

<b>Planning Reference No:</b>	09/0819N
<b>Application Address:</b>	Land adjacent Pinnacle Farm, Coole Lane, Newhall, Nantwich, Cheshire
<b>Proposal:</b>	Change of use from Agriculture to Fish Rearing and Angling Centre and Formation of Ponds and Lakes, Erection of Buildings (including temporary dwelling) and Provision of Access and Parking
<b>Applicant:</b>	The Reilly & Seipp Partnership
<b>Application Type:</b>	Full
<b>Grid Reference:</b>	364791 345473
<b>Ward:</b>	Cholmondeley
<b>Earliest Determination Date:</b>	22 <sup>nd</sup> January 2010
<b>Expiry Dated:</b>	6 <sup>th</sup> July 2009
<b>Date of Officer's Site Visit:</b>	20 <sup>th</sup> May 2009
<b>Date Report Prepared:</b>	11 <sup>th</sup> August 2009
<b>Constraints:</b>	None

**SUMMARY RECOMMENDATION: Approve with conditions**

**MAIN ISSUES:**

**Impact of the development on**

- Principle of the development in open countryside
- Impact on landscape character and appearance of the area
- Sustainability
- The justification for an on-site dwelling
- Impact upon highway safety
- Impact upon amenity of adjacent properties
- Impact upon protected ecology and biodiversity
- Impact upon water environment

## **1. REASON FOR REFERRAL**

The application is included on the agenda of the Southern Planning Committee as the site area exceeds 1 hectare. The application was included onto the agenda of the Southern Planning Committee on the 26<sup>th</sup> August 2009 although was deferred to enable members to carry out a site visit and also for further consideration of the need for a workers dwelling. Subsequently the applicant has submitted additional financial information and has also removed the proposed timber dwelling, replacing it with a mobile home and a separate similar structure to provide for officing.

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

The site comprises an overall area of approximately 8 hectares of improved grassland and lies within the open countryside as defined by Policy NE.2 (Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan 2011. The site is predominantly grassland with a road frontage onto Coole Lane, behind mature hedgerows. A number of trees are scattered within the site and along its boundaries. The north eastern boundary of the site is adjoined by a small stream and is demarcated by a simple post and wire fence. To the south west of the site there is a two storey brick dwelling at Pinnacle Farm

which has a large detached timber structure towards the rear of its curtilage. The boundaries with this property also comprise post and rail fencing. To the east the site is adjoined by a dismantled railway line and is defined by a mature hedgerow boundary. Further to the east is the Shropshire Union canal which is partly within an embankment. The site levels vary and fall roughly into the centre of the site and then rise up again towards the eastern boundary. An existing culvert runs diagonally through the site. Access from the site is taken via a field gate onto Coole Lane.

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

Planning permission is sought for the change of use of the site from agriculture to a fish rearing and angling centre which includes the construction of ponds and lakes together with the erection of buildings. These include four polytunnels which would measure 55m in length by 10m in width and 3.5m in height. In addition the application proposes a hatchery building which would be of portal frame construction and clad in profiled metal sheeting and would measure 30m in length by 15m in width and 4 metres in height to ridge. This building would incorporate hatchery tanks and troughs, an office, small laboratory, feed store and staff facilities and toilets. As originally submitted the proposal included a temporary timber dwelling which measured 18m by 12.3m and a height to ridge of 7.5m. However, subsequent to the application being deferred at the Southern Planning Committee meeting of the 26<sup>th</sup> August 2009 the applicant has removed this element from the scheme and instead proposes two mobile homes which will measure approx 18.3m by 6.1m. One of the units would provide living accommodation for the applicant and the second unit will provide for office accommodation for the business. 6 fish rearing pools would be sunk into the ground towards the western part of the site and these would vary in size with the smallest measuring 10m x 9m and the largest measuring 19m x 29m. Finally a small brick toilet block measuring 2.4m x 5.3m is proposed adjacent to a central car park. An internal access road is proposed to link all of the above and a new watercourse, reed beds and nature conservation ponds would link into the existing stream which passes to the north east of the site. The applicant proposes to carry out woodland planting predominantly adjacent to the south eastern edge of the site together with a wildflower meadow adjacent to the south western edge of the site. Several existing trees would be removed within the site and new tree planting would be carried out.

It is estimated to take up to 5 years for the site to become ready for angling as the applicant wishes to undertake the fish rearing on site initially in order to ensure a bio-secure stock of known parentage, history age and disease status in the lakes. Following this the site would then become operational to anglers and the fish production would reduce to that necessary to replenish fish lost through natural mortality and predators. The applicant states that following an initial period of three years an application would be made for a permanent dwelling on the site.

### **4. RELEVANT HISTORY**

Adjacent Site - P08/1239 – Construction of Inland Waterways including Marina Facilities Building, Workshop, Footbridge, Associated Footpaths, Landscaping and Car Parking at Fields off Coole Lane, Audlem. Approved with conditions 21.01.09.

### **5. 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:

### **RSS**

DP.5 (Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility)

DP.7 (Promote Environmental Quality)

RDF.2 (Rural Areas)

W.7 (Principles for Tourism Development)

RT.2 (Managing Travel Demand)

RT.9 (Walking and Cycling)

MCR.4 (South Cheshire)

### **Local Plan Policy**

NE.2 (Open Countryside)

NE.5 (Nature Conservation and Habitats)

NE.9 (Protected Species)

NE.12 (Agricultural Land Quality)

NE.13 (Rural Diversification)

NE.17 (Pollution Control)

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)

BE.4 (Drainage, Utilities and Resources)

BE.5 (Infrastructure)

BE.9 (Listed Buildings: Alterations and Extensions)

E.6 (Employment Development within Open Countryside)

RES.5 (Housing in the Open Countryside)

TRAN.6 (Cycle Routes)

TRAN.9 (Car Parking Standards)

RT.6 (Recreational Uses in the Open Countryside)

### **Other Material Considerations**

PPS.1 (Delivering Sustainable Development)

PPS4 (Planning for Sustainable Economic Growth)

PPS.7 (Sustainable Development in Rural Areas)

PPS.9 (Biodiversity and Geological Conservation)

PPG.13 (Transport)

PPG.17 (Planning for Open Space, Sport and Recreation)

Circular 06/2005: Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System

Guidance on Local Requirements: Biodiversity and Geodiversity Statements (Crewe and Nantwich Borough Council 2008)

Good Practice Guide on Tourism (2006)

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

### **Highways:**

- Coole Lane is derestricted (60mph) and is in a poor state of repair, has low volumes of traffic and several pinch points
- Proposal would require improvement to visibility splays (speed survey requested)

- After receiving the results of the speed survey from the developer, a visibility splay of 2.4m x 120m has been agreed.
- The access will need to be constructed to a width of 5.5m with a radius of 10m and to an adoptable standard for the first 15m
- The access road should be no less than 3m wide with intervisible passing bays along its entire length (total combined width of 5.5m)
- Any gates should be set back at least 10.5m and open inwards
- Subject to the above being carried out under conditions no objections

#### **United Utilities:**

- No objection to the proposal
- UU policy is not to adopt SUDS (Sustainable Urban Drainage Systems)
- UU will only consider adoption of surface water sewers draining to a balancing pond providing a series of conditions are met regarding maintenance by the LA, transfer of land, a deed of "Grant of Rights", measures taken to prevent flooding of properties and a legal agreement is in place between all parties
- Section 104 agreement for surface water sewers draining to the balancing pond will not be entered into until all above conditions are met
- Separate metered supply will be required to the dwelling at applicant's expense

#### **British Waterways:**

- No objections as there would be minimal impact on the canal corridor due to the distance from the canal, intervening screen hedging and on-site landscaping

#### **Environment Agency:**

- No objection in principle
- Requests condition in regard to need for screening to prevent fish from escaping via the overflow channels

#### **Environmental Health:**

- No objections
- Requests conditions in regard to details of lighting, acoustic attenuation of ancillary mounted equipment and location of mobile plant

#### **Cheshire Wildlife Trust:**

- Supports the creation of fishing lakes on agricultural land in principle if the land is intensively farmed and lacking in diversity
- Welcomes introduction of small fish free ponds, reed beds and native planting
- Proposed tree and woodland planting has little structure or connectivity and does not relate to existing corridors
- Excess of proposed amenity grassland
- Curving form of hedge around hatchery building is out of character
- Proposed tree planting is very spotty and serves to emphasise rather than soften alien features
- Woodland planting will shade the water. Woodland shelter planting would be better located in the southwest corner and western boundaries against prevailing winds
- New hedge lines should incorporate oak and ash
- Location of car park will result in disturbance on all four lakes
- There are no inaccessible, disturbance free areas that would benefit wildlife
- Steep sided slopes should be planted with dense native woodland
- Applicant has not indicated where excavated material would be deposited and shaped
- More extensive areas of farmland could be restored to flower rich damp grassland

- Screen planting should be provided around the car park, hatchery, polytunnels and new buildings
- Views from Coole Lane and canal towpath which are not considered in the D&A statement should be screened as appropriate
- Bird and bat boxes should be provided at suitable locations
- Introduction of more variety would benefit wildlife and increase attractiveness of the site
- Opportunity to increase biodiversity
- Applicant should be asked to provide details of how they intend to control protected species
- Ecological survey does not indicate whether a search for existing species records was carried out
- Applicant does not appear to have considered the overall landscape, visual and ecological impact of the proposal and its cumulative impact with the recently approved marina.

**Report on the acceptability of the proposed temporary dwelling** (Prepared by I.D. Williams BSc. (Hons), M.A., AIEMA, Reading Agricultural Consultants – Instructed by Cheshire East Borough Council).

### Comments on Original Scheme

As outlined in the agenda report the Council have instructed Reading Agricultural Consultants to carry out a desk based assessment and advise on the acceptability of the proposed temporary dwelling and specifically whether it is considered, based on the information submitted in support of the application to comply with the requirements for functional workers dwellings in Annex A of PPS.7 and the Local Plan Policy RES.5.

Main points of the report are:

- Applicants have made a significant investment in purchasing the land and in preparing the planning application which can be considered partial evidence of an intention to develop the business
- No mention is made of appointing a manager for the development and assistance from consultants cannot replace the experience required when dealing with large amounts of valuable stock
- In the absence of any demonstrable experience on behalf of the applicants and bearing in mind this is a desk based assessment, cannot conclude that the applicant's have the necessary ability to develop the proposed business

### Functional Test

- Rapid response is required to monitor the equipment and deal with common problems such as predators and to monitor oxygen and water levels in the ponds
- It is considered that the proposed development would be very labour intensive and that a key worker should be readily available on the holding at all times – the functional test is therefore met

### Financial Test

- Application must be self sustaining and capable of producing a return on capital invested
- Supplied budget gives a Net revenue of £29,021 for the third year of operations and equates to a gross profit less 'harvesting and indirect costs'. The term 'harvesting and indirect costs' is very vague and appears calculated on the basis of being 20% of the gross profit of the business. This does not provide clear evidence of being planned on a sound financial basis and not a very accurate way of producing a budget for such a business

- Concerned that the figures are too vague and that limited credence can be placed on the accuracy of the three year budget for the proposed business
- Whilst the budgeted profit shows an excess of some £2000 over the notional costs of the business, the basis upon which the costs have been determined are vague
- It is not accepted that proper evidence has been provided to show that the proposal has been planned on a sound financial basis

#### Other matters

- Proposed dwelling is larger than the floor area defined in Policy RES.5
- Cost of temporary dwelling is considerable for a temporary building which would normally be required to be removed from the site after three years
- Upper floor of the proposed dwelling is only accessible from the private quarters and need for additional office space must be questioned given that office space is already identified in the hatchery building
- Proposed structure is not designed to be temporary and falls foul of the requirement in Annex A of PPS.7
- Although the dwelling is intended for another fishery use in due course, this presupposes that the venture will be viable which cannot be assured at this stage
- Previous appeal decision referred to where a proposed log cabin was not deemed to be a temporary building due to the works required to remove it being considerable.

#### Comments on Amended plans and additional information

The main points are:

- The applicants have attempted to address the concerns relating to the size, scale and nature of the temporary dwelling by replacing the large two-storey log cabin with two wood-clad mobile homes. The structures are clearly of a temporary nature, being supported by legs or small wheels and would satisfy paragraph 12 to Annex A of PPS7 in that they can be easily removed from the site
- The original temporary dwelling conflicted with the size requirement of Policy RES.5. The new proposal is more reasonable being some 6.1 metres x 18.3 metres
- A similarly sized office suite is now proposed adjacent to the temporary dwelling. This would be in addition to the 'wet office' facilities in the hatchery building. The mobile home office would be used as an administration centre for the business whilst the wet office would be used to record data from the hatchery; dual use being incompatible due to operating conditions
- In terms of the issue of experience, a letter from Mr Bruno Broughton (Fisheries Management Consultant) has largely allayed these concerns as his experience would be available to the applicants as the unit is developed. The letters of support demonstrate that the applicants have considered their proposals thoroughly from a business perspective
- The applicants have also provided details of the items included in 'harvesting and indirect costs' which was an all encompassing phrase used in the original report. The term is stated to include a wide range of costs including; seasonal and casual labour, delivery costs, repairs and maintenance, advertising and marketing, office costs and telephone, professional fees, insurance, business rates and sundry costs
- It had been accepted that the proposed business was financially viable under the budgeted costs presented in the original application. The applicants have now demonstrated that their original budgeted revenue was underestimated, thereby producing a larger than previously expected budget profit. The reviewed budget is considered to be acceptable
- The applicant has also submitted a Geology Report following soil investigations by Whitchurch-based contractor D R Swain & Son. This is in response to local objectors who

believe that the soil will not sustain ponds or lakes due to its porous nature. The report concludes that there is *'a continuous layer of clay beneath the top soil'* which is capable of sustaining the proposed ponds and lakes. However this is not backed up by any data obtained from trial pits or detailed geological maps which would be expected. In a response to these questions it is stated that the trial pit soil was not analysed by a soil laboratory but reliance was made of the on-site visual assessments by the contractor who *'was in no doubt that the clay was of excellent quality and suitable for the lake-construction exercise'*. The sites suitability was reinforced by the presence of other lakes in the vicinity and consequently it was *'not considered necessary to remove samples of excavated material for a more detailed analysis'*. This omission is quite surprising given the cost and depth of information supplied for other aspects of the lake and fishery development

- In spite of some areas of vagueness over some of the costs and the lack of empirical data for the soils, the application appears to satisfy all aspects of PPS7 concerning temporary dwellings and is in accordance with Policy RES.5 of the Borough of Crewe and Nantwich Replacement Local Plan 2011

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

### **Newhall Parish Council:**

- Objects
- Not convinced that there is a need for residential development of the type and scale proposed

## **8. OTHER REPRESENTATIONS:**

Objections received from the occupiers of Hopwood House, School Lane, Bunbury; Smithy House, Coole Pilate; Pinnacle Farm, Coole Lane; 2 Sandown Reach, Coole Lane; Pinnacle House, Coole Lane; 1 Sandown Reach, Coole Lane; Wheelwright Cottage, Woore Road; Manor Cottage, Coole Lane; Hollin Green Farm, Hollin Green Lane, The Beeches, Coole Lane, Newhall, Old Hall Farm, Coole Lane and 1 anonymous letter

Main concerns are as follows:

- Recent application for a Marina was approved without due process being followed
- Marina will greatly increase traffic volumes on Coole Lane
- Traffic flows predicted by applicant are inaccurate – why are 38 car parking spaces proposed?
- Why is there a need for a further 6 car parking spaces if only 2-3 staff are expected
- Access is located on a bad bend
- Recent near misses on Coole Lane and an accident last year witnessed
- Lane is prone to fog in winter months
- Lane is used by milk tankers, farm vehicles and cyclists
- Poor state of verges and road along Coole Lane
- Application does not consider cumulative impact of two developments (inc marina) and does not properly consider environmental impact
- Visual impact will be imposing
- Proposed temporary dwelling is a smokescreen for a permanent application later on
- Dwelling stated as necessary to prevent crime – concerns that the development will therefore lure criminals
- There are a number of dwellings nearby that could accommodate the applicants needs (some under £100k)
- Unsafe access arrangements

- Insufficient passing places along Coole Lane which is used by walkers and horse riders
- Impact of combined traffic generated by marina and proposed fishery
- Large heavy goods vehicles will use the site
- Buildings on site will look unsightly
- Development does not lie in or adjacent to a nearby complex
- Insufficient justification for the proposal as required by policy
- Potential smells from waste
- No assessment of noise levels or light pollution
- No evidence that the proposal is viable
- Proposal does not comply with PPS.7, PPS.17, PPG.21, PPS.25, and Policies NE.2, Policy 11 (of waste local plan), Policy RT.6, RT.8, NE.13, BE.1, E.6, TCR.2, TR.2, GEN.3
- Very large industrial scale proposed
- Concerns re impact on Finnaker Brook
- Impact of buildings on nearby dwellings which include a listed building
- Overdevelopment of site
- 24 hour fishing would cause noise disturbance
- Lakes reliant on rainwater and there is no contingency for dry weather
- Loss of privacy to nearby dwellings
- If scheme fails will be left with a brownfield site
- No increase in local employment
- Lighting would be required
- Removal of mature trees
- Storage of waste could pollute
- Agricultural buildings in the area are of brick construction so proposed hatchery will look alien
- Raising the level of the land will result in water levels above nearby housing which could result in flooding
- Access track would be visually intrusive
- No power to the site currently which would require significant outlay not included in the business plan
- Request that if approved screening is put around nearby properties
- Project will add nothing to the local economy
- Project is not a farm diversification project as it is not a working farm
- Fishing pegs could be spread at 10 metre intervals resulting in 110 anglers in total
- Proposed screening is inadequate
- Loss of valuable agricultural land
- Allowing proposals like this will put more pressure on existing farms
- Question regarding bio-security which cannot be enforced as anglers will use their own bait
- Recent permission for a marina is a few hundred yards along the Lane
- Development will involve in loss of a considerable amount of prime farmland which will not assist in reducing milage food must travel to the table
- Proposed temporary dwelling will in turn lead to a permanent proposal on adjacent land and will be an obvious and unattractive intrusion
- No new houses have been permitted in Coole Lane for over 25 years
- Polytunnels will reflect sunlight and other buildings will be inappropriate
- If approved conditions should be attached regarding noise levels from machinery and also for the site to be restored should the business fail
- Area is becoming over developed with no benefit to local economy
- Large number of issues in the agenda report that are disputed
- 100% of the patrons of the facility would arrive by car and not cycle as no-one will strap equipment to their cycle and travel along Coole Lane

- Lane is in an appalling state and cannot cope with existing traffic. To subject it to more traffic is foolhardy
- Road is never repaired but only patched with a shovel full of inferior aggregate which fails at the first sign of inclement weather
- Pinch points include at the bridge at Finnaker Brook which has been repaired on countless occasions and this is a few yards of the entrance to the fish farm
- Other issues that local residents have raised have been brushed aside and the report pays lip service to a number of important issues
- If the project fails there will be a brownfield site remaining
- No benefit to the local community and project is a major sacrifice of yet more agricultural land
- Back door method of approving a dwelling on agricultural land
- Flooding
- Security problems
- Requirement for CCTV
- The land should be used for growing food and reducing food miles
- No contingency plan if a lack of rainfall leads to the water level of the lakes falling
- The revised temporary dwelling is not in keeping with the character of the area
- Calculations show that the lakes will take almost 2 years to fill naturally with rainfall

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

### **Planning Statement** (Prepared by Brockway Dunn Ltd dated April 2009)

Main points are:-

- Fish rearing unit is required to enable fish to be reared at sizes suitable for stocking into the fishery, provide excess for sale to other facilities and preserve and propagate rare breeds
- Polytunnels are required to increase water temperatures and extend the growing season, give protection from predators and exclude water and air borne contaminants
- Fishing lakes will take 5 years to be stocked and there will be separate lakes for different species
- Access to the fishing lakes will be open during daylight hours but closed at other times. Night fishing will be by prior arrangement
- Formation of lakes involves cut and fill using on-site materials and no requirement for importation or exportation of fill or spoil
- Proposals will deliver landscape improvements, nature conservation areas and wildlife habitat
- Temporary dwelling required for site manager to give 24 hour supervision, maintain biosecurity and prevent theft and vandalism
- Sectional wooden building proposed for temporary dwelling. If financial viability is demonstrated then proposed to apply for permanent dwelling and retain the wooden building for uses in connection with the fishery
- Applicants purchased the site in 2007 after a lengthy search for an appropriate property (from late 2005)
- Site is within the Weaver Valley Regional Park which is being promoted as a major recreational resource of regional significance
- River Weaver and Shropshire Union Canal run a short distance to the east of the site and planning permission has already been granted for a marina on adjacent land
- Proposal complies with planning policies in open countryside
- Site is not located on a bus route but is adjacent to a cycle route and close to canal towpath and footpath

- Proposal will generate little additional traffic along Coole Lane
- Adequate parking provision has been made
- Visibility splay requirements have been incorporated into the proposals consistent with those for the approved marina
- Proposed temporary dwelling meets the functional and financial tests set out in PPS.7 and Local Plan Policy RES.5
- Amount of floorspace proposed is consistent with the justification to policy RES.5 and the increased space is justified as the building has been designed to allow for business use on the first floor and in the future the ground floor is intended to provide anglers facilities
- Proposed to dispose of foul sewage via a package treatment plant
- Surplus water from the lakes and pools will drain by means of settlement ponds, reed beds and open watercourses and have been discussed with the Environment Agency

### **Design and Access Statement** (Prepared by Brockway Dunn Ltd dated March 2009)

Main points are:-

- Search for appropriate sites undertaken during 2006-2007
- Pre-application consultations have taken place with the LPA, Environment Agency, Weaver Valley Regional Park, neighbouring residents and adjacent farmer (of approved Marina site)
- Site is gently undulating farmland bounded by hedgerows and occasional trees
- Public viewpoints are limited to Coole Lane
- Two residential properties adjoin site
- Site is within Weaver Valley Regional Park and close to a Sustrans route
- Site offers a tranquil rural setting important for anglers
- Isolation from potentially contaminating neighbouring uses is important to biosecurity of fish rearing
- No evidence of protected species
- New buildings and structures should blend into the landscape
- Site is an appropriate use in open countryside
- Hatchery building is sited close to rearing pools for biosecurity reasons
- Activity is separated from neighbouring residential properties
- Opportunities are taken for landscape and nature conservation enhancement
- Buildings are of modest scale and appropriate to the rural setting
- Proposed lakes cover an area of about 2.4 hectares but are cut into the existing landform and have little impact beyond the site
- Buildings and polytunnels are located away from Coole Lane and therefore from public viewpoints will appear in the middle distance
- Hatchery building is of agricultural appearance
- Temporary dwelling is of wooden sectional construction capable of being dismantled
- Buildings are proposed in a cluster
- Level access suitable for the disabled will be provided

### **Ecological Survey and Protected Species Assessment** (Prepared by BIOTA Dated February 2009).

Main points are:-

- Phase 1 habitat survey and protected species assessment undertaken
- Site comprises improved grassland and no ponds located on site
- Several ponds located within 250m but majority have dried out
- Single pond on southern boundary is heavily shaded and eutrophic
- Habitat Suitability Score (HSI) is below figure of suitability for great crested newts

- Within the site are a number of trees and none are of a suitable size to support any bat roosts
- No evidence found of any badger activity
- Water course to the northern boundary was examined for evidence of riparian mammals (water vole, otter) but no evidence found
- Proposed development will not have an adverse impact on any protected species
- Site is of low importance for nature conservation in a local and regional context
- With sympathetic landscaping and planting, the proposed development will provide opportunities for nature conservation through planting of woodland areas, creation of wildflower areas, creation of new ponds not stocked with fish, use of reed beds and settlement pools, re-instatement of watercourse that formerly ran through the site and planting of black poplar along the watercourse

**Project Outline and Fiscal Projections Report** (Prepared by W. Brian Reilly and Bianca S. Seipp dated March 2009).

Main points are:-

- Considerable site selection search was undertaken
- Project seeks to make quality populations of selected species of native coarse fish in order to provide a unique angling experience
- Intended that stocking will be self sufficient
- Years 1-5 covers initial acquisition of stocks plus growth of stock
- Years 6 onwards will convert lakes to high quality angling venues
- Existing angling venues in south Cheshire tend to orientate to the lower end of the market
- Minimum level of return after year 6 is £150,000
- Fiscal projections have been prepared from a detailed location-specific evaluation by Dr Bruno Broughton
- Total capital expenditure implications amount to £538,000 which will be met by personal resources of the project principals
- Chronology of site search is included which details sites searched since 2006

**Speed Survey** (Prepared by Bryan G Hall Consulting Civil and Transportation Planning Engineers dated 17<sup>th</sup> June 2009)

Main points are:

- Speed survey undertaken in accordance with recommendations of TD22/81: Vehicle Speed Measurements on All Purpose Roads
- 85<sup>th</sup> percentile wet weather journey speeds obtained
- Northbound 39.4mph
- Southbound 33.5 mph
- Corresponding visibility splays as 2.4 x 120m to the south and 2.4 x 90 to the north

**Appraisal Report titled: Justification for a Manager's Temporary Dwelling** (Prepared by Dr Bruno Broughton B.SC (Hons), Ph.D, F.I.F.M., C.Env (Fisheries Management Consultant).

Main points are:

- Report provides an appraisal of the need for a managers temporary dwelling
- During the first five years all water bodies on the site will be devoted to fish rearing with excess sold for commercial purposes to other fisheries
- At year six fish stocks should have attained specimen sizes for anglers

- Dr Broughton holds a degree in zoology and has been an independent fisheries consultant for 21 years. He has prepared numerous assessments of the viability of new and existing commercial fisheries
- For the fish rearing to be successful fish will require a 'life support' system which will provide food, oxygen, water filtration etc
- 24hr presence is required to ensure immediate action can be taken should the equipment fail and involves routine monitoring during daylight and after dark
- Automatic water quality monitoring equipment will be necessary to provide immediate visual and audible indication of any malfunctions or equipment failure. Such systems can be linked to telephone systems so if they are activated and not cancelled within a short period, a telephone alert takes place
- Alerts to off site locations do not provide sufficient time for intervention. Failure to take action within about 15 minutes leads to stress in fish and large or total mortalities
- Security presence is also required – there is a real risk that people will gain access to the banks and surrounding areas with intention of committing illegal activity
- Security threats can be reduced with extensive perimeter fencing, high specification security gates and other deterrents but these are inappropriate given the rural setting
- Fish are costly to replace and organised thefts are less easy to control than casual removal of fish – there is a growing trend for criminal gangs to target fish farms and heavily stocked lakes
- Perimeter fencing and CCTV can reduce the risks of thefts but a permanent presence on site is the most effective deterrent
- 24 hour presence will enable routine dawn patrols of lakes to prevent predation of fish from birds during their peak feeding period shortly after dawn

**Additional Response to Reading Agricultural Consultants Appraisal** (Prepared by Brian Reilly & Bianca S Seipp received 22<sup>nd</sup> December 2009)

Main points are:

- One of main criticism within Readings report is that budget figures are too vague
- Earlier submission was not intended as a detailed business plan or detailed budget
- Business has been planned in fine detail over many month and working with David Hughes Agricultural Consultancy Ltd
- Component elements of the 'Harvesting and Indirect Costs' category include use of seasonal labour, road delivery of fish, cleansing and maintenance, advertising and marketing of fish for sale, general repairs, office costs, professional fees, insurance and business rates, sundry costs
- Review of figures indicates that they are very conservative assessments of income
- Revised figures show that projected gross profit rises

**Response in regard to Geology & Water retention in the lakes & ponds and Brine Contamination** (Prepared by Brian Reilly & Bianca S Seipp received 22<sup>nd</sup> December 2009)

Main points are:

- Site was thoroughly assessed prior to purchase to determine its suitability for the creation of water bodies for carp growth
- Existing ponds adjacent to the site retain water throughout the year which is clear evidence that the local geology is suitable for the formation of water bodies
- Seven temporary trial holes were dug across the site on 17<sup>th</sup> July 2009 to ascertain the nature of the substrate. Each hole was excavated to a depth of 3m below the level of each proposed pond

- In each case there was a continuous layer of clay beneath the top soil
- No evidence of brine contamination has been detected by any of the surveys of the site
- Presence of clay will mean that the lakes will fill with surface and sub-surface water only
- Adjacent waterbodies have been surveyed and fish populations within these have been found to be empty

**Supporting letter** (Prepared by Dr Bruno Broughton – Fisheries Management Consultant)

Main points are:

- Recognise there may be concerns about the lack of necessary experience of applicants to manage fish rearing facilities
- During last 3 years I have spent hundreds of hours in discussion with applicants and they possess the professional expertise to plan, oversee and drive projects to completion and I have no reservations regarding their ability to manage the scheme
- My professional input will continue during the construction and development phases as well as when the facility is operational
- There may be occasional but crucial periods when applicants may be unaware or unsure of remedial procedures and for this reason I am committed to be on call to respond to unforeseen emergencies

**Supporting e-mail** (Prepared by Rex Brockway received 22<sup>nd</sup> December 2009)

Main points are:

- Earlier proposed wooden temporary agricultural dwelling and office is replaced with two mobile homes
- With regard to concerns about possible supply of electricity the applicant has obtained a quote from SP Manweb of £29,658.62 (exclusive of VAT). In the submitted fiscal projections the sum of £20, 000 is allowed for this and the additional cost is allowed for as part of the 20% contingency sum of £84, 000

**Supporting e-mail** (Prepared by Rex Brockway received 15<sup>th</sup> January 2010)

Main points are:

- The trial hole exercise was carried out by the Whitchurch-based contractor D R Swain & Son, which has over 50 years of expertise in the construction of water bodies (lagoons/pools/lakes) and considerable knowledge of the site itself and the surrounding areas. The company was in no doubt that the clay was of excellent quality and suitable for the lake-construction exercise.
- The trial hole exercise was undertaken to facilitate a visual analysis of the sub-surface geology. This was an element of a wider, full-site inspection focused upon overall site topography and the positioning of the various elements of the proposed development. The on-site evaluation of the sub-surface geology (by all parties present) provided adequate substantiation of the assumptions previously made (i.e. that the underlying clay of the site was of excellent type and ideal for the construction of the lakes as proposed). This conclusion is supported by the presence of the water-filled ponds to the immediate south-east of the site and other ponds in the vicinity. For these reasons, it was not considered necessary to remove samples of excavated material for more detailed analysis.
- Assuming the proposed temporary mobile unit is purchased new, an internet review exercises (and additional verbal discussions) provide indicative 'high-end' ex-VAT costing of about £60 - £75K for the temporary dwelling unit. This indicative range does *not* include any potential negotiable discount, which should be available given the prevailing economic climate. It is also clear from a review exercise that there is a considerable market in the

UK for pre-used mobile home units (or cancelled order or end-of-range opportunities), with some very significant cost savings to be achieved, cost savings could potentially be in the region of 50% of cost of comparable new buildings. Therefore, the capital cost of the temporary dwelling unit should be considered to fall within the range £40 - £75K, subject to the underlying principle/intention that this project will always pursue opportunities to ensure that any capital costs are minimised to the greatest extent possible

- Based upon the internet reviews conducted across a number of mobile home manufacturers' sites, the central theme is that with regard to the means of construction, "the unit will comply fully to the caravan act and the Definition of a Mobile Home (park home) and to BS3632". It is also clear that: "the unit may be built on site but can also be built off site and transported in to position". With regard to the removal from site, this would be by road, either by towing or transported (in one or two parts) on a motor vehicle or trailer.

- The office facility in the hatchery building needs to be considered as a 'wet office', dedicated to the operational requirements of the hatchery function. There is a requirement to separate the functions of the hatchery and the wider administration and operation of the overall business and fishery for the following reasons;

1. The 'wet office' in the hatchery is solely for the use of personnel who are engaged in hatchery maintenance and operation, and this facility will not be available to those staff operating on an administrative or fishery level.

2. There will be a requirement in the hatchery to enter and record electronic data, this will be via a remote (wireless connected) terminal in the hatchery 'wet office', with all principal IT and telecommunications equipment and facilities being located in the central office suite.

3. The central office suite will house the main core administrative functions of the business (i.e. main offices, meeting room, central IT & telecommunications facilities, as well as support functions such as photocopying, document storage etc).

- The temporary dwelling unit and the office suite will be separate, wholly independent units, sited in very close proximity simply to facilitate prompt transit between the two units. There is no intention that these units will be joined in any way.

- Four supporting letters of support have also been provided from the following fishing bodies; Fisheries Accreditation Scheme, Professional Anglers Association, Angling Trust, and the Angling Trade Association

## **10. OFFICER APPRAISAL**

### **Principle of Development**

The site lies outside a settlement boundary and is therefore defined as open countryside. Policy NE.2 (Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan permits development essential for outdoor recreation within open countryside. The proposed fishery development is intended as a leisure/recreation facility and Policy RT.6 (Recreational Uses in Open Countryside) of the Local Plan permits such uses provided that a series of criteria are met. These include, inter alia, that they do not harm the character or appearance of the countryside, that access roads are suitable for the likely traffic generation, adequate car parking is provided, they can be integrated with other visitor attractions and that they can be accessed by a range of means of transport. The policy also requires that wherever possible, existing buildings should be re-used and that any new buildings should be sited close to existing buildings and should blend into the landscape.

The overarching national planning guidance is set out in PPS4 and PPS.7. Paragraph 34 recognises that tourism and leisure activities can sustain many rural businesses, are a source of employment and help to support the prosperity of country towns and villages. The guidance states that large scale tourism and leisure proposals should be carefully weighed up in terms of their advantages and disadvantages and that advice in PPG.13 should be followed in cases where high volumes of traffic may be generated. Policy EC7 of PPS4 states Local Planning Authorities should support sustainable rural tourism and leisure developments that benefit rural businesses, communities and visitors and which utilise and enrich rather than harm the character of the countryside.

Paragraph 26 of PPG.17 provides further guidance in considering recreational proposals in rural areas and states that developments likely to attract large numbers of participants or spectators should be located in or on the edge of country towns. It also states that special justification is required if they are to be located in open countryside, although proposals for farm diversification should be given favourable consideration. Finally it states that all proposals should be designed and sited with great care and sensitivity to its rural location.

Relevant policies within the RSS also provide support for a more diverse economic base in rural areas and state that exceptionally development will be permitted in open countryside where its location cannot be accommodated elsewhere. The site lies within the Weaver Valley Regional Park which is a regional project promoting opportunities to create a major recreational resource in Cheshire. The key aims of this project include developing cycling and walking activities, creating new job opportunities and developing the distinctive landscape and biodiversity resource. However, this project is in draft form and accordingly can only be afforded little weight.

Policy NE.12 (Agricultural Land Quality) seeks to avoid the loss of the most versatile agricultural land and specifically grades 1, 2 and 3a unless the need for the development is supported in the local plan. More recent guidance in PPS.7 states that this should be taken into account alongside other sustainability considerations. The land classification of the site is 3 and so consideration must be given to the loss of this land for agricultural uses. However, much of the land within this area falls within grade 3 and the proposed development is considered to comply with the thrust of planning policies which support in principle the use of land for recreational purposes. Furthermore it is considered that there are wider benefits in regard to the improvements to biodiversity which outweigh the loss of agricultural land in this instance. These will be discussed in detail later in this report.

Although the relevant planning policies do not specifically require applicants to undertake a sequential approach to site selection they do seek to ensure that use is firstly made of any existing buildings before allowing new structures to be erected in open countryside. Prior to submitting the current application the applicant has undertaken a search for alternative sites before eventually choosing the current site. The alternative sites considered have been outlined in the supporting information and include a variety of locations at Mollington (Chester), Weston, Whitchurch, Kerridge (Macclesfield) Great Barrow, Buerton and other sites owned by British Waterways. The thrust of national and local planning policies support, in principle the development of tourism and leisure facilities such as that proposed in open countryside and it is reasonable to conclude that fishery/angling developments require a rural location as sufficient land would not be available within urban areas. However, in regard to the appropriateness of this particular site a detailed assessment of the impacts and benefits arising from the development is required.

## Impact on landscape character

A key consideration in determining this application is the impact upon the character and appearance of the open countryside. The site comprises improved grassland and undulates with the lowest point roughly half way between the western and eastern boundaries. Views of the site are permissible from the surrounding area although as the local topography gently undulates the site is not unduly prominent and benefits from existing natural screening from mature hedgerows and trees along the site boundaries. A public footpath (Newhall 35) runs to the south of the site although this is over 150 metres from the southern boundary.

The proposed development will significantly alter the character of the land through the introduction of buildings, construction of the internal access track and car park, excavation of rectangular fish rearing pools and also the formation of four large fishing lakes. Accordingly there will be some visual harm to the character of the open countryside although the significance of this will depend on the specific nature of the site and proposals.

With the exception of a small toilet block the proposed buildings and fish rearing pools are clustered together towards the north of the site. The fish rearing pools, although sizeable and of a regular shape will not project above ground level and the applicant proposes to screen these with a new native hedgerow. The proposed polytunnels would sit to the east of the rearing pools and would have a modest height of 3.5m. The proposed hatchery unit has a sizeable footprint although is restricted to 4m in height. This building would be set well back from the road frontage and so would not appear unduly prominent within the landscape. The building would be constructed from corrugated profile sheeting similar to modern farm buildings and accordingly would not be unduly striking or alien. The proposed dwelling as amended would be single storey and would sit to the immediate south of the main operational area. Again this building will be set well back from the road frontage and would be constructed in an existing hollow which is approximately 2m lower than the road level.

The proposed fishing lakes are the most significant visual impact on the site given their overall size. The lakes vary in area from 1.3317, 0.3753, 0.3268 and 0.3156 hectares respectively. However, these have been designed predominantly to fit around existing contour lines on the site and are of irregular shape although will require the construction of some embankments. The lakes are contained to the eastern half of the site and are therefore over 180m from the Coole Lane road frontage. Views of the lakes will therefore be limited although they will be visible from the windows of nearby housing and glimpses of them may be obtained from Coole Lane. However, this will be restricted and would be further screened by additional woodland planting proposed adjacent to the south east of the site.

The proposed access track and car park also meander through the site from the western boundary with Coole Lane to a point roughly in the centre of the site between the four fishing lakes. Two separate access spurs are proposed off this central track to serve the hatchery and fish rearing areas and also the proposed dwelling. Whilst this represents an incursion into the open countryside the visual impact of the access would not be severe given its predominantly limited width (3.5m). The Highway Authority has requested a condition which would result in a widening of the track at the entrance to the site and at several points along its route. However, this would still result in a maximum width of 5.5m and would not be unduly prominent. In addition the proposed car park has an irregular

shape which reflects those of the fishing lakes and is also proposed at one of the lowest points of the site.

Overall the proposed development will significantly alter the character of the landscape from its current agricultural appearance. However, the position of the proposed works would reduce the prominence and impact upon the wider area and with appropriate landscaping and screening could be assimilated into the surrounding landscape without significant visual harm.

## **Sustainability**

The thrust of national and local planning policies seeks to secure appropriate sustainable development in open countryside and a clear emphasis is on providing alternatives to the private car. Development on the edge of existing settlements is more likely to have access to public transport and sustainable transport choices than sites more remotely located. In this instance the site is not located close to, or within convenient walking distance of a bus route and so offers limited sustainable travel choices for its potential users and staff. However, the nature of the proposal means that it would be difficult to site close to an urban area given the amount of land required.

Notwithstanding the above the site is located on a designated cycle route and is also within a short distance of the Shropshire Union Canal towpath. Both of these routes pass through the village of Audlem (approx 3 KM) to the south east and PPG.13 advises that cycling has potential to substitute short car trips, particularly those under 5km. The applicant also proposes on site cycle parking. Notwithstanding this in reality it is likely that the majority of visitors to the site would arrive by private car given the requirements to carry bulky angling equipment. However, it is important to provide a choice of transport mode and in this case the location on a designated cycle route carries weight. However, it is recommended that in order to encourage sustainable travel choices on the site, particularly for staff a green travel plan should be secured by condition.

## **Justification for dwelling**

The applicant proposes to erect a timber dwelling on the site for a period of 3 years in order to fully demonstrate the financial viability of the scheme, whereupon a planning application will be submitted for a permanent dwelling. The applicant makes the case that the living accommodation is needed for the site manager in order to provide 24 hour supervision of the fish rearing operation and to maintain biosecurity and tend to emergencies. In addition it is intended to accommodate night fishing by appointment which would require a 24 hour on site supervision. The proposed dwelling would measure 111.6sq.m externally which is less than the size of 140m<sup>2</sup> as set out in the supporting text to Policy RES.5 of the Replacement Local Plan.

Guidance on the considerations for occupational dwellings is contained in Annex A of PPS.7 which states that special justification is needed for isolated new houses in open countryside. The guidance advises that there will be some cases where the nature and demands of the work concerned make it essential for one or more people engaged with an enterprise to live at, or very close to their place of work. In the case of temporary dwellings a series of tests are set out which must be satisfied and these are as follows:

- Clear evidence of a firm intention and ability to develop the enterprise
- Functional need
- Clear evidence that the enterprise is planned on a sound financial basis

- Need could not be met by another existing dwelling or any other existing accommodation in the area
- Other normal planning requirements are satisfied

In regard to the functional requirement for the dwelling the applicant states that this is required to allow for biosecurity, 24 hour management of the facilities and also to prevent vandalism and theft. There are no other buildings on the site that could provide alternative accommodation to that proposed and the applicant refers to the prohibitive costs of existing dwellings in the locality. It is understood that the fish species reared at the site will be valuable and that as a result it is reasonable to require substantial security for the site. A rapid response is required to monitor the equipment and deal with common problems such as predators and to monitor oxygen and water levels in the ponds. The operation of the angling uses may require an on-site presence due to the hours of use which will include night time fishing. However this part of the business will not commence for 5 years due to the lengthy set up phase where the lakes will be stocked with fish. It is considered that the proposed development would be very labour intensive and that a key worker should be readily available on the site at all times and the functional test has been met.

In regard to the financial test the applicant has submitted a Project Outline and Fiscal Projections document which sets out the business plan for the scheme. The document as first submitted was assessed by Reading Agricultural Consultants who concluded that the data was too vague in places and particularly in its reference to 'Harvesting and Indirect Costs'. Since then the applicant has provided further information which breaks down what this involves and the figures have been accepted by the Agricultural Consultants who state that *'Overall, whilst I accepted that the proposed business was financially viable under the budgeted costs presented in the original application, the applicants have now demonstrated that their original budgeted revenue was underestimated, thereby producing a larger than previously expected budget profit. Having seen the explanation, I find the budget acceptable'*. It is therefore considered that the financial test has been met.

The agricultural consultants were also concerned about the experience of the applicants to operate the proposed facility. This issue has been addressed as a letter has been supplied from Dr Bruno Broughton (Fisheries Management consultant) which states that he will provide input and support which will continue during the construction and development phases as well as when the facility is operational. Dr Broughton has also stated that he will be available on call should any emergencies arise.

Reading Agricultural Consultants were also concerned about the size and form of the proposed temporary dwelling which was a two storey unit and exceeded the size thresholds for workers dwellings as defined by Policy RES.5 of the Local Plan and was considered not to be temporary in nature. Since then the applicant has amended the scheme, replacing this with a single storey mobile home which is considered to be temporary in nature. The proposed dwelling would measure 111.6sq.m externally which is less than the size of 140m<sup>2</sup> as set out in the supporting text to Policy RES.5 of the Replacement Local Plan.

Finally concerns were also raised by local residents that the applicant had underestimated the costs of providing an electricity supply to the site, reporting the experience of nearby developments. The applicant has stated that a detailed quote has been obtained from the utility company and that the increase above the figure originally budgeted for can be accommodated within the contingency budget.

## Highway Impacts

Significant concerns have been raised by local residents in regard to the suitability of Coole Lane to cope with any increased traffic demand and this requires careful consideration. Coole Lane is a rural road running from north to south and is in poor condition with pot holes and worn edges. The road narrows in places and to the north of the site passes over a canal bridge. Residents report problems in terms of the condition of the road and its usage and also refer to a recent permission for a marina on land to the south of the site which it is said will add considerable additional volumes of traffic onto Coole Lane.

The Highway Authority have been asked to look into these points and consider whether the traffic generated by the proposed development is acceptable in highway terms given the nature and capacity of Coole Lane and also whether satisfactory visibility splays can be achieved at the entrance of the site to enable vehicles to enter and exit safely. The Highway Authority subsequently requested that the applicant produce a speed survey of traffic along this section of Coole Lane and this has demonstrated that the 85<sup>th</sup> percentile speed reading is 39.4mph in the northbound direction and 33.5mph in the southbound direction. This therefore requires a visibility splay of 2.4m x 120m to the south and 2.4m x 90m to the north. The Highway Authority has confirmed that this is acceptable and achievable.

In discussions the Highway Authority have acknowledged the condition of Coole Lane and that it is narrow in places for example close to the canal bridge to the north of the site. The applicant has explained the likely traffic levels in the supporting planning statement. It is estimated that when fully operational the facility will generate 1 or 2 staff vehicle movements per day and in terms of deliveries estimates one vehicle per month. It is envisaged that the majority of anglers will arrive by car and that 15-20 cars would arrive or leave the site during peak periods. Additional visitor traffic would be spread out mainly during the day with limited movement during the evenings. Cumulatively this represents a low level of potential additional traffic onto Coole Lane. Furthermore even with the additional traffic added onto Coole Lane from the approved Marina development to the south this is not considered to be an unacceptable increase in traffic levels on Coole Lane.

In regard to the types of vehicles using the site these will predominantly comprise cars rather than commercial or heavy goods vehicles. The applicant has stated that any excess fish reared on the site not needed within the fishing lakes will be sold off to other fisheries. However, this part of the business would be done annually and accordingly is likely to result in nominal traffic generation. The fish rearing ponds and hatchery unit are intended primarily as a bio secure resource to stock the fishing lakes initially during the set up phase and then to repopulate the lakes following any losses through natural mortality and predation.

38 parking spaces are proposed mainly within a single central area and this is considered sufficient to provide for the traffic demands resulting from the development. The Highway Authority have also requested controlling conditions to ensure that the access track is constructed to a width of 5.5m with a 10m radius for the first 15 metres and that the access road should be no less than 3m wide with intervisible passing bays. In addition it is requested that any gates should be set back at least 10.5 metres. Whilst the concerns of local residents in regard to traffic matters are noted, on the basis of the evidence submitted it is not recommended that there are highway reasons to refuse the application.

## **Amenity**

The site is located in a rural area although there are a number of residential properties scattered within the surrounding area. The closest of these properties are at Pinnacle Farm and adjacent Pinnacle House which sit to the south west of the site. In addition further properties along Coole Lane are visible to the south of the site including at The Beeches and at Sandown Reach. The impact of the development upon the amenity of the occupants of these and other properties in the area is a material consideration.

Whilst the proposal will be noticeable from nearby properties in regard to comings and goings and general activity on the site it is not considered that the proposed use of the site for angling is likely to generate significant levels of noise due to the nature of the activity proposed. In addition the areas of the site where groups of people are likely to congregate such as within the car park and operational areas of the site (hatchery building/rearing pools/polytunnels) and proposed dwelling are located a reasonable distance from the curtilage of nearby properties and it is not considered that the occupants would incur a loss of amenity through either noise or disturbance or through any significant loss of privacy. This is equally the case for the fishing lakes with the nearest lake over 150m from the curtilage of Pinnacle Farm and Pinnacle House and anglers using these lakes will not have an intimate view into the gardens of nearby houses. The Environmental Health officer has commented on the application and raised no objection to the proposals subject to conditions to control proposed lighting on the site, acoustically attenuating any externally mounted equipment and position of any mobile mechanical plant. All of these matters can be controlled by planning conditions.

The proposed internal access track to the development would pass within 100m of the side elevation of the adjacent housing and this would be noticeable to the occupants of this dwelling. However, when considering the proximity of this track to the adjacent dwelling and also the amount of traffic that would pass along here serving the development it is highly unlikely to result in a direct loss of amenity to the adjacent occupants.

## **Impact on ecology**

Circular 06/2005 makes it clear that the presence of protected species is a material consideration when a planning authority is considering a development proposal which would be likely to result in harm to the species or its habitat. It also states that the presence or otherwise of protected species and the extent that they may be affected should be established before planning permission is granted. In March 2008 following advice from Natural England the former Crewe and Nantwich Borough Council produced guidance on the requirement for protected species surveys and this sets out a series of criteria that are applied depending on the nature of the site and the development proposed.

### Great Crested Newts (GCN)

A Phase 1 habitat survey has been completed by a suitably qualified ecologist appointed by the applicant in order to assess the impact of the proposed development upon any GCN species or habitat. The survey looked at ponds within 250m of the site and a total of 4 have been surveyed. There are no ponds within the application site although several are shown within 250m of the site. The majority of these ponds were found to be dried out and the remaining ponds were found to have Habitat Suitability Scores (HSI) below the

figure of suitability for GCN. The Council's guidance on the requirements for GCN surveys prescribes a survey area of 500 metres for major developments (over 1 hectare site area) although does state that for large developments it may sometimes only be necessary to survey ponds within 250m away. The Council's ecologist has accepted the latter distance as reasonable in this instance given that this area is of some but not outstanding value to GCN. In addition Cheshire has a significant quantity of ponds and the ecologist reports that as a result of this surveys have tended to be limited to 250m with a 500m requirement reserved for those developments considered to have high impacts. This is not the case with the proposed development and it is therefore considered that the proposal would not result in any adverse impact to GCN species or habitat.

### Bats

There are a number of trees on the site and some of these will be removed as part of the development. The applicant's ecologist has surveyed the existing trees and concluded that none support bat roosts. The Council's ecologist found one of the trees to have extensive dead wood and small cavities and subsequently requested a more detailed appraisal for bats. This was subsequently undertaken by the applicant's ecologist who found no bat activity associated with this tree. On the basis of this no further mitigation measures have been considered necessary by either the applicant's and Council's ecologists.

### Water Voles

The stream running to the north of the site was examined for signs of water vole activity firstly in January and following a request by the Council's ecologist, was further surveyed in June. No evidence of water vole activity was found.

### Otter

No evidence of otter activity was recorded in the adjacent stream although the applicant's ecologist notes that otters are known to be present on the canal approximately 500 metres to the south of the site.

Having considered the ecological survey the Council's ecologist has concluded that overall the site's nature conservation value is low. In addition the proposed development is considered to make a positive contribution to local biodiversity through additional woodland planting, creation of wildflower areas, creation of new ponds that will not be stocked with fish and will be suitable for amphibians, use of reed beds and settlement pools, re-instatement of the watercourse that is currently in culvert on the site and the planting of Black Poplar. The principle of this is also acceptable to Cheshire Wildlife Trust although in their detailed comments have highlighted the need for certain specific measures which will improve the attractiveness of the site to wildlife. These can be controlled via conditions which will require a detailed landscaping and mitigation scheme. On this basis it is considered that there are no ecological grounds to refuse the application and that significant weight should also be given to the biodiversity benefits described above.

### **Impact upon Water Environment**

Surplus water from the fishing lakes and rearing pools will drain through new settlement ponds, reed beds and a new open watercourse into the existing stream which runs along

the north eastern boundary of the site. Foul drainage will be disposed of via a package treatment plant. The Environment Agency has raised no objection to these arrangements but has requested a condition to ensure that screening is provided to prevent fish escaping via the overflow channels. This can be secured via a planning condition.

### **EIA/Other matters**

The Environmental Impact Assessment Regulations (1999) set out criteria to be used in determining whether proposed developments are considered to require an Environmental Impact Assessment (EIA). The regulations include schedules of developments that could require an EIA. If any development proposal falls within schedule 1 of the regulations it will automatically require EIA. If however, any development falls within schedule 2 of the regulations it may require EIA if it is considered to result in significant environmental impacts. These impacts can be either positive or negative. In this instance the proposed development is intended predominantly as a recreational facility and fish reared on site are not being produced for food but for leisure purposes. The majority of the fish would be reared to stock the angling pools and lakes on the site although the applicant has indicated that any excess would be sold on a yearly basis to other angling facilities. This type of development does not fall within either schedule 1 or 2 of the EIA regulations and is therefore not considered to require an Environmental Impact Assessment and does not require a formal screening opinion by the Local Planning Authority.

The adjacent residential property at Pinnacle Farmhouse on Coole Lane is a Grade II listed building and accordingly the impact of the development upon this building is a material consideration. However, in this instance the proposed lakes, buildings and access track will be located a sufficient distance from this dwelling and will not as a result be seen as connected or related to the dwelling or its curtilage. Accordingly it is not considered that there would be an adverse impact on the setting of the listed building.

Concerns were raised by local residents that the site has not been assessed to check that it is suitable for the creation of water bodies and that ponds in the area have drained naturally. The applicant has responded with a statement that they have undertaken several trial holes throughout the site and claim that the substrate consists of naturally occurring clay which will hold the water in the proposed lakes. It is also stated that this prevents any potential brine contamination of the water. The trial hole exercise was carried out by Whitchurch based contractor D R Swain & Son which has over 50 years expertise in the construction of water bodies (lagoons/pools/lakes) and considerable knowledge of the site itself and surrounding areas and the company was in no doubt that the clay was of excellent quality and suitable for the lake construction exercise. The applicants have also pointed to water filled ponds to the immediate south-east of the site and other ponds in the vicinity which they state supports this conclusion. Given the analysis undertaken by an experienced contractor it is considered that the ground conditions are appropriate for the formation of fishing lakes and ponds.

## **11. CONCLUSIONS**

The proposed use of the land for fish rearing and angling complies with the thrust of planning policy which seeks to restrict development in rural areas to those uses which are appropriate and which require a location in open countryside. The proposed fish rearing and angling facility requires a considerable amount of land and accordingly will require an open countryside location. The site is not located close to public transport links but is within a 5km cycling distance of Audlem village and is located on a designated cycle

route. The proposed development will not result in a significant prominent adverse impact upon the character and appearance of the landscape due to the position, topography and existing and proposed screening. The proposal will not result in an adverse impact to protected species or their habitat and is considered to represent an opportunity to increase bio-diversity through the planting of trees, wildflower meadow, reed beds, ponds and re-instatement of a watercourse. The proposal is not considered to generate significant levels of traffic onto Coole Lane and satisfactory visibility splays can be achieved at the point of access into the site. The proposal is not considered to result in adverse impacts upon the amenity of adjacent residential properties and will not result in adverse impact upon the local water environment.

The proposal involves a temporary workers dwelling and following the receipt of additional information it is considered that the proposal meets the tests as contained with Annex A of PPS7 and as a result permission should be granted for the temporary dwelling for a 3 year period.

## **12. RECOMMENDATIONS**

**APPROVE** subject to the following conditions

### **1. Standard**

- 2. Materials of the temporary dwelling and office to be submitted and approved in writing**
- 3. Materials of the hatchery building to be submitted and approved in writing**
- 4. Materials of the polytunnels to be submitted and approved in writing**
- 5. Materials of the toilet block to be submitted and approved in writing**
- 6. Surfacing materials to be submitted and approved in writing**
- 7. Access to be a width of 5.5m for the first 15m from Coole Lane with 10m radius**
- 8. Visibility splays of 2.4m x 120m to be provided and retained prior to the temporary dwelling is first being occupied**
- 9. Prior to the commencement of development a scheme of passing places along the access shall be submitted and approved. The approved details shall be implemented in accordance with a time table to be submitted and approved**
- 10. Setting back of gates 10.5m from Coole Lane and gates to open inwards only**
- 11. Width of access to be 3m wide apart from first 15m which shall be constructed in accordance with Condition 4**
- 12. Landscaping scheme to include all new woodland planting and wildflower areas outside the application site and reed beds, watercourse, settlement tanks, ponds and other planting**
- 13. Landscape implementation to be carried out in accordance with a timetable to be submitted and agreed**
- 14. Design of overflow channel screening to be submitted and approved in writing**
- 15. Details of any lighting to be submitted and approved in writing**
- 16. Any ancillary mounted equipment in connection with the temporary dwelling, fish rearing pools and hatchery building shall be acoustically attenuated in accordance with a scheme to be submitted and approved**
- 17. The location of mobile mechanical plant shall not be audible at the façade of the nearest noise sensitive premises**
- 18. Temporary dwelling (3 years only)**
- 19. Occupation of dwelling restricted to the fishing and angling centre use of the site**
- 20. Removal of PD for extensions/alterations for temporary dwelling**

- 21. Phasing plan for the development to be submitted and approved in writing**
- 22. Final site levels to be submitted and agreed in writing**
- 23. Biodiversity management plan to be submitted and approved in writing**
- 24. Drainage details to be submitted and approved in writing**
- 25. Storage and disposal of waste details to be submitted and approved in writing**
- 26. A scheme of bird nesting boxes and bat boxes to be submitted and approved and provided**
- 27. The development to be subject to a Green travel plan which shall be submitted and approved in writing**
- 28. Details of covered cycle parking to be submitted and approved and to be provided prior to lakes becoming open to fishing**
- 29. Development to be carried out in accordance with the approved plans**

# LOCATION PLAN:

