

Application No: 10/1047M
Location: FOXWOOD FARM, SALTERS LANE, LOWER WITHINGTON, MACCLESFIELD, SK11 9LL
Proposal: CHANGE OF USE OF PART EXISTING BARN TO FORM CATTERY (RESUBMISSION OF 09/2559M)

For Mrs N Holland

Registered 19-Mar-2010
Policy Item No
Grid Reference 381244 369912

Date Report Prepared: 4th June 2010

SUMMARY RECOMMENDATION: Approve subject to conditions

MAIN ISSUES

- Principle of a proposed change of use
- Impact upon the character of the Countryside
- Impact upon residential amenity
- Impact upon highway safety

REASON FOR REPORT

This application has been called to Committee by the Local Ward Councillor Andrew following residents concerns relating to the following issues:
Policy GC8 and GC9 (Change of use of rural buildings), Policy DC3 (Enjoyment of amenity) as well the impact on adjacent dwelling and Drainage.

DESCRIPTION OF SITE AND CONTEXT

The site in question is located within a rural ribbon of development which is designated in the Local Plan as Countryside beyond the Green Belt.

The building subject of this application is located within the curtilage of Foxwood Farm which includes the farm house, a garage, two barns and stable buildings. The existing barn building is currently occupied by two stables which are to be retained, a storage area and a toilet facility.

Concern have been raised by both the Parish Council and local residents regarding the operation of a possible unlawful livery business from the site this is however currently under investigated by the Council Enforcement team and is not for consideration under this application.

DETAILS OF PROPOSAL

This application seeks full planning permission for the change of use of part of an existing barn to form a Cattery as well as minor alteration to the external appearance.

The application is a resubmission of application 09/2559M which was withdrawn following concerns that insufficient information had been submitted with regard to the presence of a protected species.

RELEVANT HISTORY

- | | |
|----------|---|
| 02/0702p | Construction of manege for private use
Approved with conditions 2002 |
| 03/1910p | Rear conservatory and porch
Approved with conditions 2004 |
| 04/2654p | Retention of manege (amendment to planning permission 02/0702p)
Approved with conditions 2007 |
| 04/2108p | Determination (agricultural/forestry)
Erection of agricultural building for tractor and implement store (determination) Invalid 2004 |
| 09/2559m | Change of use of part existing barn at Foxwood Farm to form cattery, formed of 19 pens with associated facilities. Retention of existing elevations with closing up of existing barn doors to form wall. Removal of existing decaying roof & replacement.
Withdrawn 2009 |

POLICIES

Regional Spatial Strategy

DP3 (Promote sustainable economic development)

DP7 (Promote Environmental Quality)

RDF2 (Rural Area)

Local Plan Policy

NE11 (Nature Conservation)

BE1 (Design guidance)

GC5 (Countryside beyond the Green Belt)

GC8 (Re use of Rural buildings - Employment and Tourism)

DC1 (Design/ new build)

DC3 (Amenity)

DC6 (Circulation and Access)

DC8 (Landscaping)

DC14 (Noise)

DC38 (Space, light and Privacy)

Other Material Considerations

PPS4: Planning for Sustainable Economic Growth

PPS7 : Sustainable development in rural areas

CONSULTATIONS (External to Planning)

Jodrell bank – No objections

Highways: The Strategic Highways Manger considers that the trip movements associated with a cattery are likely to be a minimal therefore no objections are raised with regards to Highway safety.

Environmental Health:- Raise no objections provided further details regarding drainage are obtained, hours of use are conditioned to ameliorate possible disturbance from customers coming and going and that the proposal can meet the requirements of the Animal and Boarding Establishment licence in terms of construction, drainage, kitchen facilities a, unit size layout and exercise facility and an suitable isolation unit.

VIEWS OF THE PARISH / TOWN COUNCIL

Withington Parish Council - Object to the application. The application still refers to connection of foul sewage to the mains sewer; it is considered that the site will be visible from a footpath which runs down the side of the proposed cattery building.

The main concerns raised by the Parish Council however relate to the possible use of the site as a livery business. The Parish Council have therefore subsequently provided additional information with regard to the planning history of the site which relates to the equestrian use.

OTHER REPRESENTATIONS

One letter of objection has been received during the determination of this application. The following concerns are raised:-

- Foxwood Farm is not a working farm, the farmhouse sits within close proximity of other residential properties
- The proposed cattery will be in the garden of the house, the proposal is considered to be unnecessary , undesirable and an intrusive commercial activity in a residential area
- The amount of equestrian associated vehicles which already visit the farm is high, the proposal for a cattery will increase the amount of traffic and will create more hazard to traffic and increase noise
- There are already several catteries in the area there is therefore no need for 1 in a residential area.

APPLICANT'S SUPPORTING INFORMATION

A Design and Access Statement, Engineers Report and Bat Survey have been submitted in support of this application and can be viewed in full on the Council online planning system.

The statement advises that Foxwood Farm is a non agricultural holding which benefits from 9 acres, some of which provides for the stabling and holding of horses for the family.

The applicant advises that patronage to the cattery would be intermittent and any peak periods would be alleviated by staggering collection and delivery times. The applicant also intends to provide delivery and collections to and from the client's homes.

Initially, it is the applicant's intention to provide employment for 1 full time and 1 part time staff member; however it is stated that the number of staff may vary depending on the time of year.

The applicant proposes to keep visiting hours open to the public from 8am to 4pm Monday to Sunday including Bank holidays.

OFFICER APPRAISAL

Policy

Policy GC8 of the Local Plan is the most relevant policy and allows for the re use and adaption of existing building within the countryside for commercial purposes provided that that, in brief, the proposal complies within the following criteria:-

- There is no materially greater impact than the present use upon the openness of the countryside
- The building is capable of conversion without complete or major reconstruction
- The form bulk and general design of the building is in keeping within its surroundings
- The proposal respects local building styles and materials; and
- The re use of the building and its associated uses of the surrounding land do not do not reduce openness.

The existing barn is rectangular in shape and is constructed in red facing brick and accommodates flat roof. The large double timber doors on the front of the building which provide the existing main entrance are to be retained, but secured closed and opened only when the cattery is cleaned. Apart from the addition of a door on the south eastern side elevation to provide a fire exit the external appearance of the barn is to remain unaltered and will therefore not only have no greater impact upon the openness of the countryside but will also retain the character and appearance of the existing building.

An Engineering Report has been submitted in support of the application and advises that there are no structural cracks or signs of deformation. However, internal piers to secure the lateral restraint are proposed within the building. The Head of Building Control has been consulted on this application and concurs with its findings that the proposal would not entail a complete or major reconstruction.

Internally the layout of the proposed cattery area is to provide 18 enclosed pens measuring 1m X 1.8m, a staff area (with toilet facility), storage area and reception area. The existing two stables in the northern part of the barn are to be retained and will be blocked off by an internal wall.

As part of the proposal the applicant details 8 parking spaces on the proposed plan for the cattery which are to be located within the existing courtyard directly to the rear of the main dwelling and are to be marked by numbers painted on steel wagon wheels. This area in particular is already located within the curtilage of the dwelling and is covered in hard standing therefore the impact of this is likely to be negligible upon the character of the countryside.

Having regard to the above, it is considered that the proposal complies with the criteria set out within Policy GC8 of the Local Plan therefore the principle the proposal is considered to be acceptable provided the development does not have detrimental impact upon Highway safety or residential amenity.

Highways

Access to the site is currently served off Salter's Lane through a set of double gates in which there is a passing place available just inside the boundary of the site. The applicant proposes to utilise this access which leads to the rear of the property and passes between the western side elevation of Foxwood Farm house and the boundary of the neighbouring property Oakfield.

On the application form the applicant details 14 parking spaces, however 8 are clearly marked out on the proposed plan. The 8 spaces marked allow for vehicles to move efficiently within the site and allow traffic to access and egress the site in a forward direction.

Concerns raised by local residents over the increase in traffic to the site and impact upon highways safety are noted. The Strategic Highways Manager has been consulted on the application and advises that due to the size of the cattery, trip movements to and from the site is likely to be kept to a minimum and therefore it is not anticipated that the proposed use will have a detrimental impact upon Highway safety.

Located in a rural location it is noted that the site is not in a highly accessible location by way of public transport, however given that the applicant proposes a small scale cattery with 18 units it is considered that the proposal will adequately cater for clientele within the local area. This is in accordance with national guidance in Policy EC12 of PPS4 which states that local planning authorities should support small-scale economic development where it provides the most sustainable option in villages that are remote from local service centres, recognising that a site may be an acceptable location for development even though it may not be readily accessible by public transport.

Amenity

The proposed cattery is to be sited to the north east of Foxwood Farm house and approx 17m from the nearest residential property Glyn – Nor. Having regard to the distance of the neighbouring property and the nature of the proposal it is not considered that the proposal will have a harmful impact upon

residential amenity in terms of noise or smells therefore, further mitigation in terms of sound proofing is not considered to be necessary. The Environmental Health Department have been consulted on this application and from this respect raise no concerns with regard to impact upon residential amenity.

The applicant has advised that the units are intended for cats only and not as kennels. To ensure levels of amenity are maintained it is advised a condition should be attached to the consent, if permission is granted, preventing the building to be used as a boarding kennels.

Concerns regarding the increase in traffic to the site and its impact upon residential amenity are noted. The applicant proposes hours of opening to the public between 8am and 4pm, 7 days a week including bank holidays. It is not anticipated that the levels of traffic to and from the site created by the proposed cattery would have a harmful impact particularly for the occupants of the neighbouring property Oakfield. The proposal is therefore considered to comply with Policy DC3 of the Macclesfield Borough Local Plan.

Ecology

An ecological survey has been submitted as part of the application and concludes that the no bat activity was found. The structure of the building and its light interior make it a low potential as a bat roost site. The Council Nature Conservation Officer advises that the proposal will have no significant ecological impact. The re-development provides an opportunity to enhance wildlife on site therefore a condition secure an enhancement from biodiversity to incorporate bat roosting features is advised in line within the guidance set out within PPS9: Biodiversity and Geological Conservation.

Other considerations

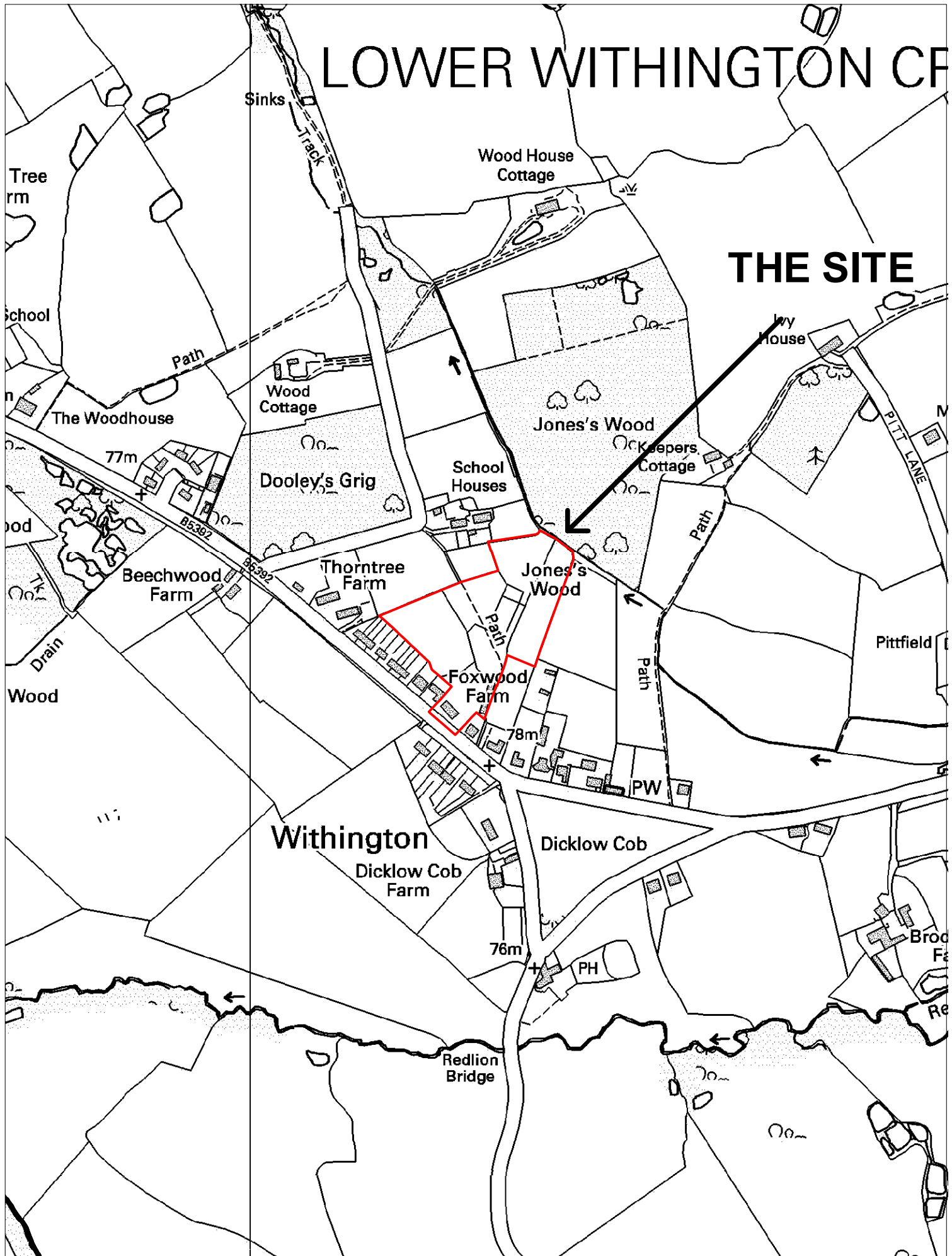
The applicant advises that foul sewage is to be connected into the existing main drainage system. It is noted that there is an existing toilet in the barn facility and it is presumed that the proposed new toilet facility and sink in the staff room would utilise the existing facility on site. This however will be clarified in an update to Committee.

The proposed cattery will need to comply with the Animal and Boarding Establishment Licence. The Environmental Health Department have confirmed that under the proposed plans the sizing of the units would be sufficient to provide accommodation for 18 cats provided the sleeping area is constructed in the form of a penthouse, raised above the exercise area and incorporated within the unit to satisfy the Licence requirements. The main concern however relates to the requirement for a separate isolation unit which would need to be sited approx 10m from the main units in case of the unfortunate event of a cat becoming sick. This additional information has been requested from the applicant and shall be provided in an update to Committee.

CONCLUSIONS AND REASON(S) FOR THE DECISION

Having regard to the above it is considered that the proposed development will not have a harmful impact upon the character of the existing countryside and therefore complies with Local Plan policy GC8. The proposed use of the site is likely to have a minimal impact upon highway safety and residential amenity and therefore the view is taken that having regard to the nature of the proposal and the size of the cattery to refuse the application on these grounds would be difficult to support at appeal. Subject to additional information being obtained with regards to foul sewage and isolation requirements a recommendation for approval is made subject to conditions.

LOWER WITHINGTON CP



10/1047M - FOXWOOD FARM SALTERS LANE LOWER WITHINGTON

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Scale 1:10000

Application for **Full Planning**

RECOMMENDATION : Approve subject to following conditions

1. A02AP - Detail on plan overridden by condition
2. A03FP - Commencement of development (3 years)
3. A06EX - Materials as application
4. Not to be used as a kennels
5. Hours of opening to the public - 8am to 4pm, 7 days a week incl bank holidays.
6. Drainage details
7. Parking spaces detailed on plan to be retained at all times
8. Bat enhancement features