

Application No: 19/1360N

Location: Former greenkeeper's shed and surrounding service area, Former Gorstyhill Golf Club, Abbey Park Way, Crewe, Weston

Proposal: Change of use of greenkeeper's shed to B8 (storage and distribution) with associated landscaping and hardstanding, provision of access from the A531 and closure of vehicular access from Abbey Park Way.

Applicant: Sarah c/o Agent, Haddon Property Developments Ltd

Expiry Date: 29-Feb-2020

SUMMARY

The application site is a former greenkeeper's shed used for the former Gorsty Hill Golf Course. The golf club closed several years ago and the building is currently vacant.

Policy PG.6 allows for the re-use of existing rural buildings where the building is permanent, substantial and would not require extensive alteration, rebuilding or extension. However, there needs to be a consideration of the design and landscape character of the development. Further to this, there should not be any conflict with other relevant Development Plan Policies.

With the above in mind, the proposal will not see any alterations or extensions to the existing building.

The proposed access will not raise any highway safety concerns.

Overall, the proposal development meets the criteria of Policies PG.6 and will not lead to any visual harm to the character of the surrounding open countryside.

SUMMARY RECOMMENDATION

Approve with conditions

REASON FOR REFERRAL

This application had been referred to the Southern Planning Committee by Cllr Janet Clowes for the following reasons:

I have been asked to call-in this application by Weston & Basford Parish Council and have submitted their own detailed report which examines their material planning concerns and justifications for requesting that this application is REFUSED.

The call-in can be viewed in full on the Councils website but concludes as follows;

'The site and proposed use are clearly unsustainable. The applicants who own the building are seeking to use it in connection with one of their existing businesses, for the storage and distribution of metal cladding and roofing products totally unrelated to the local area and contrary to the open countryside policies within the Local Plan. The proposal is unsustainable and fails to satisfy any of the criteria set out in the NPPF and there is a supply of strategic employment land in close proximity to the application site with access onto the motorway network. The proposal is also contrary to the Cheshire East Local Plan Strategy and the emerging proposals in the SADPD.

The change of use proposed will be alien and obtrusive within the Wychwood area introducing a commercial B8 use, additional cars and HGVs into a rural area and creating a large access for commercial vehicles onto the A531 in close proximity to the single access point serving both Wychwood Village and Wychwood Park. It will also produce a highway safety hazard for both children and residents.

The proposal will be prejudicial and conflict with the unique design concept of both Wychwood Village and Wychwood Park given that the proposed site is at the front door to both developments. We would therefore ask that this application is refused for the reasons set out in this objection and should be grateful if you could notify us of any proposed amendments made to the application and the likely decision date.'

DESCRIPTION OF SITE AND CONTEXT

The application site comprises of a steel portal frame building, at a height of 6 metres with a floor area of approximately 403m², an area of surrounding area of hardstanding with a landscaped area beyond this.

This site and building was used to store the greenkeepers equipment for the maintenance of the associated golf course.

To the south of the site is a hedgerow with the A531 running past and the Wychwood Park development beyond. To the east of the site is the roundabout that serves both the Wychwood Village and Park developments. To the north and west of the site lies Gorsty Hill Golf Course which is currently in an overgrown state.

DETAILS OF PROPOSAL

This application seeks approval for a change of use of the building to a Use Class B8 (storage and distribution) with access taken from the A531, closure of the vehicular access from Abbey Park Way and associated landscaping. This will involve the building being used for the storage and distribution of roofing materials.

There is no further building as part of the proposal and no changes to the appearance of the existing building.

Following discussions with the Council's Highways Officer a turning circle for HGVs has been provided within the confines of the site.

RELEVANT HISTORY

16/3092N - Variation of s106 agreement - refused

14/5671N - Housing development - not determined (dismissed at appeal)

P06/0780 - Variation of Condition 2 attached to Permission P02/1079 to Extend the Time Period for the Submission of Reserved Matters - approved with conditions 2006

P05/0274 - Temporary Clubhouse and Changing Facility - approved with conditions 2005

P05/0141 - Green Keepers Accommodation - approved with conditions 2005

P03/1351 - Landscaping of the Country Park, North Course - approved with conditions 2004

P03/0587 - Laying out of North Golf Course - approved with conditions 2003

P02/0991 - Variation of Clause 2.6(d) of Legal Agreement to allow 100 Commencements of Dwellings on the North Course prior to the Completion of The Club Golf Course - approved with conditions 2002

P02/1079 - Application for Outline Permission for a Maximum of 315 Dwellings and the Formation of a Country Park, Golf Course and Means of Access - approved with conditions 2003

P02/0991 - Variation of Legal Agreement to allow the commencement of 100 dwellings on the north course prior to the completion of the Club Golf course - approved with conditions 2002

P99/0775 - Variation of condition 2 of O/P 7/16321 to permit extended period for submission of reserved matters - approved with conditions 1999

P94/0950 - 18 hole golf course, practice ground, clubhouse and maintenance depot - approved with conditions 1994

P94/0463 - Variation of condition 1 on outline planning permission 7/16321 - approved with conditions 1995

P94/0952 - Roads and drainage - approved with conditions 1995

P93/0812 - Variation of outline submission of reserved matters within 7 years - approved with conditions 1993

7/20030 - Golf course landscaping details Phase 2 (Reserved Matters) - approved with conditions 1991

7/20011 - Landscaping proposals (Reserved Matters) Phase 1 - approved with conditions 1991

7/18543 - Construction of roundabout on A531 in assoc. with European golf institute - approved with conditions 1990

7/17120 - Temporary access to south course - approved with conditions 1990

7/19025 - Layout of south champion ship golf course incl. earth moving works and phase 1 Estate Road (Reserved Matters) - approved with conditions 1990

7/16321 - Outline application for golf course and assoc. buildings hotel, shops, leisure facilities, school and housing - approved with conditions 1990

POLICIES

Neighbourhood Plan

Weston and Basford Neighbourhood Plan (made plan)

H4 – Settlement Boundary

LC1 – Local Open Space within the Neighbourhood Plan Area

LC2 - Landscape Quality, Countryside and Open Views

LC3 – Woodland, Trees, Hedgerows and Walls

E1 – New Business

E3 – Use of Rural Buildings

D1 - Existing buildings in the open countryside

D3 - Employment Development

T8 – Creation of new accesses

Development Plan

Cheshire East Local Plan Strategy (CELPS)

PG.6 - Open Countryside

SD1 - Sustainable Development in Cheshire East

SD2 - Sustainable Development Principles

EG.1 - Economic Prosperity

EG.2 - Rural Economy

EG.4 - Tourism

SE1 – Design

SE2 – Efficient Use of Land

SE4 – The Landscape

Crewe & Nantwich Borough Council Local Plan Policy

NE.13 - Rural Diversification

BE.1 – Amenity

BE.3 – Access and Parking

BE.4 – Drainage, Utilities and Resources

RES.11 – Extensions and Alterations to Existing Dwellings

Other material policy considerations

National Planning Policy Framework (NPPF)

CONSULTATIONS (External to Planning)

Highways - No objection

Environmental Health – No objection

Parish Council

Weston and Basford Parish Council

Weston and Parish Council strongly objects to this application and has nothing to add to the reasons requesting the call-in for consideration by the Planning Committee

Hough and Chorlton Parish Council

At its meeting held on 01 April 2019, the Parish Council resolved to object to this application and request that the Borough Cllr for Wybunbury ward ‘calls it in’ for Committee determination.

The access site is wholly unsuitable for this proposal. It is currently an emergency entrance to the maintenance site. The actual access to the maintenance shed is via Abbey Park Way and this proposal would provide an unnecessary access into this site.

There is still the requirement for a maintenance shed on the site, therefore, if this proposal was approved, then another shed would require erecting on the site

The site is in open countryside and is thus unsuitable for B8 use. The proliferation of HGV traffic on this narrow road is a concern regarding road safety.

The access is close to two bus stops, often used by schoolchildren. There is no dedicated crossing and the proliferation of HGVs in the vicinity manoeuvring on and off the site will be detrimental to highways and pedestrian safety.

The road is subject to national speed limit and thus not suitable for HGV access and egress onto the site.

The Cheshire East Local Plan identifies appropriate employment sites across Cheshire East and these are not in open countryside

The Parish Council urges the planning authority to refuse this application on the grounds as set out above

OTHER REPRESENTATIONS:

There have been in excess of 1000 letters of representation which object to the proposed development for the following reasons:

- Highway safety – bus stops, increased traffic, children, pedestrians, cyclists, obscured access
- New access in contravention of S106
- Pollution – noise, dust, light, health
- Damage to environment and wildlife
- Industrial development elsewhere that could be used
- Pedestrian safety
- Increase in HGV traffic
- Application site is in a residential area
- Site not allocated in Local Plan for an industrial use
- Golf course site has become a wildlife haven
- No 'hours of opening' stated
- S106 cannot be varied
- Bus stops near access point – school buses
- Access already formed
- Close to residential properties
- Traffic survey is biased towards applicant
- Application is a smoke screen for further development
- S106 prevents any further development
- No development for 80 years from 2002
- Inappropriate location
- Visual impact
- Infrastructure not suitable for HGVs
- Trees have already been cut down
- Site is a 'green field' site
- Against the original design concept
- Impact on landscape
- Proposed access not suitable for HGVs
- Existing access
- Devaluation of houses
- Loss of outlook/view

Further to the above the Wychwood Community Group has already submitted several representations which also object to the proposal for the reasons below:

- S106 prevents any new access from the A531
- Stepping stone for future development

- False information submitted on application form
- Conditions from 2003 permission stop any access from A531
- Removal of trees and hedgerow prior to application

OFFICER APPRAISAL

Principle of Development

The application site lies within the open countryside as defined by the Borough of Crewe and Nantwich Replacement Location Plan 2011.

Policy PG.6 (Open Countryside) allows for development that is *'for the re-use of existing rural buildings where the building is permanent, substantial and would not require extensive alteration, rebuilding or extension'*.

The acceptability of such development will be subject to compliance with all other relevant policies in the Local Plan. In this regard, particular attention should be paid to design and landscape character so the appearance and distinctiveness of the Cheshire East countryside is preserved and enhanced.

Following on from the above paragraph 80 of the NPPF states that *'significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development'*.

Paragraph 83 of the NPPF then goes onto state that planning policies and decisions should enable:

a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;

The application building was originally approved in 2005 (P05/0141) and was used as accommodation for the greenkeeper's equipment for the adjacent Gorsty Hill Golf Course. This golf course has since closed and is currently in an overgrown state.

The applicant has stated that the building is now empty following the closure of the golf course.

The proposed change of use will not lead to any external changes to the existing building such as extensions or any built form. The existing building is permanent and substantial and would not require extensive alterations or rebuilding to facilitate the proposed use. Therefore, the re-use of the application building is considered to be compliant with Local Plan Policy PG6 and paragraph 83 of the NPPF.

In terms of sustainability the building, by virtue of its open countryside location, could be considered as unsustainable. However this is the re-use of an existing building which is supported in principle as stated above. The proposed development would also comply with the settlement hierarchy Policy PG2 of the CELPS which identifies the following in the 'other settlements and rural areas';

'In the interests of sustainable development and the maintenance of local services, growth and investment in the other settlements should be confined to proportionate development at a scale commensurate with the function and character of the settlement and confined to locations well related to the existing built-up extent of the settlement'

With this in mind, the application site is approximately 3.8 miles from junction 16 of the M6 motorway. Given the nature of the proposed use this is considered to be a reasonable distance to the motorway network which will be utilised by the end user.

Policy E.1 (New Business) of the Weston and Basford Neighbourhood Plan (WBNP) allows for:

- Proposals which extend existing, or promote new, small scale employment and tourism opportunities within the plan area will be supported where it can be demonstrated that the development will positively benefit the local economy and provides the opportunity for local employment and training.

Any proposal should not have an adverse impact upon the character and appearance of the locality or the amenity of adjoining properties.

Policy E.3 (Use of Rural Buildings) of the WBNP permits the re-use, conversion and adaptation of permanent, structurally sound, rural buildings of substantial construction for small business, farm diversification, recreation or tourism will be supported subject to:

- a) The proposed use being appropriate to a rural location.
- b) The conversion and/or adaptation works proposed respecting the local character of the surrounding buildings and local area.
- c) The local highway network being capable of accommodating the traffic generated by the proposed new use and adequate car parking being provided within the site.
- d) Compliance with other relevant policies in the plan.

Details of the exact employment make up of the end user have not been provided, therefore it is difficult to assess the benefits to the local economy and opportunities for employment and training.

With Policy E.3 in mind, the proposed development will not involve any external alterations to the application building and as such the development will respect the local character of the site. Furthermore, the application site is acceptable in terms of the strategic highways network and will not raise any highway safety concerns.

With the above in mind it is considered that the proposed change of use is in accordance with Policies E.1 and E.3 of the Weston and Basford Neighbourhood Plan, Policies PG.3, PG.6 and EG.2 of the Cheshire East Local Plan as well as the NPPF.

Section 106 Agreements

The overall Wychwood development is covered by three Section 106 Agreements dated 1990, 2003 and a variation in 2011.

With regards to the Section 106 Agreements that relate to the Wychwood Village development the Council has obtained independent Counsel advice to clarify matters raised by the resident's group (Wychwood Community Group) and is summarised as follows;

a) Do the provisions of the Section 106 agreements still apply and would the applicant need a variation of the agreements in respect of the proposed development?

The S106 Agreements do not apply to the application site, as such there is no requirement for a variation of the agreements should permission be granted. The controls afforded by the S106 agreements do not extend beyond specific requirements which include the total number of houses across the Wychwood development, the use and maintenance of the country park and the provision of the Community Hall as well as the provision of public open space/affordable housing within the nearby village of Weston.

b) Are the residents of Wychwood Village and Park “interested parties” to the Section 106 agreements, and can they prevent the development proposed by the application as a result?

As stated above the S106 Agreements do not constrain the redevelopment of the current application building and do not therefore require any variation. In any event if a variation was required it would be considered to be highly unlikely that the residents of the Wychwood development would need to be a party to any such variation of the existing agreements as their interests would be too far removed from the original purpose of the agreements and due to the fragmentation of land interests over the years.

c) Has the original 1990 Section 106 Agreement been superseded by the 2003 Section 106 Agreement?

Some parts of the 1990 S106 Agreement have been superseded by the 2003 Agreement. However the 1990 Agreement remains extant. Nevertheless, this does not alter the fact that any variation is required as set out in (a) above.

d) Do the Section 106 agreements prevent any further development of any type?

The 2003 S106 Agreement prevents development on land within the Country Park and prevents its use as anything other than a Country Park. This Agreement also requires that a parcel of land off Mere Road in Weston is retained as public open space and a parcel of land off East Avenue, Weston being developed for affordable housing.

Both the 2003 Agreement and the 1990 Agreement controls the number of dwellings that can be built across the site as a whole.

Beyond the constraints described above it is not considered that there are any further preclusions of development contained within the S106 Agreements. As a result any proposed development that falls outside of the express constraints identified will need to be determined on their own particular merits.

The points raised by the Resident group concerning a clause preventing any development for a period of 80 years from 2002 does not originate from any of the S106 Agreements. This may be contained within conveyance documents and, therefore, not be relevant to the determination of this planning application.

In summary Counsel does not consider that there are constraints within the existing Section 106 Agreements that would prevent the redevelopment of the current application site or building (greenkeeper’s shed). Therefore, the current planning application should be determined in the context of the Development Plan and all relevant material considerations, without the need to reference or consideration being given to the various Section 106 Agreements.

Design and Open Countryside

The application building was approved in 2005 and has stood since around this time. The proposed change of use will not involve any external changes to the existing building. Therefore, in terms of design, there will be no change to the current situation; as such it is not considered that there will be any visual harm or impact on the open countryside either around the site or in the wider context.

Following on from the above, the applicant's agent has confirmed that there will be no external storage of materials on the area around the building. A condition to this effect can be attached to any permission.

Since the initial submission a revised plan has been submitted which provide a landscape planting to the northern edge of the site. This will reduce any visual impact caused by the activities on the site when viewed from the residential development or the wider open countryside.

Overall, it is considered that the proposed development will not lead to any significant visual impact on either, the open countryside or the streetscene. The development complies with Policies D3, E1 and E3 of the WBNP and SE1 and PG6 of the CELPS and the NPPF.

Amenity

There has not been any objection raised by the Council's Environmental Health Officer regarding potential negative impacts of the proposal in terms of noise, dust or other types of pollution.

Saved Policy BE.1 (Amenity) of the Crewe and Nantwich Replacement Local Plan 2011 allows for new development provided that the following criteria are met:

- they are compatible with surrounding land uses
- do not prejudice the amenity of future occupiers of adjacent property by reason of overshadowing, overlooking, visual intrusion, noise and disturbance, odour or in any other way.
- do not generate such levels of traffic that the development would prejudice the safe movement of traffic on surrounding roads, or have an adverse impact on neighbouring uses; and
- do not lead to an increase in air, noise or water pollution insofar as this might have an adverse effect on the other uses of land

There are two neighbouring housing developments one to the north and one to the south of the application site. The closest dwelling is approximately 183 metres away to the south (Wychwood Park) and forms part of a small cluster of other properties. These dwellings sit on the opposite side of the A531 to the application site. Given this distance, the existing highway and the intervening belt of trees it is not considered that the proposed change of use will lead to a significant impact on the amenity of dwellings to the south.

To the north the closest residential dwelling lies approximately 325 metres away. As with the properties to the south, given the distance involved it is not considered that the proposal will have a significant impact on the amenity from this perspective.

It is proposed that the application site will be accessed from the A531 which will remove the need for any associated traffic to enter the Wychwood Village development to the north. There will not be any impact on amenity caused by traffic entering or leaving the site. Further to this, the application has been assessed by the Council's Highways Officer who has concluded that the number of vehicle movements generated will be minimal and will have a negligible impact on the local highway network.

It is not considered that the proposed change of use will have a significant highways impact sufficient enough to either justify or sustain a refusal in terms of the amenity of neighbouring residential properties.

The proposed change of use will not lead to any significant impact on residential amenity in terms of overshadowing, overlooking, visual intrusion, noise and disturbance, odour, levels of traffic generated or air, noise or water pollution. The proposal is in accordance with saved Policy BE.1 (Amenity) of the Crewe and Nantwich Replacement Local Plan 2011 and E1 of the WBNP.

Highways, Access and Parking

The proposed change of use will be accessed from the A531 and will utilise an existing access point that was approved for use of the greenkeepers shed in 2005 (P05/0141). This permission was implemented and commenced therefore the access as approved could still be implemented in line with the original permission.

It has been argued, through representations received, that the access point to be used off the A531 is not an existing or an historic access point and was formed when the golf course was constructed and is therefore unlawful (in any event given that more than 4 years have passed it would now be lawful). It makes no difference to the determination of this application whether the access is new or existing as the issue is whether or not it will be acceptable in terms of highway safety. As stated above an access point in this location has already been approved in 2005 and contrary to what has been claimed the S106 agreement does not prevent this.

It has also been claimed by some of the letters of objection received that the subsequent permission for a temporary golf club house (P05/0274) superseded the previous application for the greenkeeper's shed (P05/0141) and the access taken from the A531 was then for a temporary period of 5 years only. This is not the case as the permission actually allowed for the use of the access point for the greenkeeper's shed to be used to serve the temporary clubhouse while it was in situ. In any event, this permission was never implemented as the club decided to use the community hall instead until a permanent club house was built further along Abbey Park Way.

The Council's Highways Officer has assessed the proposal in terms of potential impact, on highway safety and the local road network.

The existing access off Newcastle Road (A531) will be upgraded and formalised and the geometry of it is acceptable to serve the proposal. Widening of the access and increasing of the radii were proposed to ensure that HGVs weren't required to cross over into opposing traffic lanes when entering and exiting the site.

The existing vehicle access off Abbey Park Way will be amended to be a pedestrian access only.

Since the initial submission a revised plan has been submitted following discussions with the Highways Officer which now provides a pedestrian footpath from the existing bus stop on the A531 to the pedestrian access.

The parking provision is to CEC standards and following amendments to the layout there is sufficient turning area for HGVs to allow them to enter and exit the site in a forward gear.

Visibility splays of at least 160m in either direction will be available and are acceptable.

The number of vehicles that will be generated from this site will be minimal and will have a negligible impact upon the local highway network.

It is accepted that there are two bus stops on the A531, however this is an existing situation which and HGVs already use this route. Therefore, there will this not be significantly altered by HGVs accessing the application site.

To promote sustainable travel a condition is recommended to ensure that the development provides adequate cycle storage.

The proposed development is in accordance with Policy BE.3 (Access and Parking) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and E3 of the WBNP.

Trees

There is an Oak tree protected by a Tree Preservation Order within the existing hedgerow approximately 25 metres to the east of the proposed access onto the A531.

The Council's Arboricultural Officer is satisfied that the visibility splays required by the Highways Officer can be achieved without causing harm to the protected tree.

A section of the proposed granite setts pathway will extend slightly into the Root Protection Area (RPA) of this protected tree.

The Council's Arboricultural Officer is satisfied that the provisions of BS5837:2012, which makes provisions and design recommendations for incursions into RPAs, have been addressed within the submitted Arboricultural Report. The incursions within the RPA of the Oak tree are relatively minor and taking into account the species characteristics, age and vitality of this tree, the Arboricultural Officer is satisfied that the tree will remain viable in the long term subject to recommended conditions.

Some vegetation and trees have been removed in and around the site, however these were not protected and could be removed at any time.

Other Matters

The issues raised regarding loss of house value and loss of outlook/view are not material planning considerations.

It is accepted that there are other industrial and commercial units available within the local area, however the applicant has applied for planning permission on a building that they already own. Consequently it has been necessary to consider the application on its own individual merits.

Summary

Whilst a large number of objections have been received from local residents these have been considered and addressed within the report above, and as a result the proposals are considered to be acceptable in land use and planning principle terms. In addition the scheme is of an acceptable design and would not result in any further built form; therefore there will not be any greater impact on the openness or the character and appearance of the open countryside. Furthermore, there will be no impact on residential amenity or highway safety in terms of access and vehicle movements associated with the development.

The associated S106 Agreements do not prevent the proposed development from being approved and implemented. In particular, as set out above, no variation of these agreements is required.

The development, has therefore, been considered against the relevant policies contained within the Development Plan and in respect of all other material considerations and there is no justifiable basis for planning permission to be withheld.

RECOMMENDATION:

APPROVE subject to the following conditions;

- 1.Approved Plans**
- 2.Materials as per application**
- 3.Boundary treatments to be submitted and approved by the LPA**
- 4.Construction Management Plan**
- 5.Visibility Splays of 160 metres to be kept clear**
- 6.Tree Protection**
- 7.Aboricultural Method Statement/Construction Specification**
- 8.Scheme of Landscaping to be planted prior to commencement of use**
- 9.Cycle storage – submission and implementation of a scheme**

In order to give proper effect to the Committee`s intent and without changing the substance of its decision, authority is delegated to the Acting Head of Planning in consultation with the Chair (or in their absence the Vice Chair) to correct any technical slip or omission in the resolution, before issue of the decision notice.

