

Application No: 13/0535C

Location: CHERRY LANE FARM, CHERRY LANE, CHURCH LAWTON,
CHESHIRE, ST7 3QX

Proposal: Demolition of existing barn and construction of four new residential dwellings.

Applicant: Mr & Mrs David Leech

Expiry Date: 07-May-2013

SUMMARY RECOMMENDATION: Approve subject to conditions.

MAIN ISSUES:

**Principle of the Development
Design**

Amenity of Neighbouring Properties

Highway Safety

Ecology

Landscape and Trees

Impact on the Green Belt

REASON FOR REFERRAL

The application has been called in by Councillor Rhoda Bailey on the grounds that: *"The proposal could give rise to issues of the desirability of building on a brownfield site within green belt, the removal of agricultural requirements, and possible overbearing effect on the neighbouring dwelling and business. These matters would be best dealt with by the planning committee."*

DESCRIPTION AND SITE CONTEXT

This application relates to a site currently occupied by former agricultural buildings which is in use by an existing business which supplies hay and fertiliser. It has been confirmed in a previous appeal decision that the use of the site is B8, Storage and Distribution and is therefore considered to be Brownfield.

The site is located on the northern side of Cherry Lane in Church Lawton, which lies within the South Cheshire Green Belt as designated in the adopted Congleton Borough Local Plan First Review.

DETAILS OF PROPOSAL

The application seeks full planning permission for the demolition of the existing barn and the erection of four residential dwellings. The buildings are designed to reflect the rural character of the site and take the form of a barn style building that would house two dwellings, a

building described as the Piggery which would house one dwelling and a building described as the farm house that would also house one dwelling.

RELEVANT HISTORY

23871/3 1992 Approval for change of use from broiler houses to storage and distribution of hay, straw and fertiliser

09/3850C 2010 Withdrawn application for agricultural dwelling

10/2414C 2010 Refused application for agricultural dwelling. Appeal dismissed 2011

POLICIES

National Guidance

National Planning Policy Framework (March 2012)

Regional Spatial Strategy

DP1 Spatial Principles

DP2 Promote Sustainable Communities

DP4 Making the Best Use of Existing Resources and Infrastructure

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

DP7 Promote Environmental Quality

DP9 Reduce Emissions and Adapt to Climate Change

RDF1 Spatial Priorities

RDF2 Rural Areas

L2 Understanding Housing Markets

L4 Regional Housing Provision

L5 Affordable Housing

RT2 Managing Travel Demand

RT9 Walking and Cycling

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

Congleton Local Plan 2005

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

PS7 Green Belt

H1 & H2 Provision of New Housing Development

H6 Residential Development in Open Countryside & Green Belt

GR1 New Development

GR2 Design

GR4 Landscaping

GR6 Amenity and Health

GR7 Pollution

GR9 Accessibility, Servicing and Parking Provision

NR1 Trees and Woodlands

NR2 Statutory Sites

NR3 Habitats

CONSIDERATIONS (External to Planning)

Environmental Protection:

Request that the hours of construction and any necessary piling are limited by condition and that a Phase II Contaminated Land Investigation should be undertaken.

Highways:

No objection to the provision of four dwellings at Cherry Lane Farm, subject to the amendment of the existing agricultural access to form a private drive that accords with the standards prescribed within the Design Guidance. The requirement to alter the access arrangements should be identified within a condition attached to any subsequent planning consent. The applicant will also be required to enter into a S.184 agreement under the Highways Act 1980 for the provision of a footway crossover.

The Design and Access Statement identifies an intention to provide a minimum of two spaces per dwelling. I would recommend that a condition is attached to any subsequent planning consent identifying the requirement to provide parking in accordance with the emerging Cheshire East standards; namely the following:

- Three Bed Dwellings – Two Spaces (no. 2)
- Four Bed Dwellings – Three Spaces (no. 2)

United Utilities

No objections.

VIEWS OF TOWN COUNCIL

Church Lawton Parish Council has several reservations about this site and fully supports the objections of the neighbouring residents.

The Parish Council is particularly concerned with problems already present in Cherry Lane. This is a narrow country lane which has very little maintenance, existing traffic which include the very large straw & hay lorries already operating from the site, Alsager Plant Hire, Garden Nursery, Private cattery & PDSA cattery already encounter problems as detailed below.

The Design & Access statement says that 'the site is well served by vehicular routes via the A50'. The route directly to the A50 via Cherry Lane is a particularly narrow road with a single track bridge over the canal which can only accommodate one vehicle at a time that is situated on a 'blind' bend.

There are many issues with this route and the Parish Council feels that there should be no additional traffic introduced into this area. The alternative route in the other direction to Sandbach Road is regularly used by the straw & hay lorries & is also a 'rat run' at rush hour times to avoid Lawton traffic lights.

It is considered that the site is unsuitable for housing due to :

- a) lack of main sewerage
- b) proximity to existing straw & hay storage business
- c) possible contamination from nearby land used in the past by Twyford's for dumping waste.

It is felt that this latter point should be investigated as Twyford's dumped waste over a period of 5 years in the adjacent field.

The current 'barn' on the site is single storey & the proposed dwellings are double storey. This would mean the proposed properties will be directly overlooking Valley Cottage, kennels & cattery buildings.

The application makes no reference to the fact the proposed dwellings back onto an existing boarding kennel & cattery business which has been in situ for the last 25 years.

There is no need for further housing in this particular location. A recent planning application within half a mile from this site has been approved on a brownfield site for a residential development to provide housing that will amply fulfil the requirements of the National Planning Policy Framework.

For the above reasons the Parish Council feels that whilst this application is for a small number of houses no further development on Cherry Lane is appropriate as it certainly does not need ANY further traffic either using it or accessing it.

The Parish Council therefore request that this application be refused.

OTHER REPRESENTATIONS

Three representations have been received relating to this application, expressing concerns about the following:

- Highway safety
- Additional buildings in the Green Belt
- Drainage
- Misleading information in the application

OFFICER APPRAISAL

Principle of Development

National Planning Policy Framework

The recently published National Planning Policy Framework replaces PPS3 and one of its core principles is that planning should:

“proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made to objectively identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.”

The site is designated as being within the South Cheshire Green Belt where Policy PS7 states that development will not be permitted unless it is for the following:

- Agriculture and forestry;
- Essential facilities for outdoor sport and outdoor recreation, for cemeteries and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of land included within it;
- New dwellings in accordance with Policy H6 and extensions and alterations to existing dwellings in accordance with Policy H16;
- Controlled infilling within those settlements identified in Policy PS7 in accordance with Policy H6;
- Limited affordable housing for local needs which comply with Policy H14;
- Development for employment purposes in accordance with Policy E6;
- The re-use of existing rural buildings in accordance with Policies BH15 and BH16.

The National Planning Policy Framework (NPPF) in paragraph 89 sets out that a Local Planning Authority should regard the construction of new buildings as inappropriate in Green Belt. One of the exceptions to this that it lists in this paragraph is, *“limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.”*

This proposal is for the demolition of the existing barn and construction of four new residential dwellings. In 1992 consent was granted for a change of use to storage and distribution (23871/3). The Inspector in his decision notice for application number 10/2414C confirmed that the site benefits from a B8 Use Class and is therefore classified as brownfield.

The new dwellings would be 1.9 metres higher than the existing barn; however the footprint would be reduced by 559 square metres and the volume reduced by 982 cubic metres. In addition, there would be gaps between the buildings, opening up views through the site, whereas currently there is a building with elevations 35 metres long.

Paragraph 215 of the NPPF states that *“due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)”*. Policies PS7 and H6 do not contain the exception as laid down in paragraph 89 and as such the NPPF takes precedence.

Given the factors addressed above, the proposal is considered to be acceptable in principle as there would be no greater impact on the openness of the Green Belt than that of the existing building on the site. The proposal is therefore in compliance with the National Planning Policy Framework.

Design

The proposal comprises the demolition of the existing redundant barns on the site and replacement with three buildings. The buildings are designed to reflect the rural character of the site and take the form of a barn style building that would house two dwellings, a building

described as the Piggery which would house one dwelling and a building described as the farm house that would also house one dwelling.

The buildings would create what would appear to be a farm complex that would be appropriate to this rural area. The materials used in their construction would be Cheshire brick, slate for the roofs and timber for the windows and doors. It is considered that the design of the buildings is acceptable in this rural location. All three buildings would be two-storey, but would be 1.9 metres higher than the existing building at the ridge, this however is considered to be acceptable due to the reduction in the footprint and volume from that of the existing building. In design terms, the proposal is therefore considered to be in accordance with Policy GR2 of the adopted local plan.

Amenity

Policy GR6 requires that proposals should not result in loss of privacy, sunlight/daylight, visual intrusion, environmental disturbance or pollution or traffic generation, access and parking.

The nearest properties to the application site are Lawton Valley Kennels and Cattery to the south west, (45 Lawton Heath Road) to the north west and Bridge House Farm to the east. All of these properties are in excess of 50 metres away from the proposed dwellings and as such they would not suffer any significant loss of amenity if the application was approved.

The Parish Council have raised the issue of proximity to the existing hay storage business and the kennels and cattery and the possibility of contamination being present in the neighbouring field. It is not considered that the hay storage business or kennels and cattery, would have any significant adverse impact on the amenity of the proposed dwellings. The levels of noise and activity at the hay storage business, due to its size would be acceptable. The distances between the cattery and kennels and the site is in excess of 80 metres.

Having regard to land contamination, the Environmental Protection Section of the Council has requested that a Phase II Land Contamination Assessment is undertaken prior to commencement of development in order to ensure that there are no risks relating to the proposed development.

The proposal is therefore considered to be in compliance with Policy GR6 of the adopted local plan.

Highways

The existing access to the site will be utilised and two parking places provided for each of the dwellings. The objections to the proposal have raised the issue of highway safety; however, given the limited number of dwelling proposed and the resultant additional vehicle movements, it is not considered that a refusal on highway safety grounds could be sustained. In addition the Strategic Highways Manager has no objections to the proposal subject to conditions relating to the access and parking.

The proposal is therefore considered to be acceptable in terms of highway safety and in accordance with Policy GR9 of the adopted local plan.

Ecology - Protected Species & Nature Conservation

No evidence of roosting bats or barn owls was recorded during the survey undertaken and the building subject to this application has limited potential to support these species. It is therefore considered that with the exception of nesting birds protected species do not present a constraint on the proposed development. If consent is granted a condition should be imposed to safeguard breeding birds.

Landscape and Trees

The proposal would retain the existing tree and hedges on the boundary with Cherry Lane and the other boundaries of the site. It is considered that additional planting may be required and as such a condition should be imposed requiring the submission of a landscaping scheme. Tree protection measures should also be secured by condition.

The application states that the boundary treatments would be in the form of post and rail fencing, a condition should be imposed requiring submission of full details of boundary treatments.

Impact on the Green Belt

As stated in the 'Principle' section of this report, paragraph 89 of the NPPF allows for development in the Green Belt on brownfield sites. This is subject to the development not having a greater impact on the openness of the Green Belt. In the case of this proposal the existing building is single storey and the new buildings would be two-storey. However the increase in height would be 1.9 metres; however the proposal would decrease the footprint by 559 square metres and the volume by 982 cubic metres and would open up views through the site. As such it is considered that its impact on the openness of the Green Belt than the existing building.

It is therefore considered that there would be no greater impact on the openness of the Green Belt than that of the existing development, in compliance with paragraph 89 of the NPPF.

CONCLUSIONS AND REASONS FOR THE DECISION

The development would have no greater impact on the openness of the Green Belt and the purpose of including land within it, than the existing development, due to the reduction in the footprint and the volume of development on the site.

The proposal is of an acceptable form that would not cause harm to the visual amenity of the surrounding area. The proposals impact upon neighbouring amenity, protected trees and highway safety would also be acceptable and as such the proposal complies with the relevant local and regional planning policies. The application is therefore recommended for approval accordingly.

RECOMMENDATION: Approve subject to the following conditions:

1. Time limit.
2. Compliance with the approved plans.
3. Submission of details of external materials
4. Submission of a Phase II Contaminated Land Assessment

5. Submission and implementation of a tree protection scheme.
6. Submission and implementation of construction method statement.
7. Submission of landscaping scheme.
8. Implementation of landscaping scheme
9. Submission and implementation of boundary treatment scheme.
10. Hours of construction (including deliveries) limited to 0800 to 1800 Monday to Friday, 0800 to 1400 Saturday with no working on Sundays or Bank Holidays.
11. Submission of details of the method, timing and duration of any pile driving operations.
12. Protection measures for breeding birds.
13. Removal of permitted development rights for extensions outbuildings and boundary treatments

(c) Crown copyright and database rights 2013. Ordnance Survey
100049045, 100049046.

