit.

Living conditions

With the exception of the Secret Bunker to the south west, the site is entirely surrounded by open countryside. The nature of the use of the bunker site as a museum and offices is such that it will not be adversely affected by the proposed residential development. The nearest neighbouring residential properties are 195m away to the north west. At this distance, it is not considered that there would be any adverse impact on residential amenity as a result of overshadowing or overlooking. Furthermore, the removal of the maggot farm use, which as stated above, has been the source of considerable environmental nuisance complaints over the years, would constitute an improvement in the level of residential amenity afforded to these dwellings.

Regarding the representation from the Secret Bunker in respect of the possible impact of their activities on future occupiers of the site, the applicant has reported that the noise level from the loudspeakers is not excessive. The Council's Environmental Health Officer has confirmed that whenever he has visited the site he has not heard any excessive noise (he has visited on numerous occasions). He has also said that if the noise was excessive, it would constitute a local nuisance and it would be straightforward for the owners to simply turn down the volume. The radar is only turned on occasionally on a few days of the year and Environmental Health has confirmed this would not constitute a major nuisance. The lights are located on the main building some 90m away from the maggot farm site and the applicant has confirmed that the lights principally shine downwards and do not cause a nuisance.

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,

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

and provided that there is

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

The UK implements the Directive in the Conservation of Habitats & Species Regulations 2010 which contain two layers of protection

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

Circular 6/2005 advises LPAs to give due weight to the presence of protected species on a development site to reflect EC requirements. "This may potentially justify a refusal of planning permission."

PPS9 (2005) advises LPAs to 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. In the absence of such alternatives [LPAs] should ensure that, before planning permission is granted, adequate mitigation measures are put in place. Where ... significant harm ... cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused."

PPS9 encourages the use of planning conditions or obligations where appropriate and again advises [LPAs] to "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 detriment to the species, satisfactory alternatives and public interest seem likely to be satisfied, no impediment to planning permission arises under the Directive and Regulations.

Natural England has commented that the existing buildings on site have the potential for bat species. The Council's Ecologist has stated that due to the modern nature of the buildings, it is unlikely that bat species will be present on site. However, he has recommended that a walk-over survey be undertaken to confirm that this is the case. This was awaited at the time of report preparation and an update will be provided to members at their meeting.

Contamination

The Council's Environmental Health officer has commented that site is currently in use as a maggot farm and therefore there is potential for contamination of the site. The proposed residential use is considered to be sensitive. Therefore conditions are recommended requiring a site investigation and any necessary remediation to be carried out prior to commencement of development. Subject to compliance with these conditions it is considered that the proposal will accord with the relevant development plan policies in respect of contaminated land.

Drainage

The Environment Agency and United Utilities do not object to the proposed development. New drainage works will be provided for the new development. It is recommended that conditions be attached to any permission for the submission and approval of a drainage scheme for both foul and surface water treatment for the proposed development. In any

event the development will be required to provide sustainable drainage to ensure that run off does not result in flooding problems elsewhere. However the removal of the large area of built development including existing hardstandings will present a benefit in terms of control of surface water run off.

9. CONCLUSION

The proposal is for the removal of all existing buildings on the site and hardstandings and the provision of 4 new dwellings with associated landscape improvements to the area which was previously occupied by the former maggot farm.

It is considered that the enhancement to the area as a result of the removal of the unsightly buildings and an un-neighbourly use and the provision of new residential units, which will result in a reduction in both the built footprint and also the mass of buildings on the site, represent an enhancement which would justify departing from the normal policy of restraint for residential development, applied to areas of open countryside. The application is therefore recommended for approval as a departure to the development plan. Whilst the site is not within or close to an existing settlement, the site is situated adjacent to a walking and cycling link to Nantwich.

The indicative details of scale, layout and design submitted with the outline application show that the proposed development is appropriate to the location and bearing in mind the buildings presently on the site will not adversely impact on the character and appearance of this area of open countryside but will provide a visual improvement.

The proposal also includes an affordable dwelling which will be provided on a discounted for sale basis, as a 3 bedroom dwelling, which will help to meet the needs for affordable dwellings in the locality.

10. RECOMMENDATION

APPROVE subject to:

Completion of a Section 106 agreement (as detailed in the above report) to secure the use of one of the dwellings as affordable housing on a discounted for sale basis in perpetuity,

and the following conditions:

- 1. Reserved matters to be submitted
- 2. Three years for the submission of reserved matters application
- 3. Implementation within two years from approval of final reserved matters
- 4. Development to be in a courtyard style in general accordance with the indicative layout
- 5. The design of the dwellings shall reflect traditional vernacular agricultural buildings.

- 6. Access in accordance with principle shown on site layout full details to be submitted with reserved matters
- 7. Submission and approval of materials
- 8. Contaminated land survey
- 9. Landscaping scheme for residential development
- 10. Implementation of landscaping scheme and maintenance of it for residential development
- 11. Surface water drainage scheme in accordance with principles of sustainable drainage
- 12. Scheme for the disposal of foul drainage
- 13. The submission of details of the storage and disposal of waste and recyclable materials with reserved matters applications
- 14. Remove Permitted Development rights for the two affordable dwellings

