

Application No: 18/2343N

Location: TOP END FARM, BARTHOMLEY ROAD, CREWE, CHESHIRE, CW2 5NT

Proposal: Change of Use of 2 no. buildings from agricultural use to a mixed use comprised of agriculture use and use for the storage of fertiliser for sale

Applicant: M Abell

Expiry Date: 10-Aug-2018

SUMMARY:

Top End Farm currently benefits from a Certificate of Lawful use for fertiliser storage, blending and adaptation in and outside an existing building.

This proposal seeks to use two other buildings for storage of fertiliser (Buildings B & C) and to use Building A for processing and packing with no external storage.

Subject to conditions restricting tonnages of fertiliser being exported from the site and strict record keeping, no intensification of the use at the site would take place.

A condition to improve the access lane from Barthomley Road will provide positive benefits from the scheme.

RECOMMENDATION:

Approve subject to conditions.

CALL IN

The application was called in by Cllr David Marren for the following reasons:

“Top End Farm is a contentious site and has been brought to the attention of Planning Enforcement Officers, Planning Officers and Highway Officers on a number of occasions. Please check! Residents have repeatedly raised concerns regarding the frequency of vehicle movements and the size of vehicles accessing and exiting Barthomley Road, a road which is so narrow that in a number of places cars travelling in opposite directions are forced to stop to allow the other to pass. Clearly HGVs associated with the business activity at Top End Farm seriously exaggerate that problem and are, allegedly, the primary cause of significant verge erosion, indeed at the point just before the track leading to Top End Farm, Barthomley Road is merely 9 feet wide and is unsuitable for HGV.”

I have attended this site with a Highways Officer very recently who has witnessed the resulting damage to road surfaces and verges which it is suggested as a result of vehicles that are too large accessing and leaving the site. I also understand that Cheshire East Highways regularly attend outside Top End Farm to remove materials deposited on the highway. I know there is regular flooding due to HGVs eroding the verges of the highway causing the gullies to block. Neighbours complain that dry weather then results in dust pollution creating vast dust clouds in excess of 20 foot, they say from vehicles using the eroded track to Top End Farm. There are also signs that the boundary to Bridgehouse Farm is also being eroded, again allegedly due to the lack of width of Barthomley Road when vehicles maneuver into Top End Farm.

Whilst the application suggests that there will be no increase in vehicle movements that claim is received with a great deal of scepticism by neighbours as a result of historical discrepancies between claim and actuality and because the claim of no additional movements is illogical. The Applicant is wanting to the change of use for 2 further buildings which in effect appears to be a 200% increase in the size of this business. It is simply illogical to claim that there will be no additional HGV movements. Neighbours worry about even more damage to road surfaces and verges.

Lastly this application should be heard by committee to show transparency of process and so that justice “can be seen to be done”. As I have said, this is a contentious site with lots of history and the reluctant involvement of the Council. Unfortunately, the Applicant’s Supporting Planning Statement is redacted on pages 3, 4, 5, 6 & 7 dealing with the “Proposal Background” and the “Proposed Development”. Failure to disclose the entirety of this crucial document prevents neighbours applying proper scrutiny and the lodging of detailed objections that might result. The public and residents affected as such are unable to see what points the applicant is putting forward and therefore are unable to fully lawfully challenge what points the Applicant is submitting to the Planning Authority. Dealing with this application as a delegated matter, builds on this injustice. “

PROPOSAL

The application is for a change of use of two buildings from agricultural use to a mixed use comprising agriculture and the storage of fertiliser for sale. The buildings in question are edged in red on the site plan and annotated as Building B and Building C.

SITE DESCRIPTION

The application site comprises two buildings that form part of a farm complex located within the Green Belt as defined by the Local Plan Proposals Map. The site is accessed via a track from Barthomley Road which is also the route of a Public Right of Way along its length (Crewe Green Footpath 3). To the north of the farm complex is a railway line.

RELEVANT HISTORY

17/1975N - Construction of a roof and sides to enclose an existing silage clamp – not determined

16/3183N - Certificate of Lawful Existing Use in respect of the mixed use of agriculture and for the storage, blending and adaptation for fertilisers for sale. – Positive Certificate 20th September 2017

13/2277N - Lawful Development Certificate for use of the land and building for the storage, blending and adaptation of fertilisers for sale – Appeal dismissed 15th December 2015

12/1073N – Retention of extensions to agricultural buildings – Refused 16th October 2012

11/2209N – Certificate of Lawfulness Approved for Use of Farm for the Storage, Blending and Adaption of Fertilisers for Sale 13th January 2012.

10/4960N – Retrospective planning application withdrawn for a Change of Use from Agricultural Use (Beef Farming) to a Concrete Panel Business on 23rd December 2010.

NATIONAL & LOCAL POLICY

National Policy:

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

POLICIES

Development Plan

Cheshire East Local Plan Strategy (CELPS)

The following are considered relevant material considerations:

PG1 – Overall Development Strategy

PG3 – Green Belt

PG7 – Spatial Distribution of Development

PG2 – Settlement Hierarchy

EG1 – Economic Prosperity

SD1 - Sustainable Development in Cheshire East

SD2 - Sustainable Development Principles

SE12 – Pollution, Land Stability and Land Contamination

It should be noted that the Cheshire East Local Plan Strategy was formally adopted on 27th July 2017. There are however policies within the legacy local plans that still apply and have not yet been replaced. These policies are set out below.

The Development Plan for this area is the **Borough of Crewe and Nantwich Replacement Local Plan 2011 (CNRLP)**, which identifies that the site is within the Open Countryside

The relevant Saved Policies are:

BE.1 - Amenity

BE.3 - Access & Parking

E.6 - Employment in Open Countryside

NE.13 -Rural Diversification

NE.15 -Re-Use & Adaptation of a Rural Building for a Commercial, Industrial or Recreational Use.

NE.17 - Pollution Control

There is no Neighbourhood Plan for this area.

CONSULTATIONS:

Environmental Protection:

No objection.

Cheshire Constabulary:

No objection.

Crewe Green Parish Council:

“Crewe Green Parish Council considered application ref 18/2343N at its meeting held Monday 21 March 2018. Members considered the Application and raised no objection to the proposals based on the evidence submitted as the Applicant has confirmed that there will no intensification of the existing use of the site. Members are aware that there have been traffic concerns raised with respect to this operation and would not want to see a further intensification of this use without further consideration of such details.”

REPRESENTATIONS:

At the time of report writing 7 objections have been received relating to this application. They express the following concerns:

- The road cannot sustain the large amount of HGV movements
- Damage to the highway
- Debris causing gullies to block
- Dust during dry weather
- The Land is in the Green Belt
- Industrial scale, non-farming activities taking place on the site
- Intensification of operations at the site
- Full details of use and sale of fertiliser from the site should be given
- There are no details of the size of the buildings or the volume of fertiliser to be stored
- Details of past vehicle movements in relation to the fertiliser operations at Top End Farm should be provided
- Not clear which buildings are to be used
- Redacted documents relating to the application
- The Council has been misled by the applicant in the past

APPRAISAL

The key issues to be considered in the determination of this application are set out below.

Context

The applicant operates a commercial fertiliser business on the site which involves the storage, blending and adaptation of fertilisers for sale. He also uses fertiliser on this farm and does contract work on other land.

In 2017 a Certificate of Lawful Development was issued which allows the fertiliser operation to take place within and outside the building marked as Building A in the Key Plans. This application seeks to use the buildings marked as Building B and Building C for internal, safe, secure storage of fertiliser and outdoor storage will no longer take place. Building A will still be used for indoor processing and packing of fertiliser.

This will allow the applicant to gain accreditation for the Fertiliser Industry Assurance Scheme (FIAS). This is an independently audited certification scheme that has been developed between the Government and the UK fertiliser industry.

Intensity of Operations at the Site

The application states that no intensification of the operations at the site will take place if this application is granted planning permission. To this end tonnages of fertiliser leaving the site have been submitted and should planning permission be granted, a condition would be imposed requiring that these do not exceed 16,000 tonnes. This is the largest amount that has been exported from the site between 2013 and 2017.

In addition to limiting the tonnages leaving the site, another condition would be imposed requiring records of monthly output to be maintained and available to the Local Planning Authority on request. This would also be a requirement for accreditation as a FIAS member. It will also be possible to differentiate between fertiliser for use on the farm and that for commercial use.

It is considered that subject to these conditions, intensification of the fertiliser business would be controlled and if the applicant wished to increase the use at the site, a further planning permission would be required.

Highways

The use of the site for the fertiliser business was established under the Certificate of Lawful Development and this application does not seek to intensify the operations of the existing business. However there is a history of problems with detritus materials from the site being deposited on the highway and this could not be controlled under the auspices of the certificate.

This application provides the opportunity to try to address this issue. To this end it is recommended that a condition be imposed requiring the submission and implementation of a scheme for re-surfacing the last 15 metres of the access lane to the farm, up to where it joins with Barthomley Road.

Amenity

Several of the objectors have made reference to issues of dust and disturbance emanating from the site and vehicle movements from it. Firstly it should be noted that this is a working

farm and large vehicles would be entering and leaving even if there was no fertiliser business in operation. The application proposes no intensification of the use at the site and materials will no longer be stored outside the building that was subject of the certificate. As such a reason for refusal on amenity grounds could not be sustained.

Conclusion

There would be no intensification of the use at the site and this would be controlled by conditions. The storage of fertiliser within safe, secure buildings would allow the applicant to obtain FIAS accreditation, which would in itself apply further controls on the operations at Top End Farm. Benefits would be gained from improvements to the existing access to the farm.

RECOMMENDATION

Approve subject to the following conditions:

- 1. Use to begin within 3 years of the date of the decision.**
- 2. Accordance with approved plans.**
- 3. No more than 16,000 tonnes of fertiliser shall be exported from the site in any one calendar year.**
- 4. From the date of the implementation of the use hereby permitted, the operator shall maintain records (including weighbridge records, of monthly output of fertiliser from the site and shall make them available to the Local Planning Authority within 14 days of the last day of any month, when requested.**
- 5. No external storage of raw materials or finished fertiliser product shall take on the site.**
- 6. Within 3 months of the date of this permission, detailed plans for the improvement/re-surfacing of 15 metres of the access road to Top End Farm from Barthomley Road, including an implementation time scale, and public footpath mitigation scheme shall be submitted to and approved in writing. The works to the road shall be carried out in accordance with the approved details.**

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning (Regulation) has delegated authority to do so in consultation with the Chairman of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

