

Southern Planning Committee

Agenda

Date:	Wednesday, 1st September, 2010
Time:	2.00 pm
Venue:	Council Chamber, Municipal Buildings, Earle Street, Crewe CW1 2BJ

Members of the Public are requested to check the Council's website the week the Southern Planning Committee meeting is due to take place, as Officers produce updates for some or all of the applications prior to the commencement of the meeting and after the agenda has been published.

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. Apologies for Absence

To receive apologies for absence.

2. Declarations of Interest

To provide an opportunity for Members and Officers to declare any personal and/or prejudicial interests and for Members to declare if they have pre-determined any item on the agenda.

3. Minutes of Previous Meeting (Pages 1 - 6)

To approve the minutes of the meeting held on 11 August 2010.

4. Public Speaking

A total period of 5 minutes is allocated for each of the planning applications for Ward Councillors who are not Members of the Planning Committee.

Please contact Julie Zientek on 01270 686466

E-Mail: julie.zientek@cheshireeast.gov.uk with any apologies, requests for further information or to arrange to speak at the meeting

A period of 3 minutes is allocated for each of the planning applications for the following individual groups:

- Members who are not members of the Planning Committee and are not the Ward Member
- The Relevant Town/Parish Council
- Local Representative Groups/Civic Society
- Objectors
- Supporters
- Applicants

5. **10/2222N - 5 Petersfield Way, Weston, CW2 5SH: First Floor Extension for Mr & Mrs I Rogers and J Taylor** (Pages 7 - 12)

To consider the above planning application.

6. **10/2281N - 10 Cheyne Walk, Nantwich, CW5 7AT: Reserved Matters for Outline Application for Erection of One Dwelling (Re-submission of P07/1625) for Mr C Turner** (Pages 13 - 20)

To consider the above planning application.

7. **10/1093N - Meremoor Farm, Jack Lane, Weston, Crewe : Conversion and Change of Use of Redundant Agricultural Buildings to Residential Use, including Demolition of Metal Clad Building and Lean-to and Erection of Covered Parking; including All External Works for The Duchy of Lancaster** (Pages 21 - 34)

To consider the above planning application.

8. **10/2091N - Blakelow Business Park, Newcastle Road, Blakelow, CW5 7ET: Proposal for One Small 11Kw Gaia Wind Turbine where the Wind Turbine is Located at 27m AGL Mounted on a Free Standing Tower on a Concrete Base. The Proposed Dual-Blade Rotor has a Diameter of 13m for G V & E Pickering** (Pages 35 - 50)

To consider the above planning application.

9. **10/2699N - Land Adjacent Limes Farm, Deans Lane, Barthomley: Agricultural Access Track for Mr P Abell, Walnut Tree Farm, Radway Green Road, Barthomley** (Pages 51 - 56)

To consider the above planning application.

10. **10/1659N - Bombardier Transportation, West Street, Crewe, CW1 3JB: To Erect Two Storey 81 Bed Care Home (Class C2: Residential Institution) following Site Removal of an Existing Car Park for Keenrick Care Homes and Seddon** (Pages 57 - 74)

To consider the above planning application.

11. **10/0924C - Land off Jersey Way, Middlewich : Residential Development for 82 Dwellings, Public Open Space and Means of Access for Russell Homes UK Ltd (Pages 75 - 82)**

To consider the above planning application.
12. **10/2194N - Little Abbey Farm, Pinsley Green Road, Wrenbury, Nantwich: Two Agricultural Buildings to Extend Existing Poultry Rearing Unit for Mr A Parker (Pages 83 - 90)**

To consider the above planning application.
13. **10/2481N - Meadow Bank, Groby Road, Crewe, CW1 4NA: Proposed Rebuilding of Industrial Units following Fire Damage to the Existing Units for Mr Beeson (Pages 91 - 98)**

To consider the above planning application.
14. **10/2678N - East and West Lodge, Queens Park, Victoria Avenue, Crewe, CW2 7SE: Internal and External Restoration of 2 No. Grade 2 Listed Park Lodges. Including Demolition of Flat Roof Extensions to East Lodge and Restoration of Original Elevation for Mr A Leach, Cheshire East Council (Pages 99 - 104)**

To consider the above planning application.
15. **10/2680N - East and West Lodge, Queens Park, Victoria Avenue, Crewe, CW2 7SE: Listed Building Consent for Internal and External Restoration of 2 No. Grade 2 Listed Park Lodges. Including Demolition of Flat Roof Extensions to East Lodge and Restoration of Original Elevation (Pages 105 - 110)**

To consider the above planning application.
16. **Appeal Summaries (Pages 111 - 114)**

To note the Appeal Summaries.

THERE ARE NO PART 2 ITEMS

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Southern Planning Committee**
held on Wednesday, 11th August, 2010 at Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

Councillor G Merry (Chairman)
Councillor L Gilbert (Vice-Chairman)

Councillors T Beard, D Bebbington, S Davies, B Dykes, S Furlong, J Jones,
S Jones, R Walker, J Weatherill and R Westwood

NON-COMMITTEE MEMBERS IN ATTENDANCE

Councillors D Hough and J Wray

OFFICERS IN ATTENDANCE

Sheila Dillon Senior Solicitor
Ben Haywood Principal Planning Officer
Paul Moore Principal Planning Officer

APOLOGIES

Councillors B Howell and A Kolker

48 CODE OF CONDUCT - DECLARATIONS OF INTEREST/PRE-DETERMINATION

All Members declared that they had received a letter in relation to
application number 09/3498C.

Councillor J Jones declared that he had received emails in relation to
application number 09/3498C.

Councillor S Jones declared a personal interest in respect of application
number 10/1491C on the grounds that she was a member of Alsager
Town Council, which had been consulted on the proposed development,
and was acquainted with the developer. She had not discussed the
development with either however, and in accordance with the code of
conduct, she remained in the meeting during consideration of this item.

Councillor L Gilbert declared that, with respect to application number
10/1575C, he had been present at meetings with the applicant and the
planning officer. He had also received verbal representations but had not
expressed an opinion and had not fettered his discretion.

49 **MINUTES**

RESOLVED – That the minutes of the meeting held on 21 July 2010 be approved as a correct record and signed by the Chairman, subject to the fourth paragraph of minute 36 being amended to read:

'To enable issues relating to outstanding highway matters (i.e. accurate information about bus services serving the site, the provision of bus stops/bus shelters and the provision of a pelican crossing) to be resolved, and for further investigation into outstanding Highways issues raised by the Applicant (need for a new footway link along Dunwoody Way, moving a boundary fence to increase visibility, replacement parking).'

50 **10/1865C PROPOSED DETACHED DWELLING (4 BED) WITHIN THE GARDEN OF 6 ROWAN CLOSE, SANDBACH, 6, ROWAN CLOSE, SANDBACH, CW11 1XN FOR MR FLOWERS**

The Chairman reported that the above planning application had been withdrawn by the applicant prior to the meeting.

51 **09/3498C DEMOLITION OF FOUR DWELLINGS, A COACH AND HGV DEPOT BUILDING, A WORKSHOP AND VARIOUS OUTBUILDINGS AND CONSTRUCTION OF TWENTY DWELLINGS WITH ASSOCIATED GARAGES AND CAR PARKING AND ALTERATIONS TO ACCESS ROAD (RESUBMISSION OF 08/1019/FUL), LAND AT FORGE LANE, CONGLETON FOR MIRWELL HOMES LTD C/O EMERY PLANNING PARTNERSHIP**

Note: Mrs C Featherstone (objector) and Mr R Gascoigne, Emery Planning, (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

Note: Ms A Brightmore, Mr T Radage and Mr M Robinson (objectors) had registered their intention to address the Committee on this matter but did not speak.

The Committee considered a report regarding the above planning application and an oral update by the Principal Planning Officer.

RESOLVED – That the application be APPROVED subject to

- (a) the prior completion of a S106 Agreement to secure:
 - (i) a detailed woodland management plan
 - (ii) a contribution for local traffic management issues
 - (iii) a substantial start on site (comprising completion of roads, drainage and 25% of the housing) within 12 months, failing which, an overage clause as per (iv)
 - (iv) updated financial appraisal in accordance with a methodology to be agreed with the District Valuer to secure appropriate financial

contributions in lieu of affordable housing if the economics of provision allow

(b) the following conditions:

1. 3-year Time Limit
2. Development in accordance with approved plans
3. Materials to be agreed prior to construction commencing (including window frames, doors and balconies)
4. Standard contaminated land condition
5. Scheme for noise mitigation within new dwellings
6. Restriction on construction hours to 08.00 to 18.00 Monday to Friday, 08.00 to 13.00 Saturday and no work on Sundays or Bank Holidays
7. Removal of permitted development rights
8. Submission of a scheme of landscaping to include replacement hedge planting using native species
9. Implementation and 5 years landscape maintenance condition
10. Tree protection measures
11. Precise details of boundary treatments
12. Precise layout of car parking court to be submitted and agreed prior to commencement of development
13. Precise details of retaining wall to the western site boundary to be submitted and agreed
14. Scheme for ecological enhancements for bats and birds
15. Site levels condition
16. Submission of a detailed suite of plans relating to the off site highway works
17. Compliance with the recommendations contained within the ecological report
18. Provision of a sustainable urban drainage system (SUDS)

52 10/1491C CHANGE OF USE FROM RESIDENTIAL TO OFFICE, BUSINESS TRAINING AND DANCE CLASS ACCOMODATION, SENATE HOUSE, 81 CREWE ROAD, ALSAGER FOR MR P KEELING

Note: Councillor D Hough (Ward Councillor) had not registered his intention to address the Committee. However, in accordance with paragraph 2.8 of the Public Speaking Rights at Strategic Planning Board and Planning Committee meetings, the Committee agreed to allow Councillor Hough to speak.

Note: Mr P Keeling (applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application and an oral update by the Principal Planning Officer.

RESOLVED – That the application be **APPROVED** subject to the following conditions:

1. Commencement of development within 3 years
2. Accordance with approved plans
3. Scheme of Acoustic enclosure of fans/compressors
4. Limit hours of operation to between the hours of 8.30am to 21.30pm
5. All windows and openings contained within the first floor of the north facing elevation of the building shall remain closed during dance classes
6. Noise condition requiring implementation of a scheme setting maximum noise levels and monitoring points agreed by the Public Protection & Health Manager
7. Parking layout
8. Dance studio limited to area shown
9. External lighting

53 10/1575C EXTENSION OF TIME LIMIT - DEVELOPMENT OF AN 80 BED RESIDENTIAL CARE HOME, FORMER ARCLID HOSPITAL SITE, NEWCASTLE ROAD, ARCLID FOR MR R WOODCOCK

Note: Councillor J Wray (Ward Councillor) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

RESOLVED - That the application be REFUSED for the following reasons:

1. The applicant has failed to provide sufficient evidence to show that the proposed development would not have a detrimental impact on protected species contrary to PPS 9: Biodiversity and Geological Conservation and Policy NR3 of the adopted Congleton Local Plan
2. The applicant has failed to provide sufficient evidence to show that the proposed development could be undertaken without harm to protected trees especially those along the front of the site adjacent to the proposed entrance to the development contrary to Policy NR1 of the adopted Congleton Local Plan
3. The applicant has failed to provide sufficient evidence to show that the proposed development will not have a detrimental impact on the safe operation of the A50 Newcastle Road and the junction to the south with the A534 contrary to Policy GR9 of the adopted Congleton Local Plan

Note: Following consideration of this application, the meeting was adjourned from 3.55 to 4.05pm for a short break.

54 10/1983C APPLICATION FOR A REMOVAL OR VARIATION OF A CONDITION FOLLOWING PLANNING PERMISSION - CONSTRUCTION OF NEW FOOD STORE, LAND AT WEST HEATH SHOPPING CENTRE, CONGLETON FOR HOLLINS MURRAY GROUP & ALDI STORES LTD

The Committee considered a report regarding the above planning application.

RESOLVED – That the application be APPROVED subject to the following condition:

1. Restriction to a discount food operator

55 10/2076N EXTANT TO APPROVED PLANNING PERMISSION P07/0403 FOR 11 INDUSTRIAL UNITS, OLD CREAMERY, STATION ROAD, WRENBURY FOR NSW ENGINEERING (2000) LTD LOCKSIDE, THELWELL LANE, LATCHFORD, WARRINGTON

The Committee considered a report regarding the above planning application and an oral update by the Principal Planning Officer.

RESOLVED – That the application be APPROVED subject to the following conditions:

- 1 Commencement of Development within 3 Years
- 2 Development in accordance with approved plans
- 3 Materials to be submitted and approved
- 4 Landscaping to be carried out in accordance with approved details
- 5 Landscaping to be implemented and maintained
- 6 Surfacing Materials to be carried out in accordance with approved details
- 7 Details of Travel Plan to be submitted and approved
- 8 No External Lighting to be installed without prior approval
- 9 Details of Drainage scheme to be submitted and approved
10. Restriction of use within B1 – Light industrial use only
11. Boundary Treatment to be carried out in accordance with the approved details
12. Details of covered cycle parking to be submitted and approved
13. Shower/Changing Room Facilities to be carried out in accordance with the approved details
14. Prior to the first occupation of the development the turning areas shall be provided
15. No servicing of the site shall take place outside the hours of 7am to 9pm, Monday to Saturday inclusive. There shall be no servicing at any time on Sundays and Bank Holidays.
16. Trees to be protected during construction and retained.
17. Prior to the first occupation of the development hereby permitted the access road shall be upgraded in accordance with details to be submitted and approved.

**56 10/2222N FIRST FLOOR EXTENSION, 5 PETERSFIELD WAY,
WESTON CW2 5SH FOR MR & MRS I ROGERS & J TAYLOR**

Note: Councillor R Walker declared that he had previously met Mr Morren with respect to a different matter, and that he had not expressed a view on this application.

Note: Councillor J Cornell (on behalf of Weston & Basford Parish Council), Mr H Stebbing (objector) and Mr R Morren, RON Designs UK Ltd (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

RESOLVED – That the application be DEFERRED for a Committee site inspection so that Members can assess the impact of the proposed development on neighbouring residential amenity.

**57 10/2281N ERECTION OF ONE DWELLING (RE-SUBMISSION OF
P07/1625), 10 CHEYNE WALK, NANTWICH, CW5 7AT FOR MR C
TURNER**

The Committee considered a report regarding the above planning application.

RESOLVED – That the application be DEFERRED for a Committee site inspection so that Members can assess the impact of the proposed development on neighbouring residential amenity.

58 APPEAL SUMMARIES

The Committee considered a summary of appeal decisions.

RESOLVED - That the appeal summaries be noted.

The meeting commenced at 2.00 pm and concluded at 4.42 pm

Councillor G Merry (Chairman)

Planning Reference No:	10/2222N
Application Address:	5 Petersfield Way, Weston CW2 5SH
Proposal:	First Floor Extension
Applicant:	Mr & Mrs I Rogers & J Taylor
Application Type:	Householder
Grid Reference:	373952351544
Ward:	Doddington
Earliest Determination Date:	7 July 2010
Expiry Dated:	6 August 2010
Date of Officer's Site Visit:	16 July 2010
Date Report Prepared:	29 July 2010
Constraints:	Wind Turbine Development Consultation Area

SUMMARY RECOMMENDATION

APPROVE subject to conditions

MAIN ISSUES

Impact of the development on:-

- Principle of Development
- Design Standards
- Amenity

1. REASON FOR REFERRAL

This application was been deferred from the previous Southern Planning Committee meeting so that Members could visit the site.

2. DESCRIPTION OF SITE AND CONTEXT

The application site measures approximately 700 sq. m and comprises an existing two storey modern detached property located at the end of the cul de sac known as Petersfield Way located in the Wychwood Village estate which was a former housing allocation which is nearing completion.

The application site backs onto an area of open space within the estate. The site is located within a RES.1 housing designation surrounded by the designated open countryside.

3. DETAILS OF PROPOSAL

The proposals relate to a first floor extension over the existing garage.

The following is to occur:

- 2 new first floor windows in the existing gable end serving bedroom 3 and ensuite
- first floor extension over the existing garage measuring 8.2m in length, matching the depth of the existing garage and reaching a height of 6.7m to the ridge of the pitched roof.

- a dormer window at first floor level is proposed on the rear elevation and an alteration from a pitched to a hipped roof on the section of the garage which projects beyond the rear building line of the main dwelling.
- new block skin to garage internally
- dormer window to existing first floor window on right side elevation
- new canopy porch to existing entrance
- lean-to roof over porch and existing garage doors on front elevation
- two first floor dormer windows on front elevation
- first floor window in gable end with small high level opening above.
- the extension is to be constructed of facing brick and red roof tiles to match existing.

Amended plans have been received; the following changes are proposed:

- reduce length by 3m (which removes a dormer from the front elevation)
- windows at first floor further apart on rear elevation

4. RELEVANT HISTORY

P07/0145 conservatory approved 02/05/2007

5. POLICIES

The principal issue surrounding the determination of this application is whether the development is in accordance with the following policies within the Borough of Crewe and Nantwich Replacement Local Plan 2011:

BE.1 Amenity

BE.2 Design Standards

BE.3 Access and Parking

RES.11 Improvements and Alterations to Existing Dwellings

RES.1 Allocated Housing Sites

Other Material Considerations

Planning Policy Statement 1 (Delivering Sustainable Development)

SPD: Extensions and Householder Development

6. CONSULTATIONS (External to Planning)

None Consulted

7. VIEWS OF THE PARISH COUNCIL

None received at time of writing report

8. OTHER REPRESENTATIONS

None received at time of writing report

9. APPLICANT'S SUPPORTING INFORMATION

None received

10. OFFICER APPRAISAL

Principle of Development

The site lies within an existing housing commitment site allocated under policy RES.1 the details of which are included within Appendix 7.1 of the Local Plan. The plot contains an existing dwelling, and whilst the site does not lie within a settlement boundary, the principle of residential development on the site has nonetheless already been accepted.

Policy RES.11 governs the acceptability of extensions to existing dwellings and states that it should respect the existing dwelling and not raise any amenity or highway safety issues.

The policy also requires that extensions remain 'subordinate' i.e. no more than double the size of the original. However the policy makes it clear that this criterion only applies to properties within designated Areas of Special County Value, Green Belt, Open Countryside and Conservation Areas. As such this criterion is not applicable to these proposals.

Design Standards

Whilst policy RES.11 only requires extensions to properties within designated Areas of Special County Value, Green Belt, Open Countryside and Conservation Areas to remain subordinate, the guidance contained within the SPD: Extensions and Householder Development suggests that extensions should be designed to be subordinate to the existing dwelling to ensure extensions respect the setting, design, scale, and form of the original dwelling. (para 3.4)

Scale

The proposed extension is a first floor extension over the existing garage and entrance and in terms of its height, it would be recessed by 1.5m below the ridge height of the original dwelling. It should also be noted that the front and rear building lines would also be recessed which requires the provision of lean-to roof sections to the existing ground floor elements.

The recessed elements of the proposed extension ensure it would remain visually subordinate to the original dwelling and as such the extension would be of a size and scale appropriate to this property.

Design, Detailing and Materials

The existing property is a large two storey modern dwelling constructed of facing brick with red plain roof tiles.

In terms of materials, the applicant has stated that the proposed extension would be constructed of matching materials which is considered acceptable and desirable given that the choice of materials plays an important part in establishing the character of this property. Moreover it also is important in creating unity with surrounding dwellings which are of a similar design and scale and use identical materials in their construction.

The scale, proportions and alignment of the proposed windows both to the extension and to the existing dwelling would respect the existing window features on the property; the

casement style, size, proportions, cill and lintel detailing and the provision of dormers over the first floor openings would all match the existing windows.

The void to solid ratio and alignment of windows would also respect the existing dwelling. The proposed extension would provide for lean-to roofs and a canopy porch which are not currently features of the property. However this is a large, modern dwelling which is not sensitive to such additions. These contrasting roof forms are easily absorbed within the fabric of the building without detriment to its character or appearance both individually and as part of the streetscene.

Amenity

Both policy RES.11 and BE.1 state that extensions should not result in a loss of amenity to neighbouring properties through overlooking, overshadowing, noise, odour or in any other way.

Overlooking

The proposed window in the gable end of the first floor extension would overlook an area of public open space and the windows on the front elevation would face the existing cul de sac head and the residential property opposite which is over 21m away. Turning to the rear elevation, the new window serving bedroom 3 would overlook the garage to no. 15 Pastures Drive and therefore this would not result in a significant level of overlooking to the rear amenity space for this property. The two other windows in the rear elevation which would face no. 15 Pastures Drive would serve ensuite windows and these will be conditioned to be obscure glazed in the interests of neighbouring amenity.

Overshadowing

The SPD states that the 45 degree code will be used as a guideline to help determine whether an extension would overshadow principal windows of neighbouring properties.

The first floor extension would not significantly breach the 45 degree code for the bedroom window of no. 15 Pastures Drive. That said, this is only horizontally and not vertically; the implications of this are that the window would only be affected when the sun is low in the sky. As the proposed extension would be located to the east this would affect morning light to the window; given that the window affected is north facing, this window only receives predominantly morning light. As such, the impact of the extension upon the light received by this window would be minimal rather than significant now that the length of the extension has been reduced.

An existing second kitchen/dining room window at no. 15 Pastures Drive is situated 3.5m away from no. 5 Petersfield Way and is therefore already overshadowed. The proposals would not make this materially worse. The study window of no. 15 is 5m away from no. 5 Petersfield Way. This is not a principal window. The eaves height of the proposed extension would be 4.5m. As such it is considered that the extension would not have a significant adverse impact on the amount of day light within the study.

Overbearing

In addition to loss of light, the SPD also makes specific reference to extensions being overbearing (para 3.42). The proposals would result in an expanse of brickwork 5.5m long

and 4.5m high within 2m of the boundary with no. 15 Pastures Drive. Whilst this property has a single storey projection adjacent to this boundary, which does not have the same visual impact of a two storey extension of this length, the reduced length of the proposed extension and given that it would be recessed its visual impact would be limited.

Other Matters

The extension would not result in additional noise or odour and would not have an adverse impact upon bin storage or available amenity space.

Other Matters

The proposed first floor extension would not have an adverse impact upon highway safety as the garage would remain available for the storage of motor vehicles and the proposals would not increase vehicle movements at the site or adversely affect visibility or manoeuvrability within the site.

Drainage details are not shown on the plans although as the site is not located within an area where there are known drainage issues it is not considered necessary to condition the submission of details in the event of an approval notice being issued.

11. CONCLUSIONS

The proposals as amended represent an acceptable form of development. The proposed extension is of a scale and design which would respect the character and appearance of the existing dwelling, the extension would not have a significant adverse impact upon neighbouring amenity and would not raise any concerns for highway safety or drainage. As such the proposals accord with policies BE.1 Amenity, BE.2 Design Standards, BE.3 Access and Parking, RES.11 Improvements and Alterations to Existing Dwellings and RES.1 Allocated Housing Sites of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

12. RECOMMENDATIONS

APPROVE subject to conditions

- 1. Standard Time Limit**
- 2. Materials to Match Existing Dwelling**
- 3. Development in Accordance with Approved Plans**
- 4. Ensuite Windows to be Obscure Glazed**



Planning Reference No:	10/2281N
Application Address:	10 Cheyne Walk, Nantwich, CW5 7AT
Proposal:	Reserved Matters for Outline Application for Erection of One Dwelling (Re-submission of P07/1625)
Applicant:	Mr C Turner
Application Type:	Full Planning Permission
Grid Reference:	365282350997
Ward:	Nantwich
Earliest Determination Date:	20 July 2010
Expiry Dated:	12 August 2010
Date of Officer's Site Visit:	15 July 2010
Date Report Prepared:	15 July 2010
Constraints:	Wind Turbine Dev Consultation Area

SUMMARY RECOMMENDATION

APPROVE subject to conditions

MAIN ISSUES

- Principle of Development
- Design Standards
- Amenity
- Highway Safety
- Nature Conservation
- Drainage

1. REASON FOR REFERRAL

This application was been deferred from the previous Southern Planning Committee meeting so that Members could visit the site.

2. DESCRIPTION OF SITE AND CONTEXT

The 922 sq. m application site comprises an existing semi-detached, 1960s bungalow located at the end of a cul de sac within an established residential suburb within Nantwich. The site is bounded by playing fields associated with Weaver Primary School to the south with the north, east and west boundaries shared with neighbouring residential properties.

The residential curtilage is overgrown with an existing greenhouse, shed and eight semi-mature fruit trees. There are two more prominent larger trees along the boundary with the playing fields, however these are unaffected by the proposal. The existing dwellinghouse has been extended to the side and rear and there is an existing garage adjacent to the dwellinghouse which will remain in situ.

3. DETAILS OF PROPOSAL

This is a full application for the erection of a new bungalow; under the outline consent, landscaping, scale and appearance were reserved for subsequent approval. As the layout has changed slightly, full planning permission is required. The outline consent is nevertheless a material consideration.

The new bungalow as approved would have been sited to the side of the existing bungalow and would have been 'L' shape. It would have measured 12m in length, 7.5m in width and would have reached a height of 6.5m to the ridge of the pitched roof. The new dwelling would share the existing point of access for the existing dwelling. The scheme as submitted measures 10.8m in length and 7.4m deep with a rectangular shaped footprint measuring 2.4m to eaves height and 5m to ridge height. The design incorporates a porch, dormers windows and a single pane rooflight.

4. RELEVANT HISTORY

P07/1625 outline for one dwelling withdrawn
P08/0690 outline for one dwelling approved 22/08/2008

5. POLICIES

Local Plan Policy

NE.5 (Nature Conservation and Habitats)
BE.1 (Amenity)
BE.2 (Design Standards)
BE.3 (Access and Parking)
BE.4 (Drainage Utilities and Resources)
RES.2 (Unallocated Housing Sites)
RES.3 (Housing Densities)

Other Material Considerations

Planning Policy Statement 1 (Delivering Sustainable Development)
Planning Policy Statement 3 (Housing)

Supplementary Planning Document Development on Backland and Gardens

6. CONSULTATIONS (External to Planning)

Strategic Highways Manager: No response received at time of writing report

7. VIEWS OF THE PARISH COUNCIL

No response received at time of writing report

8. OTHER REPRESENTATIONS

No letters received at time of writing report

9. APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement produced by Bower Edleston Architects; summary

- location of the dwelling is essentially the same
- plan form simplified to allow the ridge of the dwelling to run transverse to the street frontage in a similar manner to the other existing dwellings in the vicinity.
- dormer windows introduced to southern elevation
- all principle windows at first floor level face away from adjoining properties
- materials will harmonise with existing house types

Tree Schedule

- 10 trees all in fair condition and all to be retained except one Pear tree

Arboricultural Implication Study (AIS)

10. OFFICER APPRAISAL

Principle of Residential Development

The extant planning permission is a material consideration. Despite that the RSS for the North West has recently been abolished, the final version of this document had not been adopted when the outline application on this site was approved. As such the abolition of this document has no implications on the acceptability of a dwelling on this site.

Whilst the site is now classed as Greenfield under the provisions of the amended version of PPS3 the site lies within the settlement boundary of Nantwich where there is a presumption in favour of development. In light of the above, the principle of one dwelling on the site is accepted. The acceptability of the detailed proposals must be assessed against relevant policies of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

Design Standards

The prevailing character of the area comprises 1960s/ 1970s dormer bungalows. The regimented street pattern and form of the existing dwellings makes an important contribution to establishing the character of the area. The estate has a regimented street pattern dominated by semi-detached bungalows which are set back from the cul de sacs but address the road frontage and are primarily linear in form.

Para 3.6 of the SPD 'Development on Backland and Gardens' states that Plots should be sufficiently wide enough to site buildings of an appropriate frontage width and to provide the appropriate visual separation between dwellings. There is a separation distance of 2.8m to no. 10 and 7m to no. 11 which would ensure there is a visual separation between the dwellings.

Whilst there is a regimented pattern to the streetscene, as many of the properties turn the corner or are located in corner plots set back from the road frontage, it was established at the outline stage that the siting of a dwelling in this position would not contradict the pattern and form of development within the area; moreover it should be noted that no. 8 is set back from the road frontage in a similar format to that proposed.

The footprint would also match the footprints of existing dwellings sited around Cheyne Walk and therefore would not appear incongruous within the existing cul de sac formation.

Turning to detailing, the simple detailing of the bungalow would reflect the detailing on existing properties within Cheyne Walk. Whilst dormers are proposed, these would be reserved to the rear elevation and would not be visible from Cheyne Walk. Whilst these would be visible from the playing fields, it is not considered that the dormer windows would be overly dominant features of the landscape when viewed from the playing fields.

The proposed dwelling would have a height of 5m to the ridge, the same height as the surrounding properties. It is considered that the proposal would respect and conserve the character and appearance of the area. A condition is recommended requiring details of external materials to be agreed.

Amenity

The principal windows in the proposed bungalow would be reserved to the front and rear elevations. The rear elevation would overlook the playing fields to the rear and the property would lie over 21m from no. 7 Cheyne Walk opposite. The window to the upstairs bathroom would overlook the remaining rear garden area to no. 10. However this could be conditioned to be obscure glazed.

There are no primary principal windows on the side elevation of the adjoining neighbouring property that could be adversely affected by the proposal. The proposed dwelling would be sited to the east of the garden area of no. 11. Whilst this would result in overshadowing this is likely to be marginal given the scale and overall height of the proposed building and the orientation and size of the garden affected.

Both the existing and proposed dwellings would have over 50 sq. m of usable garden space which accords with the guidance within the SPD.

It is recommended that permitted development rights be removed in the interests of neighbouring amenity.

Highway Safety

The layout proposed cannot provide two off street car parking spaces per dwelling and sufficient space to manoeuvre vehicles. That said there is sufficient space to provide one off street car parking space and manoeuvring space. Given that there are no existing on street car parking restrictions, there are no known parking problems and cul de sacs promote lower vehicle speeds (in the region of 20-30 mph), it is considered the provision of one space per unit would not result in a highway safety issue if additional cars were to park on the road. A condition is recommended requiring the provision of on site parking and turning space.

In addition, the site is in a highly sustainable location easily accessible by public transport which promote alternative transport choices to the private motor vehicle and would therefore reduce demand for car parking spaces in any event. It should also be

noted that PPG13 considers that the availability or otherwise of car parking has the greatest influence over transport choices.

Turning to visibility, given the depth of the footpath and the width of the access the visibility splays at the point of access are considered acceptable given that the access would serve only 2 properties and given the volume and speed of traffic in this location.

Nature Conservation

There are 10 mature and semi-mature trees around the site comprising 2 Pines, 1 Prunus, 2 Pear, 3 Apple, 1 Lime and 1 Ash. The Lime and Ash trees are situated within the playing fields. The tree schedule indicates that these are all of fair condition and only one of these trees, a Pear tree, is proposed to be felled. This is however to enable the protection of the larger Pear tree adjacent rather than as a direct result of the proposed siting of the footprint of the proposed dwelling.

In any event, these trees are ornamental and have limited amenity value and as such are not worthy of a Tree Preservation Order. Nevertheless their retention would be desirable and therefore the tree protection measures will be conditioned along with a landscaping scheme to soften the areas of hardsurfacing.

Drainage

The site would be drained via the main sewer system; whilst there are no known drainage problems, it is considered prudent to condition the submission of a drainage scheme to ensure the proposal would not have an adverse impact upon the existing sewer system.

As the proposal would increase the amount of hard surfacing, it is considered prudent to condition sustainable urban drainage measures to ensure that the proposal would not contribute towards localised flooding.

11. CONCLUSIONS

The site lies within the settlement boundary of Nantwich where there is a presumption in favour of residential development. The siting and design of the dwelling ensures it would respect the character and appearance of the area and the proposal as conditioned would not have an adverse impact upon neighbouring amenity, highway safety, and drainage or nature conservation.

12. RECOMMENDATION

APPROVE subject to the following conditions

- 1. Standard Time Limit**
- 2. Development to be in Accordance with the Approved Plans**
- 3. Submission of Samples of Materials and Surfacing Materials**
- 4. Permitted Development Rights Removed for Extensions, Roof Alterations, Outbuildings and Renewable Energy**
- 5. Submission of Details of Drainage Scheme including Sustainable Urban Drainage Measures**

- 6. Tree Protection Measures to be Erected and in Accordance with Submitted Details**
- 7. Submission of Landscaping Scheme to include Replacement Planting**
- 8. Implementation of Landscaping Scheme**
- 9. Submission of Details of Boundary Treatment**
- 10. Submission of Amended Layout Plan and Retention of Car Parking and Turning Space**
- 11. Obscure Glazing to Ensuite Window to be Installed and Retained**

Location Plan: Cheshire East Council Licence No. 100049045



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Planning Reference No:	10/1093N
Application Address:	Meremoor Farm, Jack Lane, Weston, Crewe
Proposal:	Conversion and Change of Use of Redundant Agricultural Buildings to Residential Use, including Demolition of Metal Clad Building and Lean-to and Erection of Covered Parking; including all External Works.
Applicant:	The Duchy of Lancaster
Application Type:	Full application
Grid Reference:	373911 352976
Ward:	Doddington
Earliest Determination Date:	10 th June 2010
Expiry Dated:	18 th May 2010
Date of Officer's Site Visit:	20 th May 2010
Date Report Prepared:	2 nd June 2010
Constraints:	Wind Turbine Consultation Area. Open Countryside

SUMMARY RECOMMENDATION:**Approve with conditions****MAIN ISSUES:**

- Principle of Development
- Design
- Amenity
- Ecology
- Highway matters
- Drainage

1. REASON FOR REFERRAL

This application has been called to the Committee by Councillor R Walker on the following grounds: "I believe the Committee should discuss this application as it is in the Green Belt. In particular it should consider whether the traffic generated is acceptable within policies NE.1 and NE.15".

2. DESCRIPTION OF SITE AND CONTEXT

Meremoor Farm is a traditional farm house which has been subdivided into two dwellings in the past. The application site is the traditional farm outbuildings associated with the farm house. The farm and outbuildings are located in the Green Belt/ open countryside and accessed down a long farm drive off A5020, Weston Road. There is a pair of cottages situated part way along the access drive.

3. DETAILS OF PROPOSAL

This is a full planning application for the conversion of the brick buildings to four dwellings. The application also proposes the demolition of an agricultural storage

building and a lean-to located to the south of the brick buildings and replacement with a covered car parking area/ bin store. Unit one would have a detached double garage provided in the garage building adjacent to the unit. All other units would have 2 car parking spaces in the new covered parking area.

Amended plans have been submitted which provide more details about the bat mitigation measures proposed, alterations to glazing at unit 4 and reduce the number of roof lights.

4. RELEVANT HISTORY

None

5. LOCAL PLAN POLICIES

Borough of Crewe and Nantwich Replacement Local Plan 2011

NE.1 Green Belt

NE.5 Nature Conservation and Habitats

NE.9 Protected Species

NE.16 Re-use and Adaption of Rural Building for Residential Use

BE.1 Amenity

BE.2 Design Standards

BE.3 Access and Parking

BE.4 Drainage, Utilities and Resources

TRAN.9 Car Parking Standards

Other Material Considerations

PPS1: Delivering Sustainable Development

PPS2: Green Belt

PPS7: Sustainable Development in Rural Areas

PPS9: Biodiversity and Geological Conservation

6. CONSULTATIONS (External to Planning)

Strategic Highways Manager: No highway objections. Any increase in vehicular movement will require improvements to the existing access and the construction of passing bays along the lane to prevent queuing traffic backing up on the A5020. Seek a condition for the submission of detailed drawings to show the site's access arrangements, visibility splays, passing bays and the provision of the works prior to occupation of the dwellings. The applicant should be informed of the need to obtain highway authority consent for any work in or that may affect the public right of way. A section 184 licence will be required to carry out works for alterations to the access.

Ecology: Two relatively widespread species of bat have been recorded roosting within the barns. The ecologist that undertook the bat survey has assessed the roosts as being of medium conservation status due to the presence of two species. Both bat colonies appear to be small.

In the absence of mitigation the proposed development has the potential to have a moderate adverse impact on protected species through the loss of roosts of two bat species and the risk of killing/injuring any bats during the construction phase. The submitted report recommends the installation of a number of replacement roosting

features appropriate for both bat species recorded on site and also recommends the timing and supervision of the works to reduce the risk posed to any bats that may be present. The proposed mitigation/compensation is in accordance with best practise and if successful is likely to reduce the potential adverse impacts of the development to a negligible level.

To ensure that the proposed mitigation is enforceable it should be secured by means of a condition. In addition breeding birds were also recorded using the barns therefore two conditions are required to ensure that if site works or development commence in the nesting season, the site is checked first to ensure no nesting birds are disturbed and secondly to secure the provision on site of features suitable for use by breeding birds.

Environmental Health: Request conditions in relation to the submission and implementation of works to ensure treatment of any contamination of the site and hours of construction.

United Utilities: No objection in principle providing the United Utilities requirements in relation to the existing water main are met.

7. VIEWS OF WESTON AND BASFORD PARISH COUNCIL:

Object:

- The site is within the green belt but no very special circumstances have been put forward to justify this application and the submission fails to demonstrate that the building is inappropriate for commercial, industrial or recreational use. Therefore the proposal does not comply with policy NE.1 (Green Belt) and NE.16 (Re-use of Rural Buildings for Residential Use).
- Access is along a narrow unmade track and the access point is from a junction with A5020. There are likely to be more than 8 additional vehicles specified in the application form and the access arrangements are dangerous for pedestrians and vehicles on account of the heavy volume and high speed of traffic on A5020.
- The site is low lying and understood to be liable to flood. Four additional dwellings could be unacceptable to the Environment Agency.
- Detrimental to residential amenities at 1 Meremoor Farm Cottage. The converted barns will face the main entrance and habitable rooms of this dwelling with impact on noise, light intrusion, and general disturbance to the occupants.
- The access track is also used by heavy farm vehicles which will pass between the proposed dwellings and the parking area and this will exacerbate problems of noise, safety and amenity.

8. OTHER REPRESENTATIONS:

One letter expressing concern from residents at 1 Meremoor Farm Cottages, Jack Lane, Weston. The grounds of concern can be summarised as follows:-

- The A5020 is dangerous and accidents have occurred when turning into the drive. The additional traffic will make the matter worse.
- Farmers use the access drive to the fields and the track is only single width
- All tenants will need cars and there are 10 car parking spaces proposed. This is on top of the existing traffic using the site.
- Bats, swallows and sparrows use the barn.
- A public footpath crosses the drive.

- Full length windows are shown in the new dwellings opposite the windows in the writers' property which serve the kitchen window, bathroom and front door.
- Outside lights at the development will shine into the writers' windows and result in light pollution.
- Construction traffic will cause congestion.
- The site is in the Green Belt and also on a flood plain.
- Safety of pedestrians and loss of amenity at existing properties.

A second representation provides the results of the British Trust for Ornithology's survey of nesting birds at Meremoor Farm. In summary the survey found:-

- Meremoor Farm includes a range of specialised habitats of biological interest.
- A total of 57 nests were found in use in the building with 45 species being recorded on survey dates of 30th April and 11th June 2010
- Species nesting on the days of survey were blackbird, blue tit, house sparrow, house martin, pied wagtail, robin, tree sparrow, swallow and wren
- House sparrow and tree sparrow are red listed species and swallow and house martin are amber listed species.
- Disturbance at Meremoor Farm would threaten swallows and its disturbance or loss would, in conservation terms, be wholly unacceptable.

9. APPLICANT'S SUPPORTING INFORMATION:

Design and Access Statement (Prepared by Smith Gore and dated February 2010)

- The proposal is to convert the two storey brick barns to four dwellings which include the use of a detached single storey outbuilding.
- A metal clad storage building will be demolished and replaced with an open fronted but covered area of car parking incorporating a bin store.
- An additional metal clad barn will be retained for agricultural use
- Hard landscaping will include brick paviors and granite sets to form lay bys in front of the dwellings.
- The forecourt will be surfaced with gravel on consolidated hoggin.
- Post and rail fence will define boundaries to the units and hedgerows will be planted using indigenous species on the southern and western boundaries.
- Any replacement materials required will match the existing materials.

Structural Report (Prepared by Christopher Associates UK Ltd dated 6th April 2009).

- The report identifies areas of spalled and eroded brickwork, damage to the building, cracking and previous repairs, weak brick arches and resultant cracking above this, areas where the building is no longer plumb, open joints and loose brickwork.
- Weaknesses in the roof are identified.
- The report concludes that the building is in reasonable structural condition for its age and subject to undertaking agreed remedial works the building is suitable for residential conversion.
- Further detailed work is required to address structural defects and check or redesign structural elements for loading as a result of the proposed change of use.
- There is need for partial rebuilding of external walls for remediation of defective brickwork and replacement of individual bricks elsewhere.

Bat Survey: (Prepared by Elizabeth of Ecologically Bats dated July 2009 and amended August 2010.)

- Survey work included inspection of the building, emergence survey and dawn survey with remote monitoring of the site.
- Potential bat roost sites were found in all parts of the building.
- Two species of bats were recorded during bat activity - Pipistrellus sp. and Plecotus auritus (brown long eared bats). This equates to a "moderate" sized bat population.
- Detailed mitigation measures should include steps to minimise the impact on bats.
- Suitable habitats for pipistrelles can be provided as internal bat boxes located behind decorative brick ventilation slots as shown on submitted drawing 1017994/19. These would be provided in 3 locations on units 3 and 4. In addition roof crevices will be created between tiles and roof felting at all units as shown on drawing 10177994/18 rev 2. Also gaps would be created along the roof ridge for bat access as shown on drawing 10177994/18 rev 2 in all dwellings.
- Habitats for brown long eared bats will be provided as Roosts A and B on drawing 1017994/5 rev 6 (in the new open fronted car parking building/ bin store and the detached garage building for unit 1).
- Future planting should include species to attract insects to encourage bat foraging.
- Bird nesting material was also found in the buildings. Work should not take place if nesting birds are present on site and should take place as far as possible outside the bird nesting season.
- Artificial nest boxes are recommended as habitats for nesting birds.

Supplementary Information in relation to alternative uses for the buildings.

The buildings have not been marketed for alternative uses for the following reasons:-

- Discussions with Crewe and Nantwich Borough Council about a potential use for children's play barn concluded that the use was not appropriate to the rural location in the Green Belt such uses should be located within settlements in the Borough.
- Whilst the site access point can accommodate a range of uses the track leading to the buildings is a single track lane and could be unsuitable for office use or B8 uses. Office uses would result in more traffic than the proposed residential conversion will generate. The track would probably be highly inappropriate for B8 uses.
- Traffic travelling to the site passes close to two cottages adjacent to the track and would have an unacceptable impact on these properties and also the two dwellings adjacent to the buildings for conversion. In addition, any use which generated additional traffic and parking requirements in the rural area could have an adverse impact on these dwellings.
- Given the proximity to existing dwellings any B2 uses would be inappropriate.
- The conversion work can take place with a minimal alteration. With the existing openings the buildings lend themselves to residential conversion. Use for employment purposes would lead to the need to create larger openings which would be detrimental to the character of the buildings and the provision of lighting and parking areas would be detrimental to the character of the buildings.
- The Duchy has developed new offices at Crewe Hall Farm and 2 years after completion of the work these buildings are only 70% occupied. Some companies have relocated from Crewe.
- The residential property market remains reasonable.
- In conclusion the buildings have not been marketed because the buildings are inappropriate for commercial or industrial or recreational uses. PPS3 states that vacant/ derelict land and buildings can assist in achieving effective use of land for new housing.

A modest development of four units would be compatible with the existing access and arrangements and neighbouring residential occupiers.

10. OFFICER APPRAISAL

Principle of Development

The site is located in the Green Belt. Policy NE.1 of the Borough of Crewe and Nantwich Replacement Local Plan reflects requirements of PPG2: Green Belts and states that approval will not be given for inappropriate development except in very special circumstances. In addition the re-use of buildings will be permitted where proposals accord with policies NE.15 and NE.16, do not have a materially greater impact than the present use on the openness of the green belt, and strict control is exercised over the extension of re-used buildings and associated uses of the land surrounding the buildings which might conflict with the openness of the Green Belt and the purposes of including land in it. Buildings must be of permanent and substantial construction and capable of reuse without major or complete reconstruction and the form, bulk and design of the buildings must not cause harm to the visual amenities of the area.

The proposals include the demolition of a small lean-to on the brick barn to be used for the dwelling, an existing Dutch Barn 9.2m x 6.4m and a lean-to 5.5m x 13.4m. A replacement garage block and bin store which would include mitigation for brown long eared bats would also be provided in the pitched roof area of this building. The replacement building would have a footprint which is slightly less in area than the structures to be demolished. It would be sited on but extend beyond the area of the free standing Dutch Barn. The area currently occupied by the lean-to would allow access to the covered parking. At 2.6m to the eaves and 6m to the ridge the Dutch Barn would stand higher overall than the structures to be demolished but would have a similar eaves height. However the additional height is required to allow space for the brown long eared bats to fly and would reflect the pitched roof of the main buildings. Bearing in mind the presence of tree cover around the site of the existing outbuildings and the proposals to increase planting in this location it is not considered that the additional bulk and mass created by the roof form of the proposed outbuilding would adversely impact on openness at the site.

Additional information has now been submitted which demonstrates that it is not appropriate to use the buildings for commercial, industrial or recreational use. Specifically the Duchy have converted traditional farm buildings (at Crewe Hall Farm) to offices but still have vacant space in these buildings, which are only a short distance from the application site. With regard to the potential use of the existing brick buildings, an approach was made to Crewe and Nantwich Borough Council regarding the use of the building for a children's play barn. However it was considered that such uses should be located with a settlement for reasons of sustainable development and ease of access. Whilst the buildings have not been marketed for industrial, commercial or recreational use it is considered that such uses would generate more vehicle movements and would bring additional noise and disturbance to residents. Further, such development may generate more frequent vehicle movements and the narrow width of the access drive would be a limiting factor on any such future uses. Under the circumstances it is considered that re-use for residential purposes is the most appropriate end use.

A structural report has been submitted which identifies a number of weaknesses in need of attention and areas of brickwork to be replaced but concludes that, with the removal of the small lean to at the northern end, the building is capable of conversion to dwellings subject to a number of minor repairs and works to ensure the integrity of the building. A condition should be attached to any permission to require the areas of rebuilding to be limited to those shown on the submitted plans unless otherwise first agreed in writing. A further condition should be attached to require details of support to the building to be submitted and approved in writing before any works of repair/demolition commence.

The building is therefore structurally sound and capable of conversion and the provision of four dwellings in this building and use of the land around it for the curtilages would not adversely impact on the character and appearance of the locality or the openness of the green belt provided conditions are attached to ensure that permitted development rights for alterations extensions and outbuildings are removed.

Design

The loss of the lean-to at the northern end of the building means that there would be a reduction in the built mass of the building. The conversion to dwellings would include the creation of 3 new openings in the walls on the west elevation, one new window in the south elevation and a number of roof lights distributed around the building. The number of proposed roof lights has been reduced to eighteen in total and is necessary because of the lack of openings at first floor level. The greater number of roof lights would be provided in the western elevation away from Meremoor Farm Cottages. The existing building is formed from six different sections and with the distribution of the proposed roof lights around the building and in different areas of the roof there are no objections to the number and distribution of the roof lights.

A small number of openings would be altered as well as the new openings to be inserted. Amended plans have been submitted which reduce the depth of glazing in openings facing the windowed elevation of 1 Meremoor Farm Cottages to help reduce overlooking to residents at this property. Whilst the plans show a number of false "doors" would be provided at this end of the development, the proposal would reduce the amount of overlooking towards the existing dwelling and on this basis are considered acceptable.

Ventilation brickwork at the first floor level would be closed in the lower section by the insertion of blue recessed bricks with the upper courses being retained open to give access to bat mitigation at a number of locations.

The detached garage building adjacent to unit 1 would be used for garaging for that dwelling. The linked building on the southern elevation would form part of the dwelling at unit 1 and the large openings in this section would be glazed with vertical elements.

The detached outbuilding which would replace the Dutch Barn and lean-to would provide 2 parking spaces for each of the three remaining dwellings. The outbuilding would be open fronted and constructed with a brick plinth, timber boarding and plain tile roof and as such is considered appropriate in design and materials for the location.

The dwellings would have relatively long rear gardens however the boundary to the gardens would be located at the top of a distinct break of slope and this land therefore

forms a natural garden area located at the rear of the dwellings. Under the circumstances there are no objections to the proposed garden areas.

The development includes the removal of the lean-to which adjoins the agricultural building to be retained. A condition should therefore be attached for details of the treatment of this building to be submitted and approved, to ensure that the elevation where the lean-to would be removed would be finished in an acceptable condition. It is however noted that the elevations of the existing retained building includes a variety of different materials.

It is therefore considered that the alterations to the building and the provision of an outbuilding are appropriate and acceptable for this traditional building. The size and scale of development proposed would not adversely impact on the character and appearance of the locality particularly bearing in mind the existing tree and hedgerow cover in the area and the additional proposed landscaping.

Amenity

The east elevation faces the side of the property known as 1 Meremoor Farm Cottages and its long front garden which is open to the yard, from where access to the fronts of the dwellings would be obtained. Whilst the main parking areas would be to the south of the development, parking spaces would also be provided in front of the entrances to the dwellings for unloading etc.

The east elevation of units 1, 2 and 3 would overlook the front garden of 1 Meremoor Farm Cottages. However there is also a rear garden area at the existing dwelling and it not considered that the use of these dwellings would result in unreasonable overlooking so as to adversely affect residential amenities at 1 Meremoor Farm Cottages. As stated above the full length windows to be placed on the ground floor at unit 4 have been reduced in depth so as to include only an upper glazed element in order to reduce the impact on the amenities at 1 Meremoor Farm Cottages. However the side elevation of that dwelling includes the main door, a kitchen/dining window, and two study windows at ground floor level and a bedroom, landing and bathroom windows at first floor level. The side elevation of unit 4 is shown on the plans to be a minimum of 15.8m away from the existing side elevation of 1 Meremoor Farm Cottages. This distance increases to 19m at the northern end. Ground floor windows at unit 4 include the front door, stairs, study/ dining and living rooms. Two roof lights would be provided, each serving a different bedroom and it is not considered that these openings in the roof space would unreasonably overlook the existing dwelling. Two round windows at first floor level serve landing/ stairs. It is not considered that windows for the entrance hall, stairs and landing would result in unreasonable overlooking since these would not serve habitable rooms. The cill height to the living room and study/ dining room window at unit 4 would be between 1.5m and 1.8m above floor level (depending on construction details) and would not therefore result in unreasonable overlooking. The glazed portion in the false door in the living room, introduced since the original plans were submitted, would reduce overlooking from the living room and leave only a relatively modest area of glazing in this element. Bearing in mind the separation distance (19 m at this point), the layout of the room and presence of other windows in the west elevation at unit 4, it is not considered that this would result in unreasonable overlooking to the existing dwelling.

There would be no increase in built mass as a result of the conversion so there is no adverse effect in terms of the building dominating the existing dwelling.

The existing building has the majority of its openings in the east elevation therefore the proposed layout uses this elevation for the front doors and the majority of openings. This maintains the built relationship between the building which was the farm house (now 1 and 2 Meremoor Farm Cottages) and the outbuilding. Whilst there is sympathy with the position of residents at 1 Meremoor Farm Cottages in that they have enjoyed the benefit of living without any significant use of this building for many years, it is not considered that the presence of doors and windows in this elevation would increase overlooking to such a degree as to justify refusal of the application. Further, the increased activity at the building due to the comings and goings of new residents is not considered to warrant refusal of the application on the grounds of detrimental impact on the amenities of the existing residents bearing in mind it could still be used by agricultural tenants.

A condition can be attached to any permission for details of external lighting at the development to be submitted and approved to control the impact of light on adjacent residential property.

The impact of construction traffic and the activities on existing residential amenities cannot form a reason for refusal of the application but it is appropriate to limit construction hours and deliveries to the site in the interests of residential amenity.

Ecology

Pipistrelle bats and brown long eared bats have been found on site. Amended plans and a revised ecological survey which includes reference to these mitigation details have now been submitted following negotiations between the Council's Ecologist and the applicant's Ecologist. The amended proposals now include suitable roosts for each species. The pipistrelles are crevice dwellings species and appropriate habitats would be formed behind the ventilation brickwork at three locations on the elevations of the barns. In addition access points would be provided along the roof ridge (at 9 locations spread throughout the four new dwellings) and also within the roof at 10 locations between the tiles and felt, using a "raised tile". In the case of brown long eared bats two roosts would be provided in buildings with a flight space with a drop of at least 2.5m. This is a requirement for this species. The roosts for the brown long eared bats would be in the existing brick outbuilding which would be used for garaging at unit 1 and in the refuse store in the new car parking building which would replace one of the Dutch barns.

Whilst a landscaping scheme is submitted with this application it has been designed from a screening aspect and includes native species which would provide lines of connectivity. It does not however include many of the species listed in the appendix to the ecological survey. It is therefore recommended that a condition be imposed for the landscape scheme to be revised to include more of the species listed which would increase the number of insects in the area which would in turn attract bats.

Whilst the site is used for nesting birds and the BTO record red list and amber list species in the locality this in itself would not provide a reason to refuse the application. The Council's ecologist supports the mitigation proposed in the Ecological Survey in relation to nesting birds and conditions are proposed to ensure that if site works commence in the nesting season (March to September) then the site should first be checked by a suitably qualified and experienced ecologist and protection afforded to

any nest site(s) until the birds have fledged. In addition a condition should be imposed to require bird nest boxes to be provided on site.

It is also noted that the original sites for two of the three passing bays proposed along the access route would have resulted in damage to trees. In one location the passing bay would have damaged tree roots and in another location it would have resulted in the removal of a number of established trees. The position of these passing bays have now been altered to ensure that they are formed in areas of hardstanding or grass verge and do not to adversely impact on trees/ hedges.

The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places,

- in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment

and provided that there is

- no satisfactory alternative and
- no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK implemented the Directive by introducing The Conservation (Natural Habitats etc) Regulations 1994 which contain two layers of protection

- a requirement on Local Planning Authorities (“LPAs”) to have regard to the Directive’s requirements above, and

- a licensing system administered by Natural England.

Local Plan Policy NE.9 of the Borough of Crewe and Nantwich Replacement Local Plan seeks to safeguard protected species and their habitats.

Circular 6/2005 advises LPAs to give due weight to the presence of protected species on a development site to reflect EC requirements. “This may potentially justify a refusal of planning permission.”

PPS9 (2005) advises LPAs to ensure that appropriate weight is attached to protected species “Where granting planning permission would result in significant harm [LPAs] will need to be satisfied that the development cannot reasonably be located on any alternative site that would result in less or no harm. In the absence of such alternatives [LPAs] should ensure that, before planning permission is granted, adequate mitigation measures are put in place. Where ... significant harm ... cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused.”

PPS9 encourages the use of planning conditions or obligations where appropriate and again advises [LPAs] to “refuse permission where harm to the species or their habitats

would result unless the need for, and benefits of, the development clearly outweigh that harm.”

The converse of this advice is that if issues of detriment to the species, satisfactory alternatives and public interest seem likely to be satisfied, no impediment to planning permission arises under the Directive and Regulations.

In this case the proposed mitigation includes measures for both species found on site together with improvements in planting to encourage bats to use the area. Evidence that Pipistrelles bats roost under roof tiles at the southern end of the main building and brown long eared bats roost at the opposite end of the building was found. However the interconnected nature of the barn means that both species could be using the whole building. The buildings which are the subject of the application are traditional brick buildings which if left would fall into disrepair and create an unsightly group of buildings in the open countryside/ green belt. In a state of disrepair, if the roof collapsed, which would allow light into the building, they would no longer be suitable for use by bats which prefer a darker environment. The buildings are located close to residential properties and are clearly seen from the public footpath through the area. Policies allow for the conversion of the buildings for other uses and it is considered in this case the proposed mitigation would provide suitable and appropriate roosts for the species concerned and is of an appropriate scale in its provision. It is therefore considered that with the implementation of the mitigation the development would not adversely impact on the species so as to justify refusal of the application.

Highway Matters

The Strategic Highways Manager raises no objections to the proposal. The comments about the problems of access, volume, size and speed of traffic on A5020 are noted. However there is good visibility at the junction of the access and main road. Whilst four dwellings already use this access point it is not considered that the increased use from four additional dwellings, bearing in mind existing agricultural movements to farm land off the drive, would be sufficient to justify refusal of the application on highway grounds.

The additional traffic from four new dwellings would not add a substantial amount of new vehicular movements. It is acknowledged that the site is somewhat remote from the village of Weston and Crewe but that is not sufficient reason to justify refusal of the application bearing in mind the policies which allow the re-use of rural buildings.

A condition should be attached to any permission for details of the formation of visibility splays, access arrangements and construction of the passing bays to be submitted approved and implemented.

Amended plans have been received in relation to the location of the passing bays on the access drive. The original location of the three passing bays would have required the removal of a number of trees and required the formation of a one passing bay into a field when it could reasonably be located on the opposite side of the track. The proposed locations of these bays avoid the need to remove trees or potential damage to tree roots and retain passing bays within that area of land already immediately adjacent to it without the need to take land from fields.

There is a public footpath which crosses the access track, away from the proposed dwellings. However walkers using rural routes, as well as existing residents at the four

dwelling served by this access track, must take care when crossing roads and the additional traffic from four dwellings would not be sufficient to justify refusal for this reason.

Drainage

The site is not located within the Flood Plain and the application is not one for which the Environment Agency wish to be consulted. Concerns about potential flooding are noted and it is recommended that conditions are attached to any permission to require hardstandings to be constructed in permeable materials and for drainage scheme to be submitted for approval.

11. CONCLUSIONS

The site is located in the Green Belt where policies allow for conversion of existing buildings for residential use. The proposal includes information to explain why the buildings have not been marketed for alternative uses and it is considered that in this case the use of the premises for a residential use is preferable. The buildings have been shown to be structurally sound and capable of conversion with only minor repair and rebuilding works. The proposed alterations would maintain the existing character of the buildings and would not adversely impact on the character and appearance of the rural area. Bearing in mind policies to support the re-use of traditional rural buildings in this area it is considered that the proposed ecological mitigation works would adequately compensate for the impacts on protected species. The existing access affords good visibility and passing bays are proposed on the access route to the site. The development would not generate a substantial amount of traffic which would justify refusal of the application. It is therefore considered that the proposed development meets the requirements of development plan policies for the area.

12. RECOMMENDATIONS

APPROVE subject to the following conditions

- 1. Standard Time**
- 2. Development in accordance with approved plans.**
- 3. Any new materials to be used in the conversion to be submitted for approval first.**
- 4. Rebuilding works/ repairs to be limited to those areas shown on drawings.**
- 5. No works to the building for conversion and no demolition to commence until a scheme detailing the support to be provided has been submitted approved and implemented.**
- 6. Revised landscape scheme to include the types of species recommended in the Ecological report to promote foraging by bats to be submitted and approved.**
- 7. Implementation and maintenance of landscaping.**
- 8. Details of surface materials to be submitted approved and implemented. Hard surfacing to be formed with permeable construction.**
- 9. Scheme for details of access, visibility and formation of passing bays to be submitted for approval and implemented before first occupation.**
- 10. Contaminated land survey with remediation if required.**
- 11. Details of boundary treatment to be submitted and implemented.**

12. No works to commence in nesting season unless the site is first checked by suitably qualified ecologist and no nesting birds found. Protection should be afforded to all active nests.
13. Scheme for provision of bird nest boxes.
14. Hours of deliveries and construction.
15. Details of treatment of ventilation features to be implemented.
16. All windows and doors to have reveals of 100mm.
17. Windows and doors to be formed in timber.
18. Car parking and bin stores to be provided before the dwellings are first occupied and thereafter retained.
19. Withdraw permitted development rights for extensions, alterations, boundary treatment and part 40 (domestic microgeneration equipment).
20. Scheme for external lighting to be submitted approved and implement with no alterations without prior submission and approval of separate planning application.
21. Drainage scheme to be submitted approved and implemented.
22. Details of treatment of agricultural storage building which is to be retained to be submitted approved and implemented.
23. Roof lights to be timber/ metal and finished flush with the roof plain unless otherwise agreed in writing.

LOCATION PLAN:



Planning Reference No:	10/2091N
Application Address:	Blakelow Business Park, Newcastle Road, Blakelow, CW5 7ET
Proposal:	Proposal for One Small 11Kw Gaia Wind Turbine where The Wind Turbine is Located at 27m AGL Mounted on a Free Standing Tower on a Concrete Base. The Proposed Dual-Blade Rotor has a Diameter of 13m
Applicant:	G V & E Pickering
Application Type:	Full Planning
Grid Reference:	369223 351418
Ward:	Rope
Earliest Determination Date:	3 rd August 2010
Expiry Dated:	16 th August 2010
Date of Officer's Site Visit:	16 th July 2010
Date Report Prepared:	11 th August 2010
Constraints:	Green Gap & Open Countryside

SUMMARY RECOMMENDATION

Approve with conditions

MAIN ISSUES

Principle of Development

Visual impact of the development and the impact upon the character and appearance of the area

The impact upon residential amenity

Highway Safety

The impact upon protected species

Public Right of Way

1. REASON FOR REFERRAL

This application was to be dealt with under the Council's delegation scheme. However Cllr Simon and Cllr Silvester have requested it is referred to Committee for the following reason;

'We wish to call in this application, 10/2091N Blakelow Business Park, Newcastle Road, Blakelow, CW5 7ET, so that it can be decided by the full committee. We wish to call it in on the planning grounds of unacceptable visual intrusion into a residential area, over dominance over adjacent residential properties, the detrimental impact on the visual landscape, noise pollution and shadow flicker which occurs when the sun passes behind the hub of a wind turbine and casts a shadow over neighbouring properties. When the blades rotate, shadows pass over the same point causing an effect called 'shadow flicker' Windows facing a turbine need to be fitted with blinds or shutters'

2. DESCRIPTION OF SITE AND CONTEXT

The application site is located to the rear of 271 Newcastle Road, Shavington within the Crewe-Shavington Green Gap and the Open Countryside. No 271 Newcastle Road is a large double fronted property with a red brick finish and a red tiled pitched roof. To the rear of the property are a number of modern buildings which are in employment use and a 15 metres high telecommunications mast. The application site itself is an undeveloped part of the site that would be positioned alongside an existing industrial style building.

Newcastle Road is characterised by ribbon development which includes mainly large detached dwellings fronting onto the highway. Nos. 269 and 271 have a number of employment uses to the rear contained within modern utilitarian style buildings.

3. DETAILS OF PROPOSAL

The proposal relates to the construction of 1 wind turbine which would have a hub height of 27 metres and a dual blade with a diameter of 13 metres. This would give the structure a maximum height of approximately of 33.5 metres.

4. RELEVANT HISTORY

ENQ/10/4362 – Screening Opinion for 1 wind turbine – EIA not required

P05/0438 - 15m Telecommunications Pole with Ancillary Equipment – Refused 31st May 2005 – Appeal Lodged – Appeal Allowed 17th March 2006

P05/0175 - Workshop for Shot Blasting Heavy Goods Vehicles – Refused 7th September 2005 – Appeal Lodged – Appeal Allowed 6th March 2006

P04/1169 - Change of Use from Hay Barn to Maintenance Depot for Racing Cars – Refused 16th November 2004 – Appeal Lodged – Appeal Allowed 4th July 2005

P02/0618 - Change of use from Hay barn to Retailing – Refused 15th October 2002

P00/0870 - Change of Use from Parking Used in Connection with Stables to Car Park Used in Connection with the Adjoining Commercial Premises – Approved 29th June 2004

P00/0869 - Erection of Hay Barn (Retrospective) – Approved 29th June 2004

P00/0471 - Telecommunications Mast – Refused 3rd July 2000

P00/0343 - Telecommunications Mast (GPDO Determination) – Refused 25th May 2000

P99/0197 - Use of land for keeping of horses, erection of stables, tack room and implements building – Approved 24th June 1999

P98/0222 - Replacement portal frame building – Approved 5th May 1998

P92/0166 - Maintenance building for servicing of commercial vehicles – Approved 16th April 1992

7/18640 – Change of Use of land to form additional parking and turning area for commercial vehicles – Approved 24th October 1990

7/08649 - Extension of area to rear of workshop of parking and storing vehicles – Refused 25th February 1992

5. POLICIES

Local Plan policy

NE.2 – Open Countryside
NE.4 – Green Gaps
NE.9 – Protected Species
NE.19 – Renewable Energy
BE.1 – Amenity
BE.2 – Design Standards
BE.3 – Access and Parking

National Planning Policy

PPS 1: Delivering Sustainable Development
Planning and Climate Change: Supplement to Planning Policy Statement 1
PPS 7: Sustainable Development in Rural Areas
PPS9: Biodiversity and Geological Conservation
PPS 22: Planning for Renewable Energy
Planning for Renewable Energy: A Companion Guide to PPS 22
PPG24: Planning and Noise

Other Legislation

EC Habitats Directive
Conservation (Natural Habitats &c.) Regulations 1994
ODPM Circular 06/2005 Biodiversity and Geological Conservation – Statutory Obligations within the Planning System

6. CONSULTATIONS (External to Planning)

Ministry of Defence: No objection. If planning permission is granted you must tell us the dates of construction, height of equipment and latitude and longitude of each turbine

Environmental Health: The Environmental Health Department is satisfied with the contents of the Noise Assessment especially when compared to the World Health Organisation guidelines. However the wind turbine is required to be inspected and maintained on a regular basis in order to ensure that no other potential sources of noise occur and if any faults are identified that they are rectified immediately.

Manchester Airport: No objection

Civil Aviation Authority: In this case, having reviewed the location in question, I do believe that the CAA would wish to record any site-specific observations. This does not negate the need for the Council to establish the related viewpoints of both NATS and the Ministry of Defence (MoD) and as such get a more comprehensive view of aviation issues. Additionally, if more generically, it is worth bearing in mind that:

- There might be a need to install aviation obstruction lighting to some or all of the associated wind turbines should this wind farm development be progressed. This need would depend upon input suggesting such a requirement for other aviation stakeholders. In isolation, the CAA would not make any case for lighting and unless

there is, for example, a local helicopter landing site (perhaps at a hospital), I would not anticipate any related lighting request.

- Due to the unique nature of associated operations in respect of operating altitudes and potentially unusual landing sites, it would also be sensible to establish the related viewpoint of local emergency services air support units.

Natural England: Natural England is unable to provide advice on the mitigation of protected species in this case. However it is recommended that the Local Authority consider the requirements of protected species in the determination of this application. Natural England supports micro-generation and community level generation and welcomes measures to encourage their uptake. Generally small scale generation will have fewer impacts on the natural environment than larger scale generation. However Natural England's general advice in relation to wind turbines is to maintain a 50m buffer around any feature (trees, hedges) into which no part of the turbine intrudes. This means that where possible, the edge of the rotor-swept area needs to be 50m from the nearest part of the habitat feature. Therefore 50m should ideally be the minimum stand-off distance from blade tip to the nearest feature. In this light Natural England recommends that further consideration of the location of the turbine and the potential impact on this European Protected Species is given. Natural England would also suggest consultation with the Council's own Nature Conservation Officer.

Ecology: Bats have been recorded foraging/commuting along the hedgerows/trees adjacent to the proposed development. The level of bat activity is as would be anticipated for this type of environment. The impact of small scale single wind-turbines on protected species (bats) is currently unknown and subject to current research. The submitted bat survey concludes that the turbine is not located on a main foraging route. Considering the small scale of the proposed development, its distance from the hedgerow where the majority of bat activity was recorded and the species of bats recorded, I advise that it is reasonably unlikely that the development will have a substantial impact upon the favourable conservation status of the bat species recorded on site. To further reduce this risk posed to wildlife it is advised that the turbine must be sited as far away from the hedgerow/trees as possible. To inform the determination of future planning applications of this type it is recommended that the following condition is attached to any permission granted: *Any wildlife casualties resulting from the operation of the approved domestic wind turbine are to be reported to the Local Planning Authority*.

7. VIEWS OF THE PARISH COUNCIL

The Parish Council strongly objects to the above application on the following grounds.

- Unacceptable visual intrusion into a residential area.
- Over-dominance over adjacent residential properties.
- Detrimental impact on the visual landscape.
- Noise pollution.
- Detrimental impact to neighbouring properties from shadow flicker effect of rota blades.

8. OTHER REPRESENTATIONS

Letters of objection have been received from the occupants of 262, 269, 271A, 272, 273, 277, 277A, 277B, 279, 293, 299 Newcastle Road, 2, 3, 5, 6, 7, 13, 15, 19, 24, 27, 33 Main Road, Puseydale Farm, The Ridings, Puseydale Farm, Main Road, 81 & 95 Greenfields Avenue, 28 Burlea Drive, 27 Stock Lane, 6 Wessex Close, 2 Page Grove, 5 Huntersfields, Heath Shield Friendly Society Ltd Electra Way, Crewe and 7 unknown address raising the following points;

- The impact upon the landscape
- Existing noise caused from the site
- Existing traffic problems at the site
- The occupants should move to an industrial estate
- Radiation from the turbine
- Impact upon house prices
- Visual impact
- Noise
- The address of the site should not be Blakelow Business Park
- The site is a residential area and this type of development should be sited away from residential properties
- The development would scare livestock and horses in the surrounding fields
- Impact upon bats
- Greater consultation required
- The turbine would dominate the surrounding area
- There will be no benefit to the local community
- Shadow flicker
- Proximity to residential properties
- The low amount of energy produced does not out weigh the high impact upon the area
- The development will overshadow the area
- Impact upon Green Belt
- The weather conditions in the area dictate that the turbine will not be efficient
- Impact upon birds
- This is a rural area not an industrial estate
- The turbine will be inefficient
- Solar panels would be more appropriate
- Insulating the existing buildings would be more appropriate
- Impact upon the Open Countryside and Green Gap
- Contrary to Local Plan Policies
- The impact upon wildlife
- The turbine will be seen from miles around
- No economic benefit
- Impact upon views from residential properties
- The development will not be screened which is claimed in the supporting statement
- Interference with phone and TV signals
- The impact upon local residents health
- Over dominance of the turbine
- Impact upon Barn Owls
- A large turbine has been selected on the basis of economies of return
- Icing of the turbine blade in winter

- The figures quoted in the supporting statement in relation to CO2 have not been explained
- Inaccurate information provided as part of the application
- Highway Safety
- The effect upon Public Rights of Way
- The effect on horse riders

Letters of support have been received from the occupants of Unit 1 271 Newcastle Road and 1 unknown address raising the following points;

- There will be negligible impact compared to the economic benefits
- The proposal will enhance the green credentials of the business

9. APPLICANTS' SUPPORTING INFORMATION

Design and Access Statement (Produced by Patrick Farfan Associates)

- The proposal is for one small wind turbine which will be used to reduce CO2 emissions by over 12 tonnes per year and enable the applicants to reduce their energy bills and to increase their self sufficiency in terms of electricity production.
- The location of the turbine has been chosen to ensure that it has the least visual impact possible on the surrounding area.
- The turbine is minimal in size when viewed in context with the surrounding area and the turbine has the benefit of having a backdrop of the surrounding trees, buildings and telecommunication pole when viewed from multiple viewpoints.
- It is therefore felt that this is an appropriate location for the turbine and that any small impacts that this may have would be greatly outweighed by the economic and environmental benefits.

Gaia Wind Turbine Noise Performance Test (Produced by Hayes McKenzie Partnership)

This concludes that;

- A noise test has been carried out, according to BWEA Small Wind Turbine Performance and Safety Standard on a Gaia-Wind Turbine installed at White Lodge Farm, Melton Mowbray to measure the sound power level and tonal characteristics
- The turbine was calculated to have an apparent sound power level of 85.8 dB (A) + 1.4 dB at a wind speed of 8 m/s at rotor centre height, as measured at the reference position directly down wind of the turbine. The declared apparent emission sound power level for 8 m/s at rotor centre height was calculated to be 88.1 dB (A).
- The tonal output from the Gaia-wind turbine has been assessed using methodology prescribed by the Small Wind Turbine Performance and Safety Standard. Based on the methodology prescribed in the ISO 1996-2 Acoustics (Description, measurement and assessment of environmental noise Part 2: Determination of Environmental Noise Levels) Annex D no tonal characteristics were found.

Ecological Report (Produced by Darwin Ecology and dated 6th May 2010)

- The position of the proposed wind turbine is on the edge of the area of fields used by foraging bats. Although it cannot be ruled out that bats will occasionally fly through the area of the proposed turbine it appears from the results of this survey that the turbine is not directly situated on a main foraging route.
- Any possible bat strikes that could occur in the future would be incidental as there are no particular features that would attract bats to that exact location of the turbine.

The location of the large floodlit workshops directly behind the proposed turbine may help to steer bats away from this area. It is understood that alternative locations have been considered but are not possible due to the proximity of residential dwellings.

- The turbine will have a small footprint and there are no predicted impacts upon the surrounding habitat and the suitability of the adjacent hedgerows and fields for foraging bats.

- On the basis of this assessment there is no reason to believe that situating the turbine in this location will result in higher incidence of bat disturbance or mortality than if it was in any other location. As there will be no loss of habitat the risk of significant negative impact to the local bat population is low.

10. OFFICER APPRAISAL

Principle of Development

Policy NE.19 of the Crewe and Nantwich Borough Local Plan states that proposals for the generation of power from renewable energy sources will be permitted where:

- The development would cause no significant harm to the character and appearance of the surrounding area;
- Highway safety standards would not be adversely affected;
- The development would have no unacceptable impact on the amenities of neighbouring residential occupiers by reason of noise, disturbance, pollution, visual intrusion or traffic generation; and
- The proposal includes effective measures to safeguard features or areas of particular landscape or nature conservation interest.

The site is located within the Green Gap and Open Countryside. Within the Green Gap Policy NE.4 only restricts the construction of new buildings or the change of use of existing buildings or land that would result in the erosion in the physical gaps between the built up areas or adversely affect the character of the landscape.

In terms of Central Government Policy, the Government's objectives state that 'increased development of renewable energy resources is vital to facilitating the delivery of the Government's commitments on both climate change and renewable energy' and key principle (vi) of PPS22 states that *'Small scale projects can provide a limited but valuable contribution to overall outputs of renewable energy and to meeting energy needs both locally and nationally'*.

In relation to local designations such as Green Gap, PPS22 advises that *'Local landscape and local nature conservation designation should not be used in themselves to refuse planning permission for renewable energy developments'*. As a result it is considered that the principle of a wind turbine on this site is acceptable and that the renewable energy outputs it would bring would outweigh any harm caused to the Green Gap.

The main issues in the consideration of this proposal therefore, are the visual impact of the proposal, highway safety, residential amenity and nature conservation as referred to within Policy NE.19.

A Screening Opinion for an Environmental Impact Assessment (EIA) has been submitted as the development falls within the definition of Schedule 2 development. It was determined that an EIA would not be required for this development.

The applicants' agent has predicted that the site will have an annual average wind speed at 10m of 4.5m/s which will result in an output of 23.93MWh of electricity per annum which will represent an annual CO2 saving of over 13 tonnes.

Design and Visual Impact

PPS22 states that of all renewable technologies, wind turbines are likely to have the greatest visual and landscape effects. The PPS, however, goes on to advise that in assessing planning applications, local authorities should recognise that the impact of turbines on the landscape will vary according to the size and number of turbines and the type of landscape involved, and that these impacts may be temporary if conditions are attached to planning permissions which require the future decommissioning of turbines.

The proposed wind turbine would have a hub height of 27 metres with a blade height of 33.5 metres. There are no ancillary structures/buildings to be erected on site and the turbine would be erected on a concrete slab of 6 metres by 6 metres.

The surrounding landscape is relatively flat and is characterised by agricultural fields which are bound by hedgerow with trees positioned sporadically. Given the height of the proposal and the flat nature of the surrounding landscape it is clear that the turbine would be visible from a wide area. This is evident in the supporting information which has been provided by the applicants which shows photo montages of the turbine when visible from further west along Newcastle Road and from the A500 which is approximately 580 metres to the north of the site. The proposal would also be visible from Public Footpath Rope FP4 which is approximately 200 metres to the north of the site.

The turbine would generally be viewed against the sky and the grey colour of the turbine would help minimise its visual impact. Whilst the proposed development would undoubtedly have an impact on the character and appearance of the landscape it is not considered that the overall impact would be so significant as to warrant the refusal of this planning application given the scale of the development proposed and the colour finish of the turbine. Furthermore there are no international designated sites or national landscape designation which would afford greater protection. PPS22 states that *'Planning Authorities should also take into account the cumulative impact of wind generation projects in particular areas'*. The proposed development would be the only wind turbine in this locality and would not contribute towards any cumulative impact on the landscape.

It is recommended that a condition be applied to any permission to ensure the removal of the turbine once redundant.

Residential Amenity

All residential properties surrounding the application site are more than 100 metres away (the nearest is a converted barn at Puseydale Farm). The acoustic noise levels provided show that the noise levels would begin to reduce to below 45 dB(A) at 4 metres high at 35 metres from the proposed development being less than 40 dB(A) after approximately 60 metres.

It is appropriate to relate these figures to the World Health Organisation (WHO) – Community Noise 1999 guidelines in order to achieve a level of appreciation of the levels that are detailed above. Night time noise levels should not exceed 45 dB LAeq, 1 metre from the façade of the property thereby allowing individuals to sleep with their windows open. Outside living spaces during the daytime shall not exceed 55 dB LAeq. Indoor guideline values for bedrooms are 30 dB LAeq for continuous noise and 45 dB LAm_{ax} for single sound events.

Having considered the noise survey provided by the applicants, the Environmental Health Division is satisfied with its contents especially when compared to the WHO guidelines, however they do require that the wind turbine is inspected and maintained on a regular basis in order to ensure that no potential sources of noise occur and if any faults are identified that they are rectified immediately. A condition is recommended accordingly.

In the event of complaints being received following the completion of the development, the Environmental Health Division will expect, at the reasonable request of the Council, the operator of the development, at its own expense, to employ an independent consultant approved by the Council to measure and assess the level of noise emissions from the wind turbine in accordance with the BWEA Small Wind Turbine Performance and Safety Standard Feb 2008.

Under certain combinations of geographical position and time of day, the sun may pass behind the rotors of a wind turbine and cast a shadow over neighbouring properties. When the blades rotate, the shadow flicks on and off; the effect is known as shadow flicker.

Shadow flicker can be mitigated by siting wind turbines at sufficient distances from the properties which could be affected. PPS22 advises that *'flicker effects have been proven to occur only within ten rotor diameters of a turbine'*. Therefore in this case the rotor diameter of the turbine is 13 metres and the potential shadow flicker could be felt up to 130 metres from the turbine.

In relation to the orientation of the properties the Annex to PPS22 advises that *'only properties within 130 degrees either side of north, can be affected at these latitudes in the UK – turbines do not cast long shadows on their southern side'*. When taking this into account together the only properties which are within 130 degrees of north and within 130 metres of the site are Puseydale Farm and the converted barns on this site. Puseydale Farm and the converted barn on this site are 125 metres from the proposed turbine, whilst another barn on this site which has planning permission for conversion is 100 metres from the site of the proposed turbine.

PPS22 advises that the further from the turbine that the residential properties will be then the effect of shadow flicker will be less pronounced as there are fewer times when the sun is low enough to cast a long shadow, when the sun is low it is more likely to be obscured by cloud or intervening trees/vegetation and that the centre of the rotor's shadow passes more quickly over the land reducing the duration of the effect. When taking this into account it is considered that the residential properties to the north are on the edge of the area that could be affected by shadow flicker and as a result it is considered that any impact would be minimal and would not warrant the refusal of this planning application.

A number of concerns have been raised over the proximity of the turbine to residential properties. There are no statutory distances set out in relation to this issue but it should be noted that the Annex to PPS22 advises that a safe separation distance would be the fall over distance (i.e. the height of the turbine to the tip of the blade) plus 10%. As the nearest property is approximately 100 metres away it is considered that the development would not have an impact upon resident safety.

A House of Commons Document from January 2010 has been submitted which refers to the introduction of a minimum separation distance for wind turbines. This document is not part of any adopted PPS or any other Governmental Guidance and cannot be given any weight in the determination of this application.

The Environmental Health Division has commented that the colour of the turbine has an impact with regards to shadow flicker and therefore the Division has recommended that the turbine should have a surface finish of light grey semi-matt. A condition is recommended accordingly.

Given the existing nature of the site which includes small business units, the separation distance, and the fact that the development would not cause such significant harm to the landscape as to refuse the application it is considered that the development would not have a detrimental impact upon residential amenity through overbearing impact or visual impact.

Highways

The access to the site is considered to be adequate and is currently used by a number of large vehicles. It is therefore considered that the delivery of the turbine to the site would not raise any significant highway safety implications. After its installation any maintenance of the turbine would be limited and would not raise any highway safety concerns.

Concern has been raised over the turbine causing a distraction to motorists, in relation to this issue the Annex to PPS22 advises that *'Drivers are faced with a number of varied and competing distractions during any normal journey, including advertising hoardings, which are deliberately designed to attract attention. At all times drivers are required to take reasonable care to ensure their own and others' safety. Wind turbines should therefore not be considered to be particularly hazardous'*. As a result it is not considered that this issue would warrant the refusal of this application.

Ecology

Article 12 (1) of the EC Habitats Directive requires Member states to take requisite measures to establish a system of strict protection of certain animal species prohibiting the deterioration or destruction of breeding sites and resting places. Art. 16 of the Directive provides that if there is no satisfactory alternative and the derogation is not detrimental to the maintenance of the populations of the species at a favourable conservation status in their natural range, then Member States may derogate "in the interests of public health and public safety or for other imperative reasons of overriding public interest, including those of a social and economic nature and beneficial consequences of primary importance for the environment" among other reasons.

The Directive is then implemented in England and Wales by the Conservation (Natural Habitats etc) Regulations 1994 ("the Regulations"). The Regulations set up a licensing regime dealing with the requirements for derogation under Art. 16 and this function is carried out by Natural England.

Regulation 3(4) of the Regulations provides that the local planning authority must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of their functions.

It should be noted that since a European Protected Species has been recorded on site and is likely to be adversely affected by the proposed development, the planning authority must have regard to the requirements for derogation referred to in Article 16 and the fact that Natural England will have a role in ensuring that the requirements for derogation set out in the Directive are met.

If it appears to the planning authority that circumstances exist which make it very likely that the requirements for derogation will not be met then the planning authority will need to consider whether, taking the development plan and all other material considerations into account, planning permission should be refused. Conversely if it seems from the information that the requirements are likely to be met, then there would be no impediment to planning permission in this regard. If it is unclear whether the requirements will be met or not, a balanced view taking into account the particular circumstances of the application should be taken and the guidance in paragraph 116 of PPS9.

This effectively gives 3 tests which need to be met. However in this instance it should be noted that the protected species survey provided by the applicants states that the turbine would not directly be sited on a main foraging route. This view is accepted by the Council's Ecologist and it should be noted that the turbine would not affect any bat roost and as a result the risk to the bats is low.

In terms of the 3 tests, it is considered that;

- There are no satisfactory alternatives as any alternative location would bring the turbine closer to residential properties.
- The derogation is not detrimental to the maintenance of Bats as it would not affect a bat roost or foraging area.

- There are imperative social reasons of overriding public interest as the development would contribute towards renewable energy targets.

It has been noted that the Council's Ecologist and Natural England have advised that turbines should be 50m from any trees or hedgerow. However this is not possible on this site and as this has not formed part of an objection it is considered that this should not form part of a reason for refusal.

The letters of objection have referred to the impact upon Barn Owls and birds in general. In relation to this the application site offers little in terms of habitat for Barn Owls and is therefore not considered to be a sensitive location. There is no research to show that single wind turbines would impact upon Barn Owls or other birds and as a result it is considered that the development would have a low incidental risk to Barn Owls and breeding birds.

One of the letters of objection has raised issues in relation to Badgers. However the applicants' Ecologist did not pick up on this issue on the site and given that the development on the ground would be limited to a concrete slab which would measure 6 metre by 6 metres it is not considered that the development would impact upon Badgers.

Public Rights of Way

Public Footpath Rope FP4 is approximately 200 metres to the north of the site. Given this distance it is not considered that the development would have any impact upon this Public Right of Way. This is in line with the Annex to PPS22 which advises that *'there is no statutory separation distance between a wind turbine and a public right of way. Often, fall over distance is considered an acceptable separation'*. The Public Right of Way would not be within the fall over distance.

Aviation

Due to the size of the wind turbine there is a potential for the development to impact upon aviation. As part of this application Manchester Airport, the Civil Aviation Authority and the Ministry of Defence have raised no objection to the development.

Other issues

Issues raised in relation to the existing activities on the site and the name of the site are not considered to have any impact upon the consideration of this application.

A number of the letters of representation refer to the impact upon property prices. This issue is not a material planning consideration and as a result cannot be considered as part of this application.

The issue of emissions from the wind turbine and its impact upon human health has been raised as a point of objection. This point is raised within the Companion Guide to PPS22 which states that *'Wind turbines contain electrical machines producing power. They will therefore also produce electromagnetic radiation. This is at a very*

low level, and presents no greater risk to human health than most domestic appliances'. This is therefore is not considered to be a material issue.

The letters of representation make reference to alternatives such as solar power and insulation should be considered by the development. In response to this the Local Planning Authority has to determine the current proposal which has been put forward which is considered to be acceptable in principle as discussed above.

Questions have been raised over the efficiency of wind turbines as an energy source. However guidance within PPS22 is that *'Small scale projects can provide a limited but valuable contribution to overall outputs of renewable energy and to meeting energy needs both locally and nationally'*. As a result this is not considered to be a material issue.

Concern has been raised over the icing of blades and the impact that this may have upon safety. In relation to this issue PPS22 advises that *'The build-up of ice on wind turbine blades is unlikely to present problems on the majority of sites in England. For ice to build up on wind turbines particular weather conditions are required, that in England occur for less than one day per year'* and *'Most wind turbines are fitted with vibration sensors which can detect any imbalance which might be caused by icing of the blades; in which case operation of machines with iced blades could be inhibited'*. As a result this is not considered to be a material issue.

One letter of representation has referred to the impact upon TV and phone signals. The Annex to PPS22 advises that *'Experience has shown that when this occurs it is of a predictable nature and can generally be alleviated by the installation or modification of a local repeater station or cable connection'*. As a result this is not considered to be a determining issue as part of this application.

Concern has been raised in relation to the issue of the impact upon horses and livestock. In relation to the issue of horses, the British Horse Society suggests a 200m exclusion zone around bridle paths to avoid wind turbines frightening horses. As there would be no bridlepaths or equine enterprises within 200 metres of the site this is not considered to be a material issue.

11. CONCLUSIONS

The proposal would bring benefits in terms of the production of renewable energy and it is considered that the benefit of this would outweigh any detrimental impact upon the Green Gap. It is not considered that the development would cause such significant harm to the character of the area and the wider landscape as to warrant the refusal of this application. The development would not have a detrimental impact upon residential amenities through noise, shadow flicker or in any other way. The development would not adversely impact on protected species and the development would not raise any highway safety problems, aviation issues or impact upon any Public Right of Way and is therefore considered to be acceptable.

12. RECOMMENDATIONS

Approve subject to the following conditions;

- 1. Standard 3 years**
- 2. Development in accordance with the approved plans**
- 3. Colour of the turbine to be light grey semi-matt – full details to be submitted and approved in writing**
- 4. The wind turbine to be inspected and maintained on a regular basis in order to ensure that no potential sources of noise occur and if any faults are identified they shall be rectified**
- 5. Upon the wind turbine ceasing to be needed by the operator it shall be dismantled and removed from the site**

Location plan : Licence No 100049045



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Planning Reference No:	10/2699N
Application Address:	Land Adjacent Limes Farm, Deans Lane, Barthomley.
Proposal:	Agricultural Access Track.
Applicant:	Mr P Abell, Walnut Tree Farm, Radway Green Road, Barthomley
Application Type:	Commercial
Grid Reference:	376422 351830
Ward:	Doddington
Earliest Determination Date:	17 th August 2010
Expiry Dated:	8 th September 2010
Date of Officer's Site Visit:	17 August 2010
Constraints:	Wind Turbine Consultation Area

SUMMARY RECOMMENDATION: Approve with Conditions

MAIN ISSUES:

- Principal of development
- Impact of the development on the character and appearance of the open countryside
- Highway safety along Deans Lane.

1. Referral

This application has been referred to Committee at the request of Cllr D Brickhill, supported by Cllr J Hammond, for the following reasons:

“To see if the plan, which is not to scale, is misleading;
 To establish whether the necessary visibility splay to the north is or is not achieved by the application;
 To see whether that the plan proposes a visibility splay to the south, which, whilst desirable, is unnecessary and destroys 10 M of good established hedge;
 To discuss whether the effect will be to create an eyesore with loss of amenity and damage to the surrounding countryside;
 To discuss if the application does not overcome the previous refusal of 9/1376N refused on appeal;
 To hear highways officers views of highway safety;
 To discuss whether permission should be given for 10M x approx 10M of concrete sleepers should be allowed to remain when the previous appeal to allow them was refused;
 To observe whether the ground between the track and the adjacent garden is isolated and noxious weeds grow there.”

2. DESCRIPTION OF SITE AND CONTEXT

This proposal follows a recent refusal for a similar application (ref 09/1376N) and subsequent appeal. The appeal was dismissed however, the Inspector's decision

indicated that the development was acceptable in principle subject to alterations to meet highway safety concerns and changes to the surface treatment of the track.

Pre- application advice, including a site visit, has been given by Highway Officers together with written guidance from Planning Officers. The application reflects the advice given.

The site, which includes open fields and an agricultural building, lie within Green Belt and open countryside as identified by the Borough of Crewe and Nantwich Replacement Local Plan 2011 (Local Plan).

The track crosses the route of a main gas pipe line.

The applicant is a tenant of the land which is owned by the Duchy of Lancaster.

3. DETAILS OF PROPOSAL

The track runs some 740m from an existing field gate on Deans Lane towards Limes Farm following existing field boundaries.

The revised design indicates that a 1.5m wide concrete strip would be provided at the edge of the roadway in order to provide support to the roadway thereafter the first 10.5m of track would be formed by concrete railway sleepers up to the revised position of the gateway.

It is proposed to replace the first section of the track, approximately 60m, which is formed by re-use of concrete railway sleepers, with hardcore similar to the remainder of the existing track. The agent states that the hardcore section of track would be finished with crushed stone.

The track is for the most part complete. The agent stated on the previous application that it is designed to serve the arable fields that it passes through and an existing cattle building within the Limes Farm complex. The fields measure approx. 23 ha with the building being approx. 1550m².

4. RELEVANT HISTORY

09/1376N Proposed Retention of Agricultural Access Track. Refused on 10th July 2009, subsequent appeal dismissed on 4th February 2010.

5. POLICIES

Local Plan Policy

NE.1 (Development in the Green Belt);
NE.2 (Open Countryside);
BE.2 (Design Standards);
BE.3 (Access and Parking);
BE.21 (Hazardous Installations).

Other Material Considerations

PPS 7: Sustainable Development in Rural Areas;
PPG 2: Green Belts.

7. CONSULTATIONS (External to Planning)

Highways: No objection, subject to the access being constructed in accordance with the submitted drawing.

National Grid (Gas): No response.

Public Rights of Way: Recommends conditions/informatives to ensure that there is no detrimental impact on the public footpath, Barthomley No 2.

8. VIEWS OF THE PARISH / TOWN COUNCIL

- Strongly opposes the application for the following reasons:
- The road and gateway are visually intrusive into the open countryside and potentially hazardous;
- No agricultural justification for the roadway;
- The applicant may not have control over all the land the road passes over;
- The construction of the roadway will/has caused disruption and damage to Deans Lane;
- To allow this scheme will set a dangerous precedent, permitting landowners to profit from depositing waste to form unjustified trackways
- The Parish Council wishes to make the following observations:
- The work started earlier than stated on the application form;
- Points to other inaccuracies in the information supplied on the submitted application form relating to the removal of hedgerow, trees and biodiversity features;
- The submitted plan does not represent a true indication of the road layout (Deans Lane);
- The supporting statement refers to the roadway providing access to land which it is associated which is not a complete description as the roadway serves a building located at Limes Farm.

9. OTHER REPRESENTATIONS:

The Occupier of Honeysuckle Cottage, the main areas of concern relate to:

- The roadway represents an unjustified and unnecessarily wide track which will have a significant effect on the appearance of Deans Lane;
- Repeats the Parish Council's comments relating to inaccuracies in the information provided by the applicant;
- No site notice was posted;
- Questions the Planning Inspector's conclusions that only a small visibility splay was required to the south and suggests that the development may be potentially dangerous to vehicles travelling from the north side of Deans Lane;
- The retention of some of the sleepers is contrary to the Inspector's comment when dismissing the recent appeal. Furthermore, the new position of the gates will increase the visual impact within the context of the historic hedge line along Deans Lane;
- Requests that an alternative route directly from Englesea Brook Lane should be used;

- Requests that Members should visit the site and that he would like the opportunity to make a direct representation to the Committee when this application is considered.

10. APPLICANT'S SUPPORTING INFORMATION

Planning Statement (The Planning Consultancy, 18th May 2009):

The main issues covered by the statement relate to addressing the Inspector's reasons for dismissing the appeal to the previous refusal.

The statement confirms that pre-application advice has been sort before the application was submitted.

11. OFFICER APPRAISAL

Principle of Development.

The main issue on the previous application ref 09/1376 was considered to be justification for the track as there was an existing track to Limes Farm, to which the land and building were originally associated with. However, the Inspector's appeal Decision Notice accepted that the track was reasonably required for the applicant's agricultural operations.

Impact on the Character and Appearance of the Open Countryside

The Inspector concluded that the first section of track, i.e. the concrete sleeper section, has an unacceptable impact on the character and appearance of the area and the visual amenity of the Green Belt.

The revised application involves the removal of the majority of the former concrete railway sleepers and their replacement by a gravel track similar to the remainder of the access track with the exception of a 9m section between the concrete edging strip and the new location of the gate. The applicant has stated that this solid surface treatment would prevent large vehicles from disturbing the surface when turning onto the Highway.

Due to the relatively short distance and the fact that there is a valid reason for the retention of the surface treatment, the harm to the character and appearance of the area is considered to be within acceptable limits. This impact would be negated further by the sense of enclosure formed by the re-positioned hedge-line and access gates. Therefore, the use of the former concrete railway sleepers over this short section is considered to comply with Policy BE.2 of the Local Plan without detrimental impact on the visual amenities of the Green Belt.

Highway safety

The development has resulted in the widening of the original field access at the point where it adjoins Deans Lane. The Inspector's Decision Notice stated that the current access arrangements are inadequate with substandard visibility to the south and that the access width and set-back of the gates do not meet Highway Engineer's recommendations. Given the nature of the access this objection could be remedied by the incorporation of a small southerly (visibility) splay into the design which would not cause visual harm.

Consequently, the applicant, through his agent has been in negotiation with the Authority's Highway engineers in order to achieve an adequate visibility splay on the southern side of the access, the introduction of a concrete edging strip and the set-back of the access gates.

The creation of the visibility splay would involve the removal of approximately 10 m of hedgerow. This is in addition to any removed during the alterations to the original field gate. However, the loss of hedgerow is considered acceptable given the commercial demands of the applicant and the requirement to ensure that the access is safe for the users and the general public traversing Deans Lane. The loss of the hedgerow would be mitigated by additional planting along the line of the visibility splay which would comprise 75% Hawthorn and 25% Blackthorn. This planting is to be supplemented by the installation of a 1.5m high wooden post fence at the rear of the hedge.

Other Matters

Comments have been made about inaccuracies on the submitted application forms. Whilst these comments may have some merit, the information in question is not considered such that it would lead to injustice or warrant refusal of the application. Questions relating to exact details of the surface treatment and hedge planting will be dealt with by condition which will ensure that these details are agreed by the Authority.

12. CONCLUSIONS

Whilst an appeal was dismissed for similar development, the Inspector's Decision Notice made it quite clear that the construction of a track in this location was acceptable in principle subject to meeting design criteria which incorporated highway improvements.

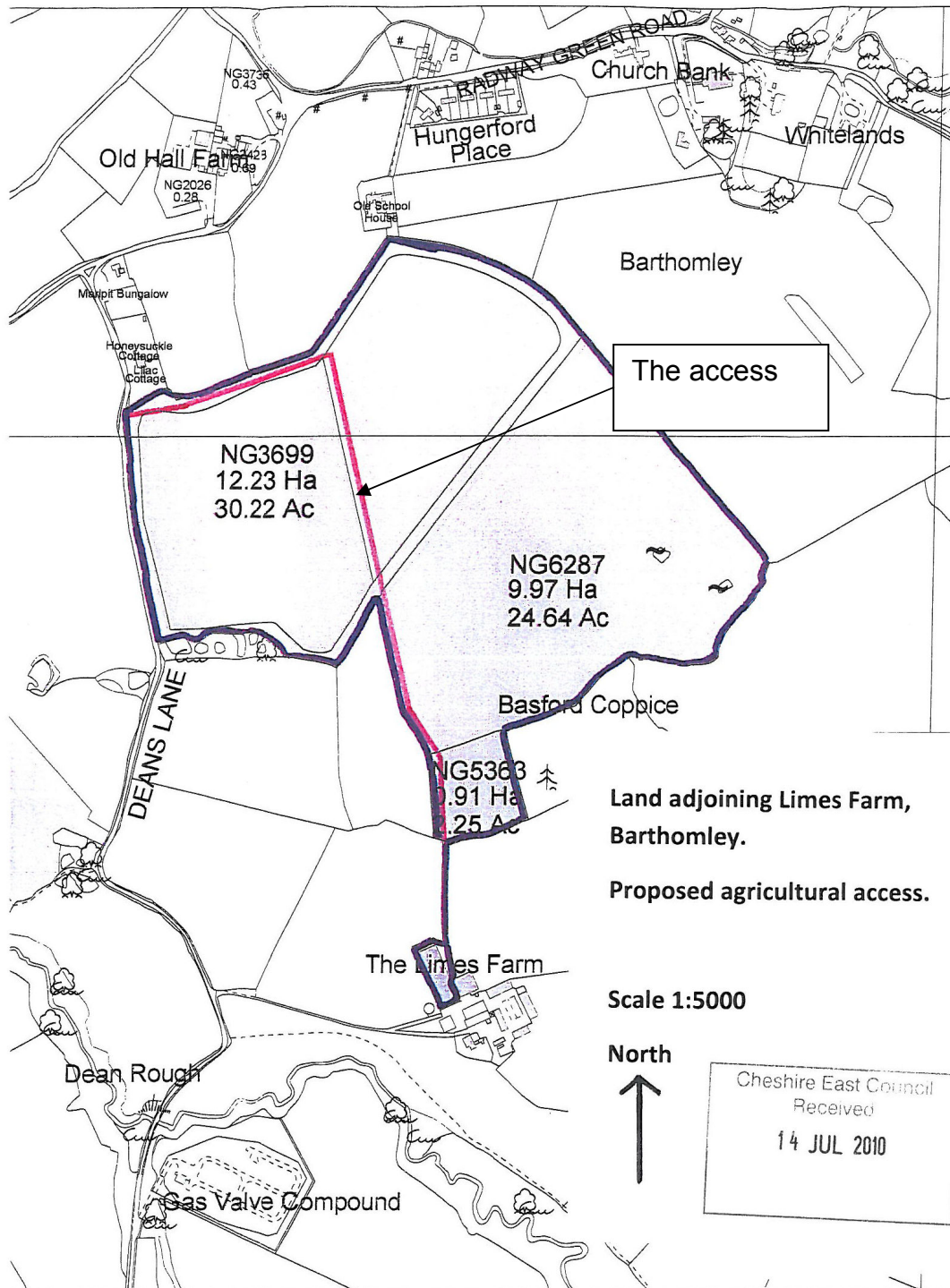
The revised proposal is considered to meet these criteria and now represents an appropriate form of development within the open countryside which meets the needs of agriculture without detrimental impact to the character and appearance of the area or highway safety.

13. RECOMMENDATIONS

APPROVE: Conditions:-

- 1. Within 3 months of the date of this permission a schedule of implementation shall be submitted for approval to the Local Planning Authority. The schedule shall include details of the timeframe and the phasing of the development, finished surface treatment and the additional planting. Thereafter, the development shall be carried out in accordance with the agreed details.**
- 2. Protection of public footpath.**
- 3. Schedule of approved plans.**

Location Plan



Planning Reference No:	10/1659N
Application Address:	Bombardier Transportation, West Street, Crewe, CW1 3JB
Proposal:	To Erect Two Storey 81 Bed Care Home (Class C2: Residential Institution) following Site Removal of an Existing Car Park.
Applicant:	Keenrick Care Homes & Seddon
Application Type:	Full Planning Permission
Grid Reference:	369453 356042
Ward:	Crewe North
Consultation Expiry Date:	16 th June 2010
Date for determination:	4 th August 2010

SUMMARY RECOMMENDATION

Approve subject to conditions and completion of Section 106 Agreement.

MAIN ISSUES

- Principle of Development
- Affordable Housing
- Amenity
- Design and Built Environment
- Drainage and Flood Risk
- Highways
- Section 106

1. REFERRAL

The application was originally referred to planning committee because it is over 1000sq.m in Floor Area and is therefore a major development. It was deferred at the Committee meeting on 21st July 2010 to enable issues relating to outstanding highway matters (i.e. accurate information about bus services serving the site, the provision of bus stops/bus shelters and the provision of a pelican crossing) to be resolved.

2. SITE DESCRIPTION

The application relates to part of the existing Bombardier Railway Maintenance Facility at Dunwoody Way in Crewe. The area is currently utilised as a large surface car park. The surrounding development comprises the railway works to the south and west, and residential and retail development to the north and east.

3. DETAILS OF PROPOSAL

Planning permission is sought for the erection of an 81 bed care home. The building would be 2 storeys in height, located at the eastern end of the site and arranged around a central courtyard garden, with parking, servicing and further garden areas to the western end of the site

4. RELEVANT PLANNING HISTORY

P06/0754 – Outline application for Mixed Use Redevelopment including the Retention of Existing Offices, Residential Development and Employment Development for B1/B2/B8 Uses with Associated Highway Works and Landscaping. Withdrawn 4th September 2006

P07/0173 Mixed Use Redevelopment Including the Retention of Existing Offices, Residential Development and Employment Development for B1, B2, B8 Uses with Associated Highway Works and Landscaping - Withdrawn

5. PLANNING POLICIES

National Policy

PPS 1: Delivering Sustainable Development

PPS 3: Housing

Local Plan Policy

Built Environment Policies

- BE.1 (Amenity)
- BE.2 (Design Standards)
- BE.3 (Access and Parking)
- BE.4 (Drainage, Utilities and Resources)
- BE.5 (Infrastructure)
- BE.6 (Development on Potentially Contaminated Land)

Employment Policies

- E.4 (Development on Existing Employment Areas)
- E.7 (Existing Employment Sites)

Housing Policies

- RES.2 (Unallocated Housing Sites)
- RES.3 (Housing Densities)
- RES.7 (Affordable Housing within the Settlement Boundaries of Crewe, Nantwich and the Villages Listed in Policy RES.4)

Transport Policies

- TRAN.3 (Pedestrians)
- TRAN.5 (Provision for Cyclists)

6. OBSERVATIONS OF CONSULTÉES

Sustrans

- They are pleased to see a commitment to travel planning for staff. This should have targets and be monitored regularly for its effectiveness.

- There should be secure cycle parking places under cover at a convenient location for staff. A few Sheffield stands near the entrance for visitors will be useful.
- The application refers to the adjacent cycle track on Dunwoody Way. This is opposite the site; a comment we have made often about this facility is that it is not connected properly at either end to the public highway. It actually encourages cyclists to continue their journey on the pavement!
- For a development of this scale, they expect the planners to negotiate for a contribution to ensure that the cycle track at the West Street end of Dunwoody Way is joined properly to the public highway. This may be, for example, by ensuring there is a refuge crossing suitable for cyclists along with a short section of cycle track on the west side of Dunwoody Way.

Cheshire Fire Service

- Access and facilities for the fire service should be in accordance with the guidance given in the Building regulations
- The applicant is advised to submit details of the water main installations in order that the fire hydrant requirements can be assessed
- Means of Escape should be in accordance with current Building Regulations.
- The applicant should consider the inclusion of an automatic water suppressions system to enhance any proposed design.

Housing

- There is no requirement to provide affordable housing as part of this development. As such the Housing Strategy team have no comments to make on this application.

Highways

- The proposed access and alterations to the existing pedestrian refuge island will need to be constructed under a section 278 agreement. The refuge island will need to be sited safely and should be designed to accommodate both wheel chair and mobility scooter users.
- A footway link to the right of the proposed access should be provided and connect up to the existing roundabout that serves both Bombardier and Morrisons. This should include the provision for cyclists to exit the existing cycle lane and enter onto the highway at this point.
- The south west corner of the roundabout that serves both Bombardier and Morrisons has a poor visibility for both pedestrians and cyclists when waiting to cross towards Morrisons. This should be improved as part of this development under the same 278 agreement. A small portion of the Bombardier site may need alterations to the existing fence line to achieve better forward visibility at this location.
- Providing that all of the above can be achieved and a suite of plans is provided and approved by the LPA prior to approval, the Highways Authority has no objections.

Additional comments in respect of Supplementary Transport Information:

- The Highways Authority can confirm that they are happy with the content and amended drawing.
- They are now happy to support this application.
- The developer will need to enter into a 278 agreement, and if the land that is needed to move the fence line is not purchased, we may need to enter a 106 agreement in place.

Network Rail

No objection

Environmental Health

- Any proposed external lighting of the site shall be submitted to and approved in writing by the Borough Council before it is installed to protect the amenity of local residents.
- The recommendations in the Environmental Noise Study conducted by Red Acoustics dated 27th April 2010 shall be included in any approval, in summary these are:
 - o Recommended Glazing configuration of 4/12/6mm
 - o Acoustically rated trickle vents on the north, east and south east elevations
 - o Standard trickle vents on the south west elevation
 - o Plant, and associated plant noise generators to be located to the north or north east elevations
- Where piling of foundations is necessary this is to be undertaken between 9am – 5pm Monday to Friday and no works of this nature to be undertaken on Saturday, Sunday or Bank Holidays.
- Construction hours (and associated deliveries to the site) shall be restricted to 08:00 to 18:00 hours Monday to Friday, 09:00 to 14:00 hours Saturday, with no working Sundays or Bank Holidays.
- This site forms part of a wider area currently utilised as a locomotive repair works and therefore there is the potential for contamination of the site and the wider environment to have occurred.
- A contaminated land condition should be attached to the planning permission to ensure the development is suitable for its end use and the wider environment and does not create undue risks to site users or neighbours during the course of the development.
- Reading the transport assessment an air quality impact assessment is not required. The Travel Plan should be implemented as part of the development and then consequently monitored in terms of take up.

7. VIEWS OF THE PARISH / TOWN COUNCIL

N/A

8. OTHER REPRESENTATIONS

One letter of objection has been received making the following points

- The conclusions reached in the Transport Statement of this Planning Application in respect of Public Transport/Infrastructure are unfounded, being based on erroneous information.
- The failure to provide Bus Stop/Shelters adjacent to the proposed Residential Care Home is in contravention of Government Guidelines and needs to be addressed.
- The Transport Statement and Transport Plan should be revisited before Planning Approval is given.
- The accuracy and detail contained in the sections below leaves a lot to be desired. Although the documents are dated April 2010 I cannot reconcile, in particular the accuracy of the Bus Services shown to be operating in the area at that time. It is even more disturbing that this information was supplied by Cheshire East!
- The letter lists a number of inaccuracies in terms of the stated timetable information
- It also lists a number of important services which operate in the area and were omitted
- The computer generated map showing 30min journey times from the site by Public Transport, from which the conclusion is made that public transport is easily accessible is flawed. Faced

with either a 10min walk to the nearest Bus Stop or 20min walk to the Bus Station it is impossible to reach many of the destinations shown within the 30min. Indicated.

- Before using any software to make claims of this nature it needs to be verified by other means. (In this case by making actual journeys). I recommend that the developer liaises with Cheshire East and West Integrated Transport Service at Ellesmere Port who have the expertise to make accrued judgment on journey times from the proposed Care Home.

- The documents state that Bus Stops can be found on Dunwoody Way and West Street, which are within 400m of the site. This may be the case “as the Crow flies” but certainly the walking distance to any of the stops suggested in the documents are all more than 400m actual walking distance, which should be measured from the proposed building entrance not site.

- Service 45A is the only service to serve the Eagle Bridge Bus Stops to the east of the site. Unfortunately there are no Footways anywhere on the southern (site) side of Dunwoody Way. Any intended user of these stops will find themselves having to negotiate the circuitous northern Footways, including crossing the vehicular access to the Morrison Store car park, and if using the outward stop (non DDA compliant as the rear of the Shelter is only approximately 1m from the edge of carriageway, making it impossible to use the Bus Ramp for Wheel Chair and Scooter users), access is via the ghost island at the Eagle Bridge Centre itself. Both stops estimated to be well outside 400m.

- Service 42 only serves the Morrison’s Bus Stop and Shelter (no raised kerb) en-route to Congleton, situated adjacent to their main store entrance. Again it is questionable if it is within 400m of the proposed Care Home main entrance. Bus Stops and Shelters exist in West Street and Frank Webb Avenue for the 42, 45 and 45A Bus services at the western end of the site. Estimated distances from the stops to the proposed Care Home main entrance are: Inward 420m and outward 460m. Both routes include negotiating the northern Footways and signalised traffic junction of Dunwoody Way with West Street.

- Services 6/6E and 31/31A. It is difficult to comprehend how any one could consider that these services are easily accessible for this development, as it entails detailed knowledge of the area, involving a rear pedestrian access to Goddard Street adjacent the Morrison Store access road. It is certainly well over 400m to the Bus Stops for these services in West Street by foot from the proposed Care Home main entrance. (NB: These services operate via Underwood Lane and do not operate along the northern end of West Street)

- The documents suggest that Crewe Bus Station is only 10 minutes walk from the development, again this is erroneous. As a regular able bodied pedestrian in this area and knowing the shortcuts, I would not expect to complete this distance “door to door” in less than 20 minutes! The documents own “Walking Accessibility Map” places the Bus Station at 800m-1200m distance from the development.

- Considering this development is an 81 bed Care Home it is reasonable to assume that it will attract a considerable number of elderly visitors many of which will be reliant on Public Transport. The walking distances to Bus Stops for this type of establishment are given in the Department of Transport document “Inclusive Mobility” Section 6 and I quote *“Where there are places that will be used by disabled people, such as residential care homes, day centres etc, bus stops should be sited as close as possible and should have a pedestrian crossing (with dropped kerb) in reasonable proximity”*. This section also recommends “on route” bus stops at 250m for able bodied.

- The continued use of 400m in these documents is used out of context. The actual wording of the Department of Transport Guidelines state. *“In residential areas bus stops should be located ideally so that nobody in the neighbourhood is required to walk more than 400 metres from their home”*. Nothing at all to do with this development!

- It would not seem unreasonable to ask for a “developer contribution” for the provision of DDA compliant Bus Stops and Shelters adjacent to the proposed pedestrian access to this Care Home in line with Government Guidelines PPG13. Cheshire East to consider with the operators extending the service time of operation of the 45A now that service 46 has been withdrawn to

accommodate this establishment and also to cater for extended Doctors surgery times at the Eagle Bridge Centre. Cheshire East along with Cheshire West to consider a Service to operate on Sundays

- The documents state that the site is 2km as the crow flies from Crewe Railway Station and is accessible by foot or Bus.

- This statement is unfounded. The documents own "Walking Accessibility Map" shows the walking distance to Crewe Railway Station well in excess of 2km. The inference that the site is readily accessible by Bus from the Railway Station is far from the truth. Only Bus Service 42 (hourly) serves the site by a very circuitous route, the journey taking in the region of 20min to cover this short distance and runs only Mon - Sat.

- Given the size of this care home, it is conceivable, that a number of visitors will be generated arriving by rail as the documents suggest. Cheshire East along with Cheshire West to consider a Service to operate on Sundays from Crewe Rail Station along this route extended to Winsford/Middlewich/Northwich (No through services on Sundays) via Leighton Hospital as these conurbations are in Leighton Hospitals catchment area.

- This development is only a fraction of that proposed for the south side of Dunwoody Way, both east and west of this development. This will in turn further increase demand for Public Transport. However it is difficult to envisage that any additional bus stops required on Dunwoody Way could be located anywhere other than adjacent to the proposed Care Home development. The stops would of course also bring the Bombardier main entrance into walking distance (Southern Footway required) and the major housing developments underway opposite this site, the existing local population and future developments. Cheshire East Planning Authority, Highways and Transportation need to work together in a more unified approach and where Public Transport is concerned use the expertise of the shared Integrated Transport Service at Ellesmere Port. Cheshire East Planning needs to exercise more care ensuring that it includes provision for public transport/infrastructure to be included at an early stage in line with PPG13. If we do not; we miss out on developer contribution to improve our services and at worse create another Eagle Bridge scenario where public transport provision was omitted entirely, hence the ad-hoc/inadequate bus stop provision at this facility.

- It would appear that the Transport Strategy and Transport Plan have been treated to nothing more than a "Desk-Top" exercise which has little credibility to actual site conditions. Cheshire East needs to exercise more care in providing information to consultants in order that errors of this kind are not repeated. Cheshire East Planning need to liaise more with Cheshire Integrated Transport shared service when dealing with new developments within 400m of a Bus Route, especially as in this case actually on two Bus Routes.

- Developer Contributions are seen by most Councils and Government as an integral way of improving public transport to avoid a repeat of the "Eagle Bridge" fiasco which opened with no public transport or infrastructure. It seems that no lessons were learnt.

9. APPLICANT'S SUPPORTING INFORMATION:

Design and Access Statement

- The C2 care home use for the site fits well into the existing urban use of the town, both in the sense of being immediately in a housing area, and in providing care for the whole town and beyond.

- The care home is part of a relocation package, the aim of which is to provide a new facility to replace an existing care home. The new facility will be better located, on main routes and close to the town centre, in a high profile location, larger and up to date.

- The relocation means that the care home will already be substantially provided for with residents relocating from the existing home, as well as staff. The larger scale of the facility will provide spare capacity to meet the needs of the town as well as new job opportunities.

- The care home owners have sought to provide a new care home with excellent facilities, both in terms of accommodation and external amenity spaces. In addition, the layout of the building has been carefully designed to provide the following to the residents
 - o Interesting common areas with carried characteristics and aspects (main lounges, quiet lounges, options for dining in different areas etc.)
 - o Corridors have been designed to maximise staff supervision, but also to avoid long institutional lengths. This has been achieved by introducing additional turns, often with wider areas benefitting from views out
 - o A racetrack corridor system, important for patients with dementia to allow residents to circulate around the building without coming to dead ends. The care home has been designed to a high standard with particular attention given to the following
- The way in which the external treatment echoes the earlier Victorian architecture of Crewe. This is done with more contemporary interventions.
- The building is strongly articulated towards the main roundabout, acting as a gateway to the new development area opening behind the site.
- The interaction of internal and external spaces, providing a number of options for residents. The internal courtyard also includes looped path systems allowing for perambulation around the garden by residents
- In summary the care home will be a much needed new facility for the local community and the town as a whole, whilst also providing some new employment opportunities. The site is well located for transport links and services. The design addresses both the unique location of the site, on a major gateway into and out of the town, as well as the challenges and opportunities presented by the site itself. The architectural language of the building is strongly linked to the architectural history of Crewe, whilst also representing a contemporary flavour to endorse the aspiration that this building is for now, and for the future of the town and the community.

Acoustic Report

- Using measured survey data for the existing background noise and manufacturer's data for plant noise, an assessment of potential impact in accordance with BS4142 can be undertaken for the nearest noise sensitive receptor.
- The nearest noise sensitive receptors are the dwellings at Grand Central, off Dunwoody Way to the north west of the site
- At this stage the location and type of plant is unknown and an assessment will be carried out when data becomes available. However, it is recommended that plant is located along the northern / north eastern façade of the development (facing Dunwoody Way and roundabout) as potential impact will be negligible compared to the existing traffic noise on Dunwoody Way. Locating the plant within the internal courtyard of the development should be avoided where practical as impact will be greater given the reduced background noise level within this enclosed space.

Vibration Impact Assessment

The assessment of ground borne vibration due to train and HGV movements has indicated that no special measures need to be taken into consideration in the design of the building to reduce levels of structure born noise and vibration due to trains and HGV movements

Transport Statement

- The new access has been designed in line with guidance in TD42/95 which states that minimum junction separation should be 50m where ghost island right-turn lanes exist. The right

turn lane itself is 35m long which is adequate given the low level of traffic predicted to use the access.

- The capacity assessments of the proposed new site access have revealed that there will be no capacity issues for any of the peak hours either in the opening year of 2011 or the future. The proposed ghost island right turn ensures that there will be no delay to vehicles travelling south east and provides a safe place for vehicles to store, if they need to wait for a gap in the traffic.
- The site is located in a sustainable location on the edge of Crewe Town Centre. Their investigations have revealed that the site is within close distance of a large residential population which makes it suitable for walking and cycling to the site for staff and visitors living further afield, there are regular bus services along Dunwoody Way and West Street and train services to Crewe Railway Station. For the reasons set out above, there are no traffic, transport or highway related reasons for withholding planning consent for the proposed care home.
- A draft travel plan has been included within the submission.

Ground Investigation

- Overall the only potentially unacceptable risks to future residents come from substances in the shallow granular made ground namely metals. In all cases the risk driving exposure pathways are from direct contact such as soil ingestion, dermal contact or consumption of home grown produce
- Contaminative substances are limited to granular made ground soils in the upper 1m at the site. It is likely that some form of remedial work is required prior to the site being redeveloped for a residential care home with gardens.
- It may be possible to mitigate these risks via a number of methods including
 - o Revise redevelopment plans to allow only properties without gardens
 - o Remove contaminated shallow soils from the site and replace with a break layer and clean fill
 - o Add a break layer and then import additional clean materials to a thickness of 1m.

Flood Risk Assessment

- The site is at low risk of flooding but requirements for the surface water drainage system and mitigation measures to minimise the impact of an event in exceedence of the design storm or a blockage of the site's drainage systems or systems elsewhere have been identified. The detailed design of the surface water and foul drainage systems and connections to sewer will be made at the appropriate stage of the development, particularly once foul volumes are known, but the outline drainage strategies present in the report provide a commitment to minimise flood risk to the site and elsewhere through the design and layout of the proposed development and the adoption of suitable mitigation measures.

Supplementary Transport Information

A plan has been produced and submitted showing:

- a footway between the south of the new access which links to the existing shared cycleway/footway near to the roundabout with Morrisons;
- a relocated and improved pedestrian refuge near to the site access which is large enough to accommodate a mobility scooter, complete with dropped kerbs and tactile paving onto the footway;
- markings to advise of the end of the cycleway; and,
- the Bombardier fence set back by approximately 1.5m to improve visibility for pedestrians and approaching vehicles on the southern arm of the roundabout with Morrisons.

In the committee report it states that 'it is not therefore considered necessary or reasonable to require the applicant to provide additional contributions in this instance as aside from the specified works, the contribution would not be directly related to the application site'. The applicant concurs with this approach and would state that there has been considerable residential development in the area which, if necessary, improvements to bus infrastructure and services could have been requested. Accordingly, the improvements requested by the Strategic Highways Manager are in line with Circular 05/2005 and the improvements requested are necessary, and appropriate to the size and impact of the proposed development.

The statement then addresses the issues raised in the third party representations, as summarised in the committee report.

Firstly, the resident's letter criticises the accuracy of the bus service information set out in the Transport Statement. It is important to note that changes have been made to the bus services since the report was compiled in April 2010. The number 46 service has been withdrawn altogether since 25th May 2010 due to the bus operator going into liquidation (as advised by Cheshire Traveline).

The number 45A service however, has been improved from a service which only ran until 14:46 to a service which runs until 17:46. In addition, the number 42 service stops within the Morrisons supermarket car park and travels back up Dunwoody Way north every 60 minutes. This is the nearest bus stop to the site and from the southern access onto Dunwoody Way would be a distance of less than 220m.

To summarise, there will be a total of five bus services available to future staff and visitors at the site. The site is located within 450m of four sets of bus stops. The most frequent bus services of 6/6E are every 20 minutes from the junction of West Street and Derby Street, 400m from the site. The letter criticises the fact that the report has made use of local knowledge of shortcuts to reach Goddard Street via a route near to the Morrisons store. The people who are most likely to use public transport from the site are staff members who will have a detailed knowledge of the area and visitors are likely to have at least some knowledge of the area.

Although 400m is used as a general guide for distances to bus stops, the fact that a bus stop may be a few metres outside of this distance does not mean that people will be discouraged from using the buses. For able bodied staff who are most likely to be using public transport, an additional 20 to 50m is not going to discourage them from using public transport. The quality and frequency of the bus service will be more important than the distance walked, hence staff are likely to walk even further if there is a more suitable service elsewhere such as at the bus station.

The letter criticises the computer generated map which shows the area covered by a 30 minute journey by public transport, in this case by bus. The resident states that it would be a 10 minute walk to the nearest bus stop or 20 minutes to the bus station, so therefore it would be impossible to reach the destinations shown within 30 minutes and that the areas served should be verified by making the actual journeys. No two bus journeys would ever be the same, as they would be dependant on the punctuality of the service and external factors which could delay a journey such as traffic congestion.

To clarify, the accession software has been designed to remove the need for journeys to be replicated as software takes into account the walk time/distance to the nearest bus stop, waiting time for the bus as well as the bus journey itself. Accession is a recognised software package which has been specifically designed to model the accessibility of sites by walk, cycle and public

transport trips. They have to be used with caution and give a general indication of the areas which can be reached. In this case the model was set to a walk distance of 400m, with a walk speed of 4.8kph from the site (which would take just 5 minutes to walk 400m). It was modelled during the morning peak hour (0700-0900), when a large proportion of the staff will be travelling to and from the site.

The pedestrian access between the site and the bus stops on Dunwoody Way at Eagle Bridge will be improved so that pedestrians can walk on the south side of Dunwoody Way and cross the road at the roundabout with Morrisons where there are dropped kerbs. These bus stops are approximately 420m walk distance from the main entrance to the care home, which is located on the south side of the building.

It is also important to clarify the nature of the new care home development in relation to its impact on pedestrian movements outside the site. Care homes are by nature secure residences which incorporate a safe dwelling environment for residents, with internal and external garden amenity spaces, which necessarily restrict the movement of residents from leaving the site. When residents do leave the site, this is always with the assistance and supervision of a responsible adult, and given the age specific care needs of the residents, almost exclusively in a vehicle. In addition to the above, the proposed care home at Dunwoody Way is designed for dementia residents, who are no longer able to live independently, are often no longer ambulant, and require a significantly higher level of individual care. As such it is clear that these people can on no account leave the building to go shopping, as suggested in various reports including the local media. The care home has been designed specifically to provide this high level of care within an environment best suited to dementia patients, including a 'racetrack internal circulation pattern' and a variety of secure external amenity spaces. This security is paramount to the care patients require, and is of crucial importance to those that leave their loved ones in the care of the home. As such it is clear that the residents themselves will, in practical terms, make no contribution to increased pedestrian movements along the existing and proposed footways.

It is trusted that the additional information will clarify any outstanding concerns which the Councillors may have and reinforce the earlier comments of the highway officer which stated:

- the scheme would operate satisfactorily without undue pressure on the existing infrastructure and junctions around the town;
- the site is located 1.93km away from the town centre and bus station, along DDA compliant routes and as such are within the 2km walk distance set out in PPG13;
- the nearest supermarket and medical centre is 215m and 572m respectively and the nearest bus stop is a similar distance;
- the works necessary to make the proposed development acceptable in planning terms have been requested by the Strategic Highways Manager and it is not necessary or reasonable to require the applicant to provide additional contributions in this instance; and finally,
- the Strategic Highways Manager has not raised any concerns regarding the accuracy of any of the information supplied within the Transport Statement and it is not considered that a refusal on these grounds could be sustained.

10. OFFICER APPRAISAL

Principle of Development

The main consideration in respect of the principle of the development is the extent to which it complies with the provisions of Policy E.7 (Existing Employment Sites) of the Local Plan. This policy seeks to resist the loss of employment sites close to local centres of population as

this can result in higher local unemployment and increased commuting, both of which are contrary to the principles of sustainable development.

The policy does allow for the loss of employment land to other uses in certain circumstances. The first of these is where the existing use harms the character or amenities of the surrounding area. There is no evidence to suggest that the current site operations conflict with residential amenity or the character of the area. Furthermore, the site could be redeveloped for a range of employment uses which would not impact on residential amenity, particularly those falling within use class B1, which by definition are appropriate in residential areas.

Secondly, the loss of the site for employment purposes is permitted where it is demonstrated that the site is no longer capable of satisfactory employment use and where the re-development would bring overriding local benefits. Equally there is no evidence to suggest that this site is incapable of further employment re-use. Nevertheless, there is an identified and growing need within the Borough for accommodation for older people, and therefore it could be argued that there would be some wider community benefit to be derived from the proposed development.

Finally the policy allows other uses where it can be demonstrated that there would be no detrimental impact on the supply of employment land or premises in the Borough. In resolving to approve the previous application on the site, the Council accepted the argument that the majority of the 7,438 m² of lost employment land is either underused, empty or used for car parking. It was therefore argued that the proposals represented a rationalisation of the existing operations and that all existing operations carried out within the site would be relocated to the company's retained site with no job losses.

As stated above, there is nothing to suggest that the site could not be redeveloped for an employment generating class B1 or B2 use. However, in resolving to approve the previous application, the Council has already accepted that the loss of the site to residential development would not result in a detrimental impact on the overall supply of employment land or premises in the Borough and is therefore compliant with Policy E7.

Furthermore, it must also be acknowledged that according to the applicant the current care home proposal would secure and generate 89 full time jobs. Whilst this would not generate as many jobs as an office redevelopment, for example, it does bring more economic benefit than the previous residential scheme or retention as a surface car park would do

In summary, the proposed development would not result in a direct loss of existing employment land or premises in the Borough and would generate more employment opportunities than the previously proposed residential scheme. Consequently, it is concluded that there is no conflict with policy E7 of the Local Plan.

Affordable Housing

The proposal is for a close care residential institution falling within Class C2, consequently, there is no affordable housing requirement.

Amenity

The impact of the development upon the amenity of nearby residential properties is a key consideration. The nearest residential properties to site 1 are located on the opposite side of

Dunwoody Way to the north. The proposed development is 2 storeys in height with a pitched roof, whilst the flatted development on the opposite side of the road is 4 stories. Consequently, only the ground and first floor flats are likely to be affected by the new development. For the most part the application site is separated from these properties by a distance of approximately 25m and accordingly the site is more than capable of accommodating residential development without resulting in undue loss of amenity by either overlooking or over domination to adjacent properties. Indeed it is considered that the proposed residential uses would be more compatible with the surrounding dwellings than the current and historic uses of the site.

Another key consideration is the requirement to ensure that the amenity of future occupants would not be prejudiced by the operation of the existing railway works. The applicant has submitted a noise and vibration report and this demonstrates that whilst the site is subject to moderate levels of environmental noise, appropriate glazing and ventilation can be installed to enable a comfortable internal environment and that vibration from the railway line would not significantly affect the development site. The Environmental Health section have analysed this data and have confirmed that provided the mitigation measures identified in the report are adhered to then they are satisfied with the proposals for the site.

Design and the Built Environment

The site layout provides for a frontage development to Dunwoody Way and the Bombardier Roundabout, whilst retaining an element of “defensible space” between the boundary with the public highway and the elevation of the building to reflect the fact that this is a residential use and to respect residents’ privacy. The parking areas would be in a less prominent location to the rear of the building to avoid creating the appearance of a car dominated development. The service areas and utilitarian parts of the site would be located to the rear of the building, adjacent to the existing industrial uses, where they would not be visible and would provide an element of separation between the industrial and residential areas. The building would be arranged around a courtyard garden area, which would provide a private and peaceful area for residents which would be screened from the noise of the road and railway by the building and would create a pleasant outlook. A further secure residents’ garden would be provided to the rear of the building, where it will be enclosed by the service yard, railway buildings and the care home itself. Careful attention would need to be given to the boundary treatment in this area, as well as to the road frontages and accordingly it is recommended that these details be conditioned. Overall, however, it is considered that this represents a high quality of layout which would provide a good standard of residential amenity for future occupiers as well as a high quality of urban design.

To turn to matters of elevational treatment, the building would be two stories in height with a steeply pitched roof. This reflects the traditional nature of the original railway workshop buildings and railway workers houses and is considered to be more in keeping with the general character and appearance of the surrounding area than the much taller flatted development on the opposite side of Dunwoody Way. Efforts have also been made to reflect the architecture of the Victorian and Edwardian railway houses, in the detail of the building, albeit in a modern way. For example, projecting gable features have been added to the Dunwoody Way elevations, as well as projecting bay windows, which are typical of the larger traditional Crewe dwellings to be found in West Street, and other nearby areas.

At the pre-application stage officers expressed concern that the central courtyard garden area would be overshadowed by the surrounding building for much of the day. Furthermore, they wished to create a focal point at the Dunwoody Way Roundabout. The architects have

responded to these challenges by creating a “split” gable feature, with a projecting flat roofed entrance fronting on to the roundabout. Not only does this create an interesting and unusual aesthetic feature, but it also serves to reduce the building height at the eastern end of the courtyard to allow morning sunlight into the garden area.

Overall it is considered that the proposal is a good quality of design which meets the Council’s aspirations for this site and subject to the use of an appropriate material, which can be secured by condition, it complies with the relevant local plan design policies.

Drainage/Flood Risk

The site is less than 1ha in area and does not meet any of the other criteria for the commissioning of a flood risk assessment. However, the proposal would result in a reduction in the extent of hard surfacing within the site and therefore a reduction in the potential for surface water run-off from the site itself. Consideration must also be given to how overland flow from neighbouring land uses would be managed during event exceedence. A full flood risk assessment was submitted with the previous application (due to the larger site area involved) and the Environment Agency were satisfied that any potential problems could be adequately mitigated through the use of appropriate conditions, and it is therefore recommended that the same conditions should be applied to any new planning permission.

Highways

The main access to the site would be via a new junction onto Dunwoody Way, whilst service access would be via the existing main roundabout access to the Bombardier site.

The application is accompanied by a Transport Statement which details the impacts of the development upon the local highway network. The Highway Authority have considered the data submitted and accept that the scheme would operate satisfactorily without undue pressure on the existing infrastructure and junctions around the town. However a number of recommendations have been put forward by the Highway Authority and these include certain works within Dunwoody Way in order to ensure that there are sufficient pedestrian and cycle links to serve the development.

When the application was put before committee in July, discussions were still on-going between the Highway Authority and the developer regarding the extent of these works, and consequently the application was deferred for further negotiations. These have now been successfully concluded and the developer has agreed to provide:

- a footway between the south of the new access which links to the existing shared cycleway/footway near to the roundabout with Morrisons;
- a relocated and improved pedestrian refuge near to the site access which is large enough to accommodate a mobility scooter, complete with dropped kerbs and tactile paving onto the footway;
- markings to advise of the end of the cycleway; and,
- the Bombardier fence set back by approximately 1.5m to improve visibility for pedestrians and approaching vehicles on the southern arm of the roundabout with Morrisons.

With regard to the provision of further off-site highway improvements including new bus shelters and a pelican crossing, which Members had previously stated should be investigated, advice on the use of conditions can be found in “Circular 11/95: Use of Conditions in Planning Permission”. According to the circular, *“Secretaries of State take the view that conditions should*

not be imposed unless they are both necessary and effective, and do not place unjustifiable burdens on applicants. As a matter of policy, conditions should only be imposed where they satisfy all of the tests described in paragraphs 14-42. which include, inter alia, “necessary” and “relevant to the development to be permitted”.

Where highway works are concerned, the implication of this is that the extent of the works must be proportionate to the size and nature of the development proposed. Furthermore, the works required by condition must be to deal with a highway problem, such as traffic congestion, which would be created by the development concerned. Developers cannot be asked to provide infrastructure improvements to deal with a problem which already exists, that has not been created, or would not be exacerbated by the development proposed.

The developer has clarified that the nature of the residential home proposed is that residents would not be able to travel to and from the site independently and would need to be ferried to and from the site by car. The only bus, pedestrian and cycle movements would be generated by visitors and staff and therefore, in this particular case, the Strategic Highways Manager is satisfied that the off-site works, listed above, will be sufficient to mitigate for any additional traffic generation created by the development and that to impose further requirements would place an unjustifiable burden upon the applicant.

In accordance with normal practice and in line with Policy TRAN.5 (Provision for Cyclists) a condition is recommended to ensure that covered secure cycle parking is provided at convenient locations throughout the development.

The redevelopment of the site would involve the loss of car parking areas and when Members resolved to approve the previous application on this site in 2007, it was considered that there would be a need to replace these spaces. There is ample space to accommodate up to 250 car parking spaces within the retained site. However, the developer is currently undertaking a parking study to establish whether the replacement parking is still required, or whether the position has changed since the requirement was first highlighted at the time of the previous application in 2007. This may be the case, given that the extent of Bombardiers operations has contracted since that time.

An objection has been received from a local resident claiming that the Transport Statement is based on flawed public transport information and that the site is unsustainable. In particular he takes issue with the accuracy of bus information. In his view the development is not providing sufficient additional infrastructure such as a bus stop, the bus stops / town centre are not within walking distance, routes and bus stops are not DDA compliant, and it is an excessive distance to the bus station. In his opinion, additional bus services and infrastructure should be provided through developer contributions.

According to PPG.13, walking distance is considered to be 2km. Even using main roads in order to avoid the steps adjacent to the cinema development, which are not DDA compliant, the site is located only, 1.93km from the town centre and bus station, which is within the PPG13 radius. Furthermore, the supermarket and medical centre at Dunwoody Way are 215m away and 572m respectively and the nearest bus stop is a similar distance from the site. There are no sequentially preferable sites, in terms of proximity to the town centre and main public transport hubs, which are available and could accommodate a development of this nature.

With regard to further developer contributions, Circular 05/2005 (Planning Obligations) sets out key tests that must be met in order to require a developer to deliver off site works or

contribute towards them. These, are similar to those relating to the use of conditions, as set out above and include the requirement for the works to be necessary to make the proposed development acceptable in planning terms. In this instance the works necessary to ensure that the development complies with the Development Plan are those which have been agreed between the developer and the Strategic Highways Manager and if these are secured then the proposal would not conflict with the local plan policies. Accordingly it is not therefore considered necessary or reasonable to require the applicant to provide additional contributions in this instance as, aside from the specified works, the contribution would not be directly related to the application site.

With regard to the accuracy of the information contained within the original Transport Statement, the developer has stated that the bus service provision in the area has changed since the original report was drafted and the up-to-date position has been set out in the supplementary information that has been received. The most significant changes are that one service has been discontinued but another one has been extended. Therefore the site is served by 5 bus services, the most frequent of which is at 20 minute intervals. There are 4 bus stops within 450m of the site. The computer modelling software that has been used to calculate bus journey times to the site is an industry standard and has been designed to negate the need to carry out actual journeys. The Strategic Highways Manager has examined the updated public transport information and is satisfied that the site is in a suitably accessible and sustainable location and therefore a refusal on these grounds is not considered to be justifiable.

Section 106 Matters

With regard to securing the highway and parking requirements, conditions can be imposed, where there is a reasonable prospect of the developer being able to comply with them. This means that generally they can only be used where the land is in the control of the applicant or the Local Authority.

In this case, the majority of highway works are within the highway itself and therefore can be secured by condition. However, the land on which the replacement parking and re-sited fence line would be situated is within the ownership of a third party (Bombardier) and there is no guarantee that they would agree to the provision of these works on their land. In which case, the developer, no matter how willing, could not comply with the condition. Therefore, the third party needs to be a signatory to a Section 106 agreement making provision for the works to be carried out.'

However, as stated above, subject to the result of the parking survey, replacement parking provision may not be required. The developers are also in negotiations with Bombardier regarding the purchase of the land required to relocate the fence line. If both of these matters are resolved, the need for a Section 106 would be negated. A further update on this matter will be provided at the Committee meeting.

11. CONCLUSIONS

The proposal would not result in a detrimental impact upon the supply of employment land or premises in the Borough given that much of the site is underused and that the proposal also allows for the creation of over 80 new jobs. The redevelopment of both sites would not result in a loss of amenity to existing or future occupiers and the development would deliver considerable local environmental enhancements. A satisfactory access arrangement can be provided and the proposal would not result in a threat to highway safety or excessive impacts

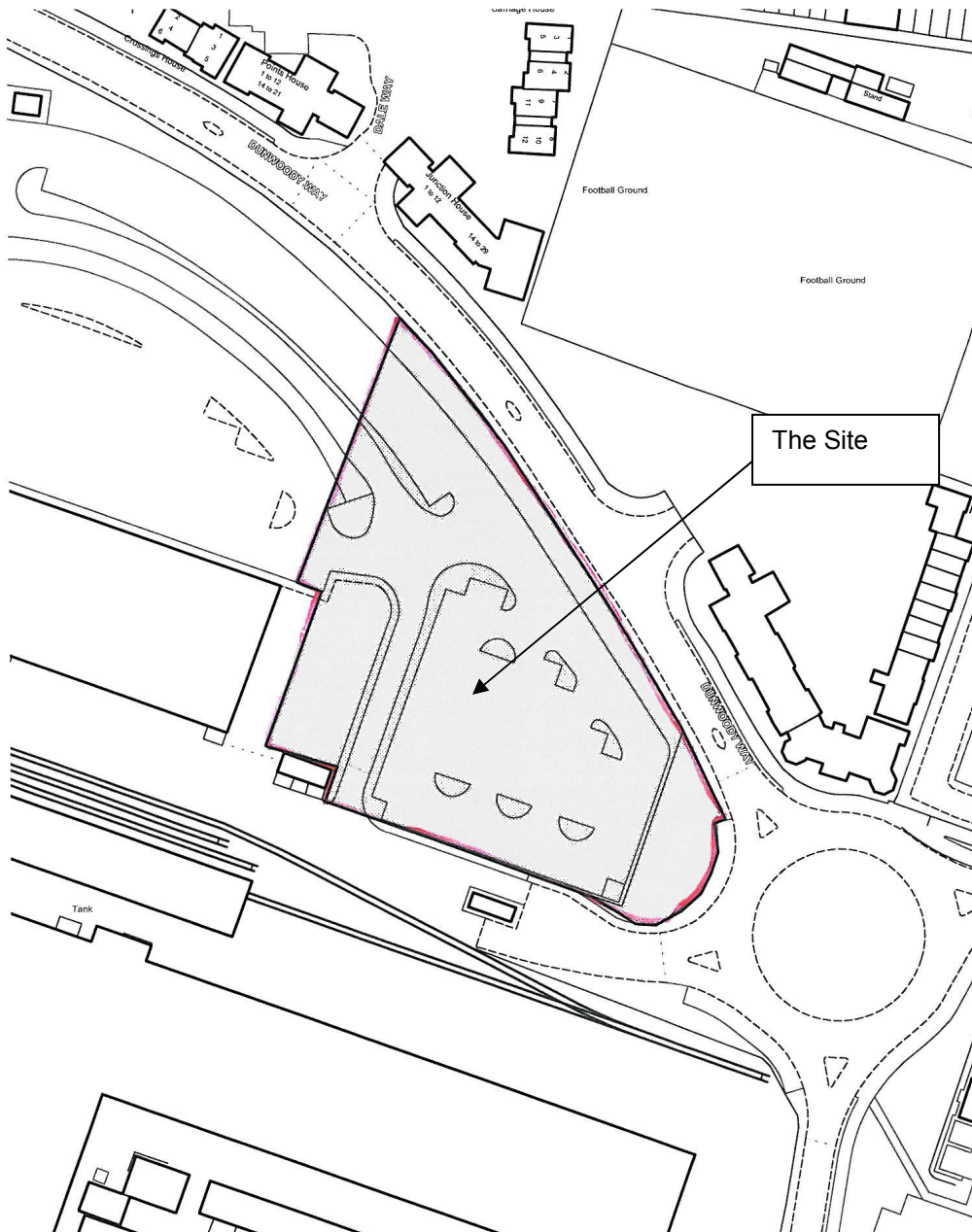
upon the local highway network. The proposal would deliver much needed older peoples housing and any lost car parking can be reinstated on land within the remaining part of the railway works.

12. RECOMMENDATION

APPROVE subject to completion of a Section 106 agreement to secure replacement car parking and the Bombardier fence to be set back by approximately 1.5m to improve visibility for pedestrians and approaching vehicles on the southern arm of the roundabout with Morrisons and the following conditions:

- 1. Standard 3 year time limit**
- 2. Compliance with approved plans**
- 3. Submission and approval of materials**
- 4. Submission and approval of cycle parking within scheme**
- 5. Submission and approval of contaminated land mitigation measures**
- 6. Piling hours to be restricted**
- 7. Construction Hours to be restricted**
- 8. Submission and approval of boundary treatment**
- 9. Submission and approval of noise mitigation measures**
- 10. Submission and approval of landscaping**
- 11. Implementation of landscaping**
- 12. Submission and approval of travel plan**
- 13. Provision of Parking**
- 14. A footway between the south of the new access which links to the existing shared cycleway/footway near to the roundabout with Morrisons**
- 15. A relocated and improved pedestrian refuge near to the site access which is large enough to accommodate a mobility scooter, complete with dropped kerbs and tactile paving onto the footway**
- 16. Markings to advise of the end of the cycleway**
- 17. Access works to be carried out prior to first occupation**

Location Plan : Licence No 100049045



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Planning Reference No:	10/0924C
Application Address:	Land off Jersey Way, Middlewich.
Proposal:	Residential Development for 82 Dwellings, Public Open Space and Means of Access.
Applicant:	Russell Homes UK Ltd.
Application Type:	Application to extend the time limit for implementation of permission.
Ward:	Middlewich
Registration Date:	10 th March 2010
Earliest Determination Date:	2 nd June 2010
Expiry Date:	9 th June 2010
Date report Prepared	18 th August 2010
Constraints:	Middlewich Settlement Zone Line

SUMMARY RECOMMENDATION

Extend the time limit subject to conditions and S106 Agreement

MAIN ISSUES

Principle of Development

Ecology

Environmental Health

Flood Risk

S106 Agreement and the Community Infrastructure Levy Regulations 2010

1. REASON FOR REPORT

The scheme proposed seeks permission for the renewal of planning permission for a small-scale major development in excess of 10 residential units.

2. DESCRIPTION OF SITE AND CONTEXT

The site lies wholly within the Settlement Zone Line for Middlewich and is not allocated in the Local Plan. The site is approximately 500m to the northeast of Middlewich town centre and bounded by Northwich rail freight line along its western boundary, the rear boundaries of residential properties fronting Holmes Chapel Road to the south, Jersey Way and its wider environs to the east and King Street Industrial Park to the north.

The site measures approximately 2.1ha and is linear in shape running parallel with the railway line in a northwest to southeast direction with relatively even ground levels. A watercourse runs from the southwestern corner of the site along the western boundary into adjacent land which then cuts sharply back across the centre of the site to its eastern boundary and beyond.

3. DETAILS OF PROPOSAL

The application seeks permission to extend the time limit for implementation of residential development comprising 82no. dwellings, public open space and means of access into the site from Jersey Way.

4. RELEVANT HISTORY

07/1452/FUL – Approved subject to conditions and S106 Agreement. Decision issued 24th February 2009.

09/0809C – Permission Granted at Appeal 19th April 2010.

Outline application for the demolition of a dwelling house (numbers 3 & 5) and redevelopment of the site. Together with the adjoining haulage yard for up to 93 dwellings and the provision of public open space together with associated highway and landscaping works. The application seeks specific approval of the site access from Holmes Chapel Road, all other matters being reserved.

5. POLICIES

Planning Policy Guidance / Statements

PPS1 'Delivering Sustainable Development'

PPS3 'Housing'

PPS9 'Planning and Biodiversity'

PPG13 'Transport'

PPG16 'Archaeology and Planning'

PPS23 'Planning and Pollution Control'

PPG24 'Planning and Noise'

PPS25 'Development and Flood Risk'

Design Manual for Roads and Bridges

Manual for Streets

Adopted Congleton Borough Local Plan

E-10 'Re-Use or Redevelopment of Existing Employment Sites'

GR1 'New Development'

GR2 'Design'

GR3 'New Residential Development'

GR4 & 5 'Landscaping'

GR6 & 7 'Amenity and Health'

GR9 'Accessibility, Servicing and Parking Provision'

GR10

GR21 'Flood Prevention'

GR22 'Open Space Provision'

H1 & H2 'Provision of New Housing Development'

H4 'Residential Development in Towns'

H9 'Additional Dwellings and Sub-divisions'

H13 'Affordable and Low Cost Housing'

NR1 'Trees and Woodlands'

NR2 'Statutory Sites'

RC1 'Recreation and Community Facilities – General'

SPG1 'Provision of Public Open Space in New Residential Developments'

SPG2 'Provision of Private Open Space in New Residential Developments'

SPD6 'Affordable Housing and Mixed Communities'

The Communities and Local Government Guidance 'Greater flexibility for planning permissions' is a relevant material consideration.

6. CONSIDERATIONS (External to Planning)

Environmental Health Related Issues

As long as our previous comments dated 1st February 2008 and copied below, are attached to the above application Environmental Health have no objections.

Highways

No objection to the proposed renewal.

Ecology

There were no major ecological issues highlighted in respect of a recent application at this site (09/0809C) with the exception of a suspected bat roost in an out building associated with no. 3 Holmes Chapel Road. This building does not appear to be located within the boundary of the current application.

I recommend that the following two conditions are attached to the renewal to safeguard breeding birds:

Prior to any commencement of works between 1st March and 31st August in any year, a detailed survey is required to check for nesting birds. Where nests are found in any building, hedgerow, tree or scrub to be removed (or converted or demolished in the case of buildings), a 4m exclusion zone to be left around the nest until breeding is complete. Completion of nesting should be confirmed by a suitably qualified person and a report submitted to the Council.

Prior to the commencement of development the applicant to submit detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds. Such proposals to be agreed by the LPA. The proposals shall be permanently installed in accordance with approved details.

7. OTHER REPRESENTATIONS

None received.

8. APLLICANT'S SUPPORTING INFORMATION

Application forms and a covering letter. No other information is required as this is an application to extend the time limit for the scheme.

9. OFFICER APPRAISAL

Principle of Development

The principle of development was established following the grant of planning permission under 07/1452/FUL and is not therefore a relevant matter for consideration under this application.

Whilst the RSS has been revoked, the Council still has a duty to deliver a five-year housing land supply in accordance with PPS3 and in this respect the site will still contribute to the overall housing land supply.

Ecology

Following consideration of the application, and having regard to the recent ecological survey submitted under 09/0809C, the ecologist has confirmed that he is satisfied no major ecological

issues exist which would preclude the extension of time for implementation of the development providing two conditions were attached in order to protect and enhance habitat for breeding birds within the site.

The requirement to protect breeding birds was a requirement of the original permission whilst the second condition will be attached to any renewed permission to secure the inclusion of new habitat for breeding birds within the site.

On that basis, renewal of the permission would comply with the requirements of PPS9 and policies NR2, NR3 and NR4 of the adopted Congleton Borough Local Plan.

Environmental Health

Similarly Environmental Health have confirmed that, subject to the conditions originally attached being retained, they have no objection to the proposed development. We consider it necessary however to replace the original contaminated land condition with the model contaminated land condition in accordance with advice from the Department of Communities and Local Government.

Flood Risk

Following the submission of an updated Flood Risk Assessment with application 09/0809C, it was identified that the site would be at risk from some surface water flooding during storm events with a 1% or 2% annual probability, likely to be caused as a result of surcharging from the drainage system. In order to address the matter, the FRA made a number of recommendations for mitigation which could include use of underground storage or, alternatively, natural flooding of above ground area such as, for example, areas of POS or car parking. A further condition will therefore need to be attached to any new permission to secure precise details of how flood storage will be managed and formally incorporated into the development.

S106

Should Members resolve to grant permission to extend the timeframe for implementation, it will be necessary for the applicants to sign a new S106 linking this application to the original S106 Agreement which secured financial contributions for off site highway works, public open space and which secured provision of 30% affordable housing and details of on-site POS management arrangements.

Whilst the Community Infrastructure Levy Regulations have been introduced in the intervening period, we are satisfied that the requirements of the S106 are a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development.

10. CONCLUSIONS AND REASONS FOR THE DECISION

No material changes have occurred to indicate that an extension to the time limit for implementation should not be granted.

11. Recommendation

Grant permission subject to conditions and the prior signing of a S106 Agreement.

Proposed conditions

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. The development extension hereby permitted shall not be carried out other than in accordance with the amended plans date stamped received by the Local Planning Authority on 19th June 2008.
3. No development shall commence until details of a scheme for the disposal of foul and surface water from the development has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved scheme of foul and/or surface water disposal has been implemented to the satisfaction of the Local Planning Authority.
4. No development shall commence until details or samples of all external materials and finishes to be used in the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.
5. Standard contaminated land condition in accordance with the Department of Communities and Local Government advice.
6. No development shall take place until the applicant, or his agent or successors in title, has secured the implementation of a programme of archaeological work, which should be carried out in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.
7. No development shall commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping for the site indicating inter alia the positions of all existing trees and hedgerows within and around the site, indications of any to be retained together with measures for their protection during the course of development, also the number, species, heights on planting and positions of all additional trees, shrubs and bushes to be planted.
8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development are removed or become seriously damaged, diseased or die shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.
9. No development shall commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of all hard landscaping, including hard surfacing, boundary treatments, street lighting and bin/cycle storage. The scheme shall be implemented in accordance with the approved plans prior to the first occupation of the site.
10. No development or other operations shall commence until a scheme (hereinafter called the approved protection scheme) which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved protection scheme, which shall be in place prior to the commencement of work. The approved protection scheme shall be retained intact for the full duration of the development hereby permitted and shall not be removed without the prior written permission of the Local Planning Authority.

11. The bathroom window in the east gable elevation of Plot No 1 shall either be fitted with fixed (i.e. non opening) lights or high opener and shall be installed with obscured glazing. Details of the window type and glazing shall be submitted to and approved in writing by the Local Planning Authority. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) this window shall not be altered so as to contain any other opening lights or be re-glazed with any transparent materials or enlarged or otherwise altered, nor shall any additional door, window or other opening be formed in that elevation unless a further planning permission has first been granted on application to the Local Planning Authority.

12. If any works (including demolition, site clearance and remediation) are to be undertaken within the bird-breeding season (March to August), development shall not commence on site until survey work has been undertaken to discover the location of nesting birds within that phase or unit of development. If nesting birds are identified, a method statement detailing the measures to be taken to mitigate against any disturbance to nesting birds and the timescales involved in such mitigation should be submitted to and approved in writing by the Local Planning Authority. The approved method statement shall be implemented in full in accordance with the approved timescales.

13. Due to the potential for noise and dust disturbance to local residents, the development shall be subject to the following hours of operation restrictions;

Monday - Friday 08:00 hrs 18:00 hrs

Saturday 09:00 hrs 13:00 hrs

With no Sunday or Bank Holiday working.

14. No development shall commence until a scheme for protecting the proposed dwellings along the western and northern boundary from railway noise and vibration and also noise from the commercial units located adjacent to this proposed development has been submitted to and approved in writing by the Local Planning Authority; all works which form part of the scheme shall be completed before the dwellings are occupied.

15. Prior to the commencement of any development on any phase, the scope of a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. No development shall commence on any one phase unless and until the CEMP for that phase has been submitted to and approved in writing by the Local Planning Authority and all operations undertaken strictly in accordance with those details throughout the construction period of that phase, unless otherwise agreed in writing by the Local Planning Authority.

16. As a minimum, the development hereby approved shall achieve either a post-construction Building Research Establishment Eco-Homes rating of 'very good' or a 2 star Code for Sustainable Homes rating. A post completion certificate confirming such an outcome shall be submitted to and approved in writing by the Local Planning Authority before any of the buildings hereby approved are first occupied, unless otherwise agreed in writing by the Local Planning Authority.

17. No development shall take place until an air quality impact assessment has been submitted to and approved in writing by the Local Planning

Authority. The impact assessment shall address the following issues;

- i. Current air pollution levels around the development site;
- ii. Details of potential sources of air pollutants as a result of development activities;
- iii. Measurable changes (increase and/or decrease) to air pollution concentrations as a result of development activities;
- iv. Comparison of predicted changes in air pollution concentration to current air quality standards;

- v. Precise details of any methodology/guidance used in the assessment of air quality impact;
- vi. Proactive measures to address potential air quality issues where appropriate.

18. Prior to commencement of the development hereby-approved, a scheme for the creation of a footpath link from the southern end of the site connecting the application site to Holmes Chapel Road shall be submitted to and approved in writing by the Local Planning Authority. Should the land to the south of the application site become available within the applicants control in the future, the scheme shall be fully implemented in accordance with the approved plan and within an agreed timescale unless otherwise agreed in writing by the Local Planning Authority.

19. Prior to the commencement of development the applicant shall submit detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds and such proposals shall be agreed in writing by the Local Planning Authority. The approved features shall be fully installed to each dwelling in accordance with the agreed details prior to the first occupation of the dwelling.

20. Prior to the commencement of development, a Site Waste Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Waste materials arising during the development period shall be managed in accordance with the approved details.

21. Scheme for watercourse protection submitted and agreed prior to commencement of development and fully implemented thereafter.

22. Scheme for flood storage and mitigation submitted and agreed prior to commencement of development and fully implemented thereafter.

Location Plan: Licence No 100049045



Planning Reference No:	10/2194N
Application Address:	Little Abbey Farm, Pinsley Green Road, Wrenbury, Nantwich
Proposal:	Two Agricultural Buildings to Extend Existing Poultry Rearing Unit.
Applicant:	Mr A Parker
Application Type:	Full Planning Application
Grid Reference:	358607 346169
Ward:	Cholmondeley
Earliest Determination Date:	21 st July 2010
Expiry Dated:	9 th September 2010
Date of Officer's Site Visit:	29 th July 2010
Date Report Prepared:	29 th July 2010
Constraints:	Wind Turbine Development consultation area

SUMMARY RECOMMENDATION:

Approve with conditions.

ISSUES:

- Principle of development
- Impact on the character and appearance of the open countryside
- Highway matters
- Ecology
- Amenity

1. REASON FOR REFERRAL

This application is to be determined by the Southern Planning Committee because the application seeks permission for a building with a floor area in excess of 1,000 square metres.

2. DESCRIPTION OF SITE AND CONTEXT

Little Abbey Farm is located on the west side of Pinsley Green Road and north of the Wrenbury to Whitchurch Railway line. The establishment includes the farm house and a related outbuilding, two existing poultry rearing units and another clad outbuilding. The application seeks planning permission for two additional poultry rearing units to be located to the west of the two existing units. The land is generally level and the fields are bounded by established hedgerows. The site is located in open countryside approximately 1.6km south of the village of Wrenbury.

3. DETAILS OF PROPOSAL

This is a full planning application for two agricultural buildings measuring 91m x 24.6m and standing 4.4m to the ridge of the roof. The walls and roof of the buildings would be constructed in Juniper green cladding to match the existing buildings on site. The proposal also includes two circular galvanised feed hoppers to be sited between the proposed buildings measuring 3m in diameter and 6.5m high.

4. RELEVANT PLANNING HISTORY

ENQ/10/3712 Screening opinion. EIA not required. 5th May 2010
P01/0199 Pullet rearing building approved 7th June 2002
P95/0616 Pullet rearing building approved 13th September 1995.

5. POLICIES

The development plan for this area is the Borough of Crewe and Nantwich Replacement Local Plan 2011 (LP).

Local Plan Policies

BE.1 Amenity
BE.2 Design
BE.3 Access and Parking
BE.4 Drainage Utilities and Resources
NE.2 Open Countryside
NE.5 Nature Conservation and Habitats
NE.9 Protected Species
NE.14 Agricultural Buildings Requiring Planning Permission.

Other Material Considerations

PPS1: Delivering Sustainable Development
PPS4: Planning for Sustainable Economic Growth
PPS7: Sustainable Development in Rural Areas.
PPS9: Biodiversity and Geological Conservation

6. CONSULTATIONS

Strategic Highways Manager: No highway objections.

Environment Agency: No objections.

Ecology: The Assessment is adequate to satisfy the Council that Great Crested Newts are not reasonably likely to be present or affected by the proposed development. A condition should be attached to any permission to ensure that the proposed planting is implemented.

Landscape Officer: The existing hedgerows will not be affected by the development. New tree planting has recently taken place at the site. The details of the landscaping scheme are submitted and a condition will be required to ensure implementation.

Environmental Health: Views awaited at the time of writing this report.

7. VIEWS OF THE WRENBURY PARISH COUNCIL

No objections.

8. OTHER REPRESENTATIONS:

Two letters, one expressing concern, the other expressing comments/ objections.

Representations are from Grey Roofs, Pinsley Green and The Orchards, Marbury Road, Pinsley Green. The concerns/ objections can be summarised as follows:-

- Accept that smells are part of living in the countryside but the development will result in an overwhelming smell of chicken manure all year round
- Smells are not released gradually but all at once and two more units will add to its strength and disgusting nature.
- Grain tankers make noise when emptying their loads on site and it keeps local residents awake at night. Can this activity be completed in the day time?
- Concern about the doubling of vehicle movements. Vehicles currently visit the site on a 24 hour basis. Could night time collections and deliveries be limited? Heavy lorries will make the narrow lanes more dangerous. Most of the local roads are not wide enough for a large vehicle and car to pass.
- Existing fans create a constant droning noise as well as a loud noise when they cut in and out. However doubling the number of units suggests that fans will run for a longer period.

9. APPLICANT'S SUPPORTING INFORMATION:

Design and Access Statement (*prepared by Bower Edleston and dated June 2010*)

- The site is an intensive poultry rearing unit established on 10 acres of land with two existing poultry rearing buildings.
- EU Regulations require additional space to be provided for poultry rearing and there is a requirement to expand the existing business.
- The submission includes details on protected species, vehicle movements and details of the proposed fans to be used in the building.
- Landscaping which has recently been provided on site will be replanted in accordance with the details shown on the amended plans.

Additional Supporting Information

- The unit produces 5.5 crops per year and a rearing cycle is 63 days with the livestock present for 52 days and the shed empty for 11 days between each crop.
- The site has an Environmental Permit which has been in operation since 1997. This includes odour and noise management plans to which the operation works.
- The site has an existing drainage system and discharge from surface water run off will be into the existing drainage system.
- The building will be vented by tunnel ventilation with dust blown to the back of the shed by fans for storage and removed when the building is emptied. The dust will be washed into a tank and spread on the fields. The fans will be 800mm fans which will generate a noise level of 65dB(a) when measured at an angle of 45 degrees at a distance of 2m. This reduces to 54 dB(A) at 7m distance.
- Currently 105 tonnes of manure are produced per crop and this will rise to 225 tonnes which will be collected by tractor and trailer and equate to 22.5 lorry movements per year. The manure will be removed and spread on fields.
- The existing business produces a total of 234 vehicle movements per year from 5.5 crops per year (42.5 movements per crop). This figure comprises movements for manure collection, food delivery, crop collection
- This will increase to 465 vehicle movements per year (84.5 movements per crop) as a result of the two additional poultry units.

- The Environment Agency have completed an ammonia screening assessment on behalf of the applicant to ascertain impacts on locally protected habitats within 2, 5 and 10km of the site. They conclude that based on the number of places no further assessment is required

Great Crested Newt Habitat Survey (*prepared by Ecologically Bats and dated December 2009*)

One pond was surveyed in December 2009 and is located 39m from the development site. It was considered to have below average potential for Great Crested Newts because of its poor condition and isolation. Other ponds shown within 500m of the development site on maps have either disappeared or are dry for much of the year. There is a lack of connectivity between the surveyed pond and the site for development and much better connectivity from this pond to habitats away from the development site.

The development site is unlikely to be used by Great Crested Newts and it is therefore concluded that the development site has only a low to negligible potential impact on Great Crested Newts.

10. OFFICER APPRAISAL

Principle of Development

The site is located in open countryside and policy NE.2 allows for essential buildings for agriculture in such areas. The buildings are required for poultry rearing and are therefore considered essential for the raising of the livestock. Policy NE.14 requires that the building be ancillary to the use of the land for agriculture, be essential for the operation or to comply with livestock welfare or environmental legislation and maintain the economic viability of the holding. In addition, the building must be satisfactorily sited in relation to other buildings and sympathetic in terms of design and materials. Adequate provision should be made for the disposal of foul and surface water drainage and animal wastes, with adequate vehicular access. Development should not be detrimental to nearby residential amenities and not be of a design which could be readily converted to residential use.

The proposed buildings would increase the viability of the holding and are required for livestock welfare. Their provision relates to the current use of the site. The buildings would be sited in relation to the existing two poultry rearing sheds of similar size and materials and are therefore considered appropriate in their size, design, appearance, and materials. Surface water would be disposed of using the existing soakaways with expansion if required. Waste would be cleared from the site when the building is emptied.

A crop cycle is 63 days with 52 days for rearing and 11 days for clearing, cleaning and re-stocking the building. The applicant has confirmed that all four sheds would operate to the same cycle being stocked and emptied at the same time. Manure would be removed from the sheds after each crop i.e. 5.5 crops per year. The current practice is for the waste to be spread on land at Marbury. However the applicant is in discussion about the waste being removed from the site for use outside of Cheshire, not for spreading on agricultural land. The existing access and turning areas would serve the new sheds as well as the existing buildings.

There are therefore no objections in principle to the provision of two additional poultry rearing sheds at the site.

Impact on the character and appearance of the open countryside

The development falls within Schedule 2 of the Environmental Impact Regulations. A Screening Opinion submitted under these Regulations confirmed that an Environmental Impact Assessment was not required.

As stated above the design, size, scale and materials of the poultry sheds and hoppers are similar to the two already on site.

The existing buildings are sited away from the boundary hedgerows and young tree planting has been provided to the south and east of the existing buildings between the hedgerow and the sheds. An area of young tree planting currently provided to the west of the existing building would be moved and supplemented with further planting to form an additional planting belt inside the western hedgerow which would link around the south of the proposed buildings to the existing planting on this side of the site. Whilst the roof areas of the sheds and upper parts of the hoppers would be seen from the road to the south west of the site, with the exception of two or three small gaps, the existing hedgerows do provide a good screen around the site as a whole for people on Hollyhurst Lane close to the site. This is because the hedge is on top of a small bank. Further the existing boundary would be further enhanced by the tree planting which has recently been completed and the additional planting which would take place as part of the development.

Whilst the Wrenbury to Shrewsbury railway line passes close to the site and is set above the level of the hedgerow around the site there are no objections to the development due to the site being visible from the railway line. The line has limited use and as the tree planting matures the views would be further screened.

There are therefore no objections to the development in terms of impact of the development on the character and appearance of the open countryside.

Highway Matters

The submitted information explains that there are 239 vehicle movements per year. This equates to a total of 43.5 vehicles movements per crop i.e. per 63 days cycle with 10.5 of these being for manure collection, 15 for food delivery, 17 for crop collection and one vehicle or possibly two vehicle movements to deliver the crop. This would increase to 22.5 vehicle movements for manure collection, 27 for food delivery, 35 for crop collection giving a total of 86.5 movements per crop and 2 (possibly 3) vehicle movements to deliver the crop giving a total of 476 movements per year.

Whilst the site is accessed along relatively narrow country lanes, poultry units by their nature are located in rural areas. The number of vehicle movements is presently less than one per day and would increase to one or two vehicle movements per day. The Strategic Highways Manager raises no objections to the development and it is not considered that the increase in vehicle movements as a result of the development would be sufficient to justify refusal of the application.

Ecology

A Great Crested Newt Habitat Survey completed in December 2009 for the Environmental Impact Assessment concluded that Pond 1, 39m to the north of the proposed site, had a below average Habitat Suitability Index and was unlikely to support a Great Crested Newt

population. The report has been accepted by the Council's Ecologist who considers that there would be no adverse impact on the species. It is not considered that the report needs to be revisited in view of the fact that the original survey took place in winter. Reasonable Avoidance measures can be used on the site to ensure that Great Crested Newts do not enter the development site. Reasonable Avoidance Measures include stocking materials (including building materials) on pallets rather than on the ground, loose materials to be stored in bags, excavations to be filled in on the day of digging where possible and if not, such excavations should not be left open over night. Additionally an informative should be attached to the permission to confirm that if any protected species is found work should cease and a suitably qualified and experienced ecologist be called to advise.

Amenity

The two closest dwellings are Grey Roofs which is located on the opposite side of Pinsley Green Road and The Orchard which is located to the south west of the application area. Neither of these dwellings are so close as to be adversely affected by the bulk and mass of the proposed buildings. However residents express strong concerns about the smell and noise from the development.

Residents have concerns/ objections in relation to the noise from fans and from lorries particularly feed lorries which do arrive and deliver during the night. The applicant has agreed that feed lorries would not in future arrive and depart between the hours of 20:00 on one day and 07:00 hours the following day. Currently other lorries do arrive at midnight to remove the livestock from the buildings and following loading depart from the site in time to arrive at Anglesey about 9.00am. This is needed to meet the requirements of the operation taking the poultry at the end of the cycle. The applicant does not consider that these loading activities cause a problem for residents and in any event the emptying of the sheds only takes place 5.5 times per shed per year. A condition should be attached to the permission in relation to the hours for the delivery of feed.

The views of the Environmental Health Officer are awaited. However the submission demonstrates that the noise from fans decreases away from the building. Further the site operates under an Environmental Permit which includes measures to control noise and odour.

Other Matters

The comments of the Fire and Rescue Service should be forwarded as an informative to the applicant. In addition an informative should be added to confirm that if Great Crested Newts are found on the site the advice of an ecologist should be sought.

11. CONCLUSIONS

The site as a whole is surrounded by established hedgerows which provide good screening from a number of public view points. It is considered that the provision of two additional poultry units together with two hoppers would not adversely impact on the character and appearance of the locality particularly once the proposed planting has become established. Whilst the development would increase vehicle movements to the site it is not considered that the increase in numbers of trips would be sufficient to adversely impact on highway safety in the locality. The site operates under an Environmental Permit which includes measures to control odour and noise. The views of

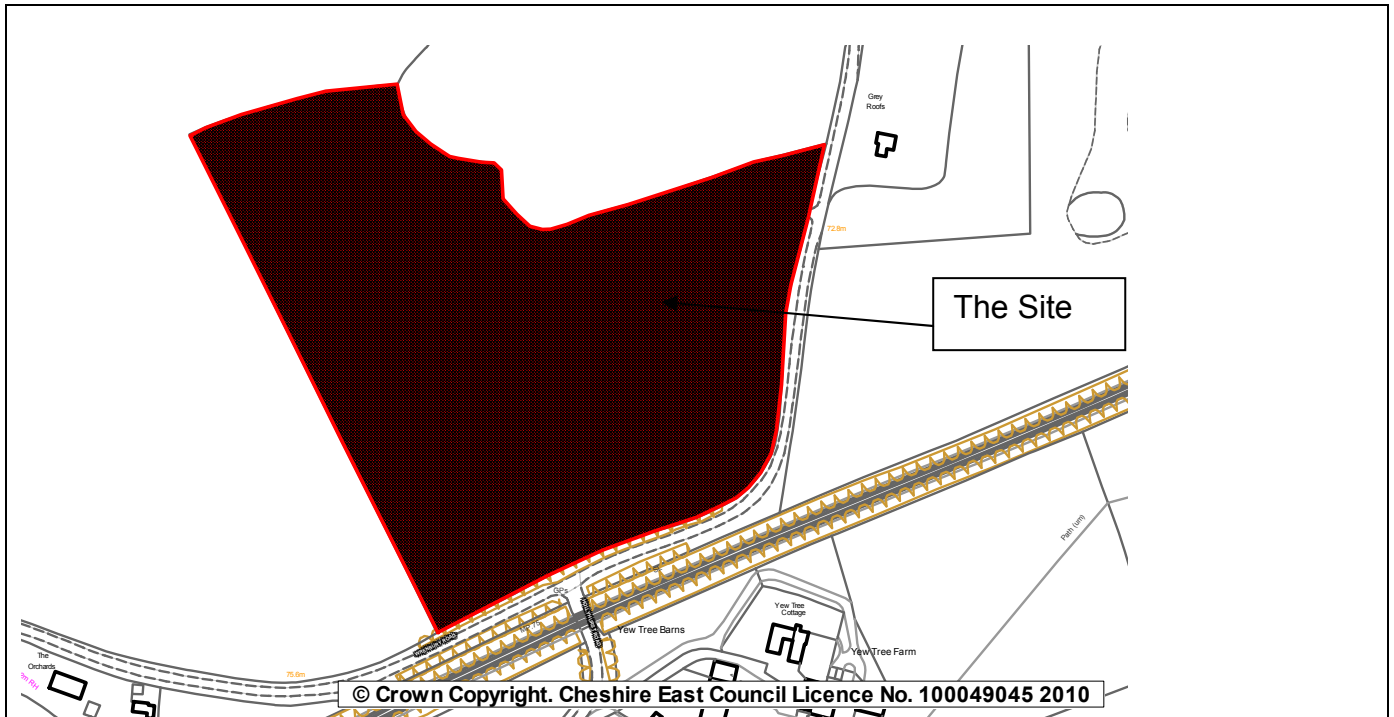
the Environmental Health Officer in relation to odour and noise control are awaited and will be reported in the Late Information Report presented to Members before the Committee meeting.

12. RECOMMENDATIONS

APPROVE with the following conditions:-

- 1. Commence development within 3 years.**
- 2. Development in accordance with approved plans**
- 3. Samples of materials to be submitted, approved and implemented.**
- 4. No feed lorries to arrive at the site, deliver feed and leave during the period 20:00 hours and 07:00 hours the following day.**
- 5. Implementation of landscaping scheme within 12 months of the provision of the first building.**
- 6. Submission of a scheme for the maintenance of the landscaping and implementation of it.**
- 7. Use of Reasonable Avoidance Measures for the duration of construction.**

Location Plan



Planning Reference No:	10/2481N
Application Address:	Meadow Bank, Groby Road, Crewe, CW1 4NA
Proposal:	Proposed Rebuilding of Industrial Units following Fire Damage to the Existing Units
Applicant:	Mr Beeson
Application Type:	Full Planning
Grid Reference:	371317 357497
Ward:	Crewe East
Earliest Determination Date:	10 th August 2010
Expiry Dated:	22 nd September 2010
Date of Officer's Site Visit:	19 th July 2010
Date Report Prepared:	17 th August 2010
Constraints:	Open Countryside

SUMMARY RECOMMENDATION

Approve with Conditions

MAIN ISSUES

- Principle of Development
- Impact on Streetscene/Open Countryside
- Impact on Amenity of adjacent properties
- Impact on highway safety
- Contaminated Land - Gas

1. REASON FOR REFERRAL

This application is to be determined by the Southern Planning Committee as it forms industrial floorspace that exceeds 1000sqm.

2. DESCRIPTION OF SITE AND CONTEXT

The application site forms an industrial unit which is largely constructed from plastic coated profile metal sheets with brick faced offices to the front elevation. The building is currently unusable as it has been significantly damaged by fire. The building is approximately 29.5m deep at a width of 32m, a 14.3m wide by 5.3m deep office block is sited to the front elevation. The height to eaves and ridge is 6.4m and 11m respectively. The site is in an untidy state with external storage occurring on all sides of the building. However, this may be a consequence of the building's condition. Existing operations are being carried out from portacabins. The site is located to the north-east of Crewe on Groby Road, which is within the Open Countryside as defined by the Crewe and Nantwich Borough Council Local Plan 2011 Proposals Map. There is a public footpath crossing the field to the south which also passes the rear of the site. To the south, north and west are well established vegetated boundaries of varying heights, while the eastern boundary is defined by a 2m height post and wire fence with the site clearly visible.

3. DETAILS OF PROPOSAL

This application proposes the redevelopment of the existing building with a structure that would be 37m in depth, 32m in width and a maximum height of 8.5m, the scheme also proposes an office section to the front of the building which would project by 5.2m and be 14.2m in width. The whole building would be larger than the existing structure by 248sqm. It is proposed that the building would be used for a General Industrial B2 use.

4. RELEVANT HISTORY

P03/0942 – Planning permission was approved for the alteration of Condition 6 on P95/0186 to permit storage and parking of vehicles on land to the rear of the building was approved on 9th January 2004.

P02/1411 – A retrospective planning application for the Change of Use of the building to a food drying plant was found to be Permitted Development on 10th March 2003.

P02/0289 – A planning application was withdrawn for the removal of condition 5 (opening hours) attached to P95/0186 on 15th April 2002.

P95/0186 – Planning permission was approved for a Factory/Warehouse Building on 1st June 1995.

P94/0694 – Planning permission was refused for Factory, warehouse and distribution centre on 17th November 1994.

P91/0013 – Planning permission was approved for Change of use storage/maintenance depot 13th November 1991.

7/13135 – Planning permission was approved for the Replacement of flat roof with tiles pitched roof on 12th May 1986.

7/12308 – Planning permission was approved for Extension to form storage/warehousing area on 3rd September 1995.

7/08957 – Planning permission was approved for a vehicle maintenance building on 10th June 1982.

7/08956 – Planning permission was approved for an extension to slaughter house on 10th June 1982.

7/08601 – Planning permission was approved for an Extension of an existing boiler house on 10th December 1981.

7/03836 – Planning permission was approved for Workshop for storage of general work tools on 4th May 1978.

7/03755 – Planning permission was approved for Addition office accommodation on 4th May 1978.

5. POLICIES

The development plan is the Borough of Crewe and Nantwich Replacement Local Plan 2011 (LP).

The relevant development plan policies are:

Local Plan Policy

BE.1 Amenity
BE.2 Design Standards
BE.3 Access and Parking
BE.4 Drainage, Utilities and Resources
BE.5 Infrastructure
BE.6 Development on Potentially Contaminated Land
NE.2 Open Countryside
NE.17 Pollution Control
E.4 Development on Existing Employment Areas
E.6 Employment Development within Open Countryside Locations

National Policy

PPS1: Delivering Sustainable Development
PPS4: Planning for Sustainable Economic Growth
PPG13: Transport
PPS23: Planning and Pollution Control

6. CONSULTATIONS (External to Planning)

Strategic Highways Manager: No highways objections

Environmental Health: No objections subject to comments:

- Due to proximity to neighbours and potential for noise the building along with equipment to be acoustically attenuated in accordance with a scheme to be submitted
- No noisy work outside the premises
- Noisy work inside – doors and windows to be closed
- Hours of working - 8am-6pm Monday to Saturday
- Scheme of external lighting to be submitted and approved
- Hours of construction to be restricted

Environmental Health (Contaminated Land): No objection to the above application subject to the following comments:

- Risk from a potentially gassing source as it is located adjacent to Maw Green Landfill Site
- Prior to the commencement of development, a full gas survey should be undertaken so the gas regime of the site can be determined to ensure that suitable gas protection measures are installed into the building, if required.
- Results and protection measures to be submitted and approved by LPA and any protection measures carried out.

7. VIEWS OF THE PARISH COUNCIL

N/A

8. OTHER REPRESENTATIONS

One letter of objection received from 108 Groby Road, objecting on the grounds that:

- Building is out of character with the area and should have been sited on an industrial estate
- Concerned that Highways have raised no objections as the land is not sufficient for the loading or unloading of vehicles which have previously been carried out on the highway which contributes to highway danger
- Object to the operating hours – should not have to put up with nuisance at weekends

9. APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement submitted, the salient points being:

- Increased size by 248sqm
- Building to be built on existing footprint with same access
- Pre-application discussions held with LPA
- Existing building destroyed by fire in December 2009
- Two bay portal framed structure with cladding
- Floor area is 1332sqm
- On same footprint as destroyed building
- Height will be 8.5m
- Proposals do not affect the landscaping arrangements
- Building will be clad with profiled and flat sheeting in various shades of grey
- Office building will be clad to match the existing so that it appears as one building rather than an “add-on”

10. OFFICER APPRAISAL

Principle of Development

Within Open Countryside locations Local Plan Policy E.6 restricts employment development to appropriate small scale developments within or adjacent to existing employment areas. The proposed development which would comprise a total of 1332sqm of employment floorspace cannot be considered to be smallscale. However, this is not the only consideration in this instance. The application site has been in employment use for over 20 years and there is an existing large-scale structure on the site which, although the building has been fire damaged, is largely in tact. Therefore, a replacement building of the proposed scale in this Open Countryside location is considered to be acceptable.

Impact on Streetscene/Open Countryside

The site is located within the Open Countryside and a building of the proposed scale has the potential to cause harm to its character and appearance. Views of the building are afforded along Groby Road when approached from both the south and north. There is an existing structure in place which this proposal seeks to replace. The proposal

would be of a reduced total height to ridge of 8.5m which is 2.5m lower than existing although its footprint would be slightly larger with a greater depth which is increased by 7.5m. It is considered that the reduction in ridge height would help to reduce the prominence of the building in the Open Countryside, whilst its increase in depth would be sited to the rear with the front building line remaining as is. As the proposed development would replace an untidy structure it is considered that there would be improvements to the overall character and appearance. To ensure that the building is of appropriate design and appearance details of the materials to be used should be submitted and agreed by the LPA.

Views of the building would be possible from the public footpath which crosses the field to the south and then passes the rear of the site. The rear boundary is only defined by a 2m high post and wire fence. An opportunity exists to improve the landscaping of the site particularly along its rear (eastern) boundary. This would help to reduce the impact of the proposed building from public vantage points along this footpath.

Discussions with the applicant's agent have confirmed that it is proposed to have external storage on the site. Planning permission P03/0952 allowed for the external storage of vehicles on land to the rear of the premises at a height of up to 3m. It is not considered that external storage across the whole of the site would be acceptable because it would have a detrimental impact on the character and appearance of the Open Countryside. No indication of where the applicant wishes external storage to be sited has been submitted on any plan. It is therefore considered that a condition requiring details to where external storage is to be sited should be submitted and agreed. The land to the rear of the site has previously been accepted as a suitable location for external storage as this is sited away from Groby Road. Improved landscaping along the rear (eastern) boundary would help to reduce the visual impact from the public footpath. A condition restricting the height of external storage to 3m is also considered to be necessary and reasonable.

The existing on site operations are being carried out in portakabins. It is considered that there will be no need for these structures once the development has been completed and therefore a condition requiring their removal is also considered to be appropriate.

Industrial buildings benefit from Permitted Development Rights for extensions and alterations and there would be scope within this site for some further development under those provisions. Given the Open Countryside location of the site and the fact that this would be a large building the removal of Permitted Development Rights is considered to be appropriate.

Impact on the Amenity of adjacent properties

General industrial development as proposed has the potential to cause nuisance to neighbouring properties particularly through noise and disturbance. Policy BE.1 (Amenity) states that development should not have an adverse impact on adjoining properties through noise and disturbance. There are residential properties located 55m to the west (building to building) and over 100m to the south of the site. Applications should not be refused if there are conditions which can overcome the potential impact. In this instance, Environmental Health have not objected to the proposals but have suggested a number of conditions to help reduce the noise and disturbance impact that would be caused by this development. These include; details of acoustic attenuation, restriction of external noisy works, windows and doors to be closed during carrying out

of noisy works, and a restriction of operating hours. It is considered that through the implementation of these restrictions the proposed development would not have a significantly detrimental impact on the amenities of neighbouring properties through noise and disturbance. It should also be noted that, until recently, there has been an industrial activity occurring on the site which ceased following fire damage to the building in December 2009. Whilst the objections raised in relation to the proposed operating hours are noted, it is considered that the requirements of the proposed conditions would reduce the harm on neighbouring properties.

The impact of light pollution is also an important consideration in this open countryside location where harm could be more prominent. No details of external lighting have been submitted however it is likely that this would be required, particularly in the winter months. It is therefore suggested that a condition is attached to any permission for details to be submitted prior to the installation of any external lighting.

The building is proposed for B2 (General Industry). The Use Classes Order allows for the change of use of B2 to B1 (Business) and B8 (Storage and Distribution). A change of use to B8 is restricted to no more than 235m². A business use and small scale storage and distribution use, as permitted, would be acceptable in this location and it is therefore considered to be unnecessary to restrict the use of the building.

Impact on Highway Safety

Concern has been raised by a local resident that loading and unloading would take place on the public highway rather than within the site. A condition requiring all loading and unloading to take place within the application site could overcome this concern. The existing access arrangements appear to be substandard and there is an opportunity to improve visibility to the north. It is suggested that a condition requiring improved access is necessary to allow HGV's to safely enter and exit the site. Whilst the Highways Authority have raised no objection to the proposed development, this is not binding advice and further discussions with the Strategic Highways Manager will be carried out prior to Committee.

Contaminated Land – Gas

Adjacent to the site to its rear is the Maw Green Landfill site. The Council's Contaminated Land Officer is concerned that there is a risk to the proposed development from a potential gassing source. They have therefore suggested that a gas survey be carried out prior to the commencement of development to determine whether there would be any risk to the proposed development or neighbouring properties. That survey would also outline suggested measures to mitigate against any risk. Given the concern that the Contaminated Land Officer has with regards to the proposed development it is considered to be expedient to attach a condition requiring this survey to be carried out to ensure that the site is suitable for its end use. Policy BE.6 states that where there is good reason to believe that contamination may be present a site assessment should be required. This approach is further advocated by PPS23. A condition requiring this to be carried out is considered to be reasonable in this instance.

11. CONCLUSIONS

The proposed development involves the redevelopment of an existing industrial building which has been fire damaged. It is considered that the proposed replacement building

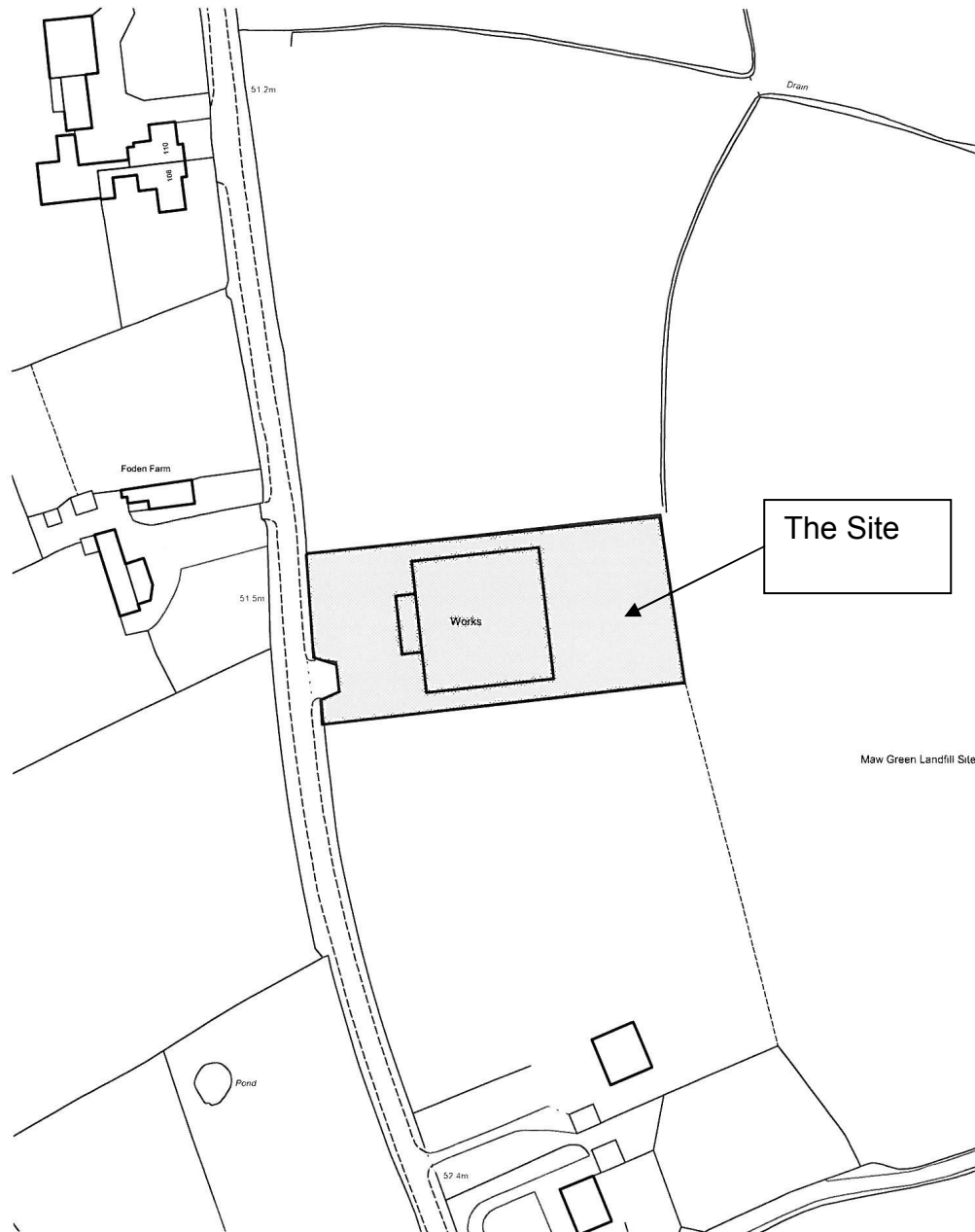
would have no greater impact on the character and appearance of the open countryside to that which exists and can be conditioned to further reduce its impact. Furthermore, as conditioned, the development would have no significantly detrimental impact on the amenities of neighbouring properties, highway safety and contaminated land.

12. RECOMMENDATIONS

APPROVE subject to the following conditions:

- 1. Standard Time Limit**
- 2. Approved Plans**
- 3. Materials to be submitted and agreed**
- 4. Plan showing area of external storage to be submitted and agreed**
- 5. Any external storage not to exceed 3m in height**
- 6. Details of landscaping to be submitted – details to include landscaping screening for eastern boundary**
- 7. Landscape Implementation**
- 8. Removal of Permitted Development Rights for Industrial and Warehouse Development (Part 8 Class A)**
- 9. Operating Hours restricted to 8am – 6pm and shall not be open on Sundays or BH Mondays**
- 10. Scheme of acoustic attenuation for building and equipment to be submitted and agreed**
- 11. No noisy works to be carried out externally**
 - 12. All windows and doors shall be shut when noisy works are being carried out internally**
- 13. Prior to installation of any external lighting details shall be submitted and agreed by LPA**
- 14. Hours of construction of proposed development restricted to 8am to 6pm Monday to Friday and 9am to 2pm on Saturdays and not at all on a Sunday or BH Monday**
- 15. Prior to the commencement of development a full gas survey to be carried out and be submitted and agreed by LPA. Protection measures to be carried out.**
- 16. Within 3 months of the building first becoming occupied the existing portacabins to be removed from site. No further cabins shall be erected without express consent of LPA.**
- 17. Loading and unloading to be carried out within the site edge red and not on the public highway**
- 18. Details of improved access to be submitted and approved by LPA**

Location Plan: Licence No 100049045



Planning Reference No:	10/2679N
Application Address:	East & West Lodge, Queens Park, Victoria Avenue, Crewe, CW2 7SE
Proposal:	Internal and External Restoration of 2 No. Grade 2 Listed Park Lodges. Including Demolition of Flat Roof Extensions to East Lodge and Restoration of Original Elevation
Applicant:	Mr A Leah (CEC)
Application Type:	Full Planning
Grid Reference:	368807 355803
Ward:	Crewe South
Earliest Determination Date:	25 th August 2010
Expiry Dated:	8 th September 2010
Date of Officer's Site Visit:	16 th August 2010
Date Report Prepared:	17 th August 2010
Constraints:	Historic Parks and Gardens

SUMMARY RECOMMENDATION

Approve with Conditions

MAIN ISSUES

- Principle of Development
- Impact on Listed Building / Historic Park
- Impact on Character and Appearance of Streetscene
- Impact on Amenity of adjacent properties

1. REASON FOR REFERRAL

This application was to be determined under the Council's scheme of delegation. However, as the applicant is Cheshire East Council and therefore should be determined by the Southern Planning Committee.

2. DESCRIPTION OF SITE AND CONTEXT

The application buildings are located within a Grade II Listed Park to the west of Crewe Town Centre. The park is within the Crewe settlement boundary and is designated as being a Historic Park and Garden as identified in the Local Plan Proposals Map. This application relates to the two lodges at the northern and main entrance to the park. Both the lodges are Grade II Listed Buildings. The two lodges are largely identical however the west lodge features a small square tower topped by a belfry. Each feature two chimneys with octagonal stacks. At ground floor level they are constructed from squared red sandstone in courses of 75-200mm with dressed sandstone quoins. Upper floors are of timber framed construction, having half lapped, peg-jointed timbers with white render infill panels. The roofs are covered with plain clay rosemary tiles. The existing east lodge also has a conservatory and a flat roof extension to its eastern elevation. Both lodges also have a prefabricated concrete garage within their setting.

Historically both lodges were occupied for residential purposes for park curators and managers. The west lodge is currently used for office accommodation for the park manager and mess facilities for park wardens. The upper floor is used as a meeting room. The east lodge was last occupied for residential purposes in October 2009.

3. DETAILS OF PROPOSAL

This application forms one of a series of applications relating to the wider restoration of Queens Park. This particular application proposes a number of alterations to both entrance lodges:

West Lodge

- Demolition of existing prefabricated garage
- Reconstruction of original sandstone walled yard
- Extensive restoration or replacement maintenance to make good openings, tiles, brickwork, timber work, rainwater goods and features
- Internal alterations, removing all non-original internal fixtures and fittings. A timber partition to provide a disabled WC will also be included
- The ground floor of the West Lodge will be made accessible to various public and stakeholder groups through provision of two meeting rooms and a kitchenette. The first floor would provide general office accommodation for use by park staff

East Lodge

- Demolition of existing flat roof extension and prefabricated garage
- Reconstruction of original sandstone walled yard
- Reinstatement of external wall where extension was sited with materials to match and new doorway to match West Lodge
- Extensive restoration or replacement maintenance to make good openings, roof, brickwork, timber work, rainwater goods and features
- Internal alterations, removing all non-original internal fixtures and fittings. Timber partitions will be installed to provide a disabled WC and staff toilets
- The ground floor of the East Lodge will provide park staff with dry storage areas.
- The first floor will include the provision of an office room and a park welfare mess room and staff toilets, showering facilities and small staff kitchenette.

4. RELEVANT HISTORY

No relevant history

5. POLICIES

The development plan includes the Borough of Crewe and Nantwich Replacement Local Plan 2011 (LP).

The relevant development plan policies are:

Local Plan Policy

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
BE.10 Changes of Use for Listed Buildings
BE.11 Demolition of Listed Buildings
BE.14 Development Affecting Historic Parks and Gardens

National Policy

PPS1: Delivering Sustainable Development

PPS5: Planning for the Historic Environment

- *HE.6 Information Requirements for Applications*
- *HE.7 Policy Principles Guiding All Heritage Applications*
- *HE.9 Additional Policy Principles for Designated Assets*
- *HE.10 Additional Policy Principle Guiding Setting*

6. CONSULTATIONS (External to Planning)

None

7. VIEWS OF THE PARISH COUNCIL

N/A

8. OTHER REPRESENTATIONS

None

9. APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement for each lodge outlining wider restoration plan for Queens Park and in depth schedule of external and internal works to the lodges.

10. OFFICER APPRAISAL

Principle of Development

Extensions and Alterations to Listed Buildings are acceptable in principle providing the Policy criteria of Local Plan Policy BE.9 are satisfied. The main consideration therefore is whether the proposed development would respect the scale, materials, colour, and features of the building concerned and that it does not detract from the character or setting of the building. As the application site is also within a Historic Park consideration will also need to be given to whether the development would respect the character and appearance of the park and would not affect features of historical interest.

Impact on Listed Building/Historic Park

Both of the Listed Lodges have a pre fabricated garage sited immediately adjacent to them. The East Lodge also has a single storey flat roof extension and conservatory projecting from its eastern elevation. All of these existing features are later additions to the

lodges and detract from the overall character and appearance the buildings and their setting. The removal of these features is welcomed.

The yard wall of the West Lodge is largely intact and it is proposed to complete the yard wall as an enclosure as would have been originally designed whilst also providing a timber gate. A similar wall and gate is also proposed to the East Lodge. It is likely that there would have been a walled yard to this lodge and it appears that some part of the later extensions are constructed using stonework from this yard wall. The walls would be 2.3m in height and are proposed to be constructed from materials to match the existing. New elevational treatment to the East Lodge is proposed where the extensions are presently attached. This would be treated to mirror the West Lodge which would provide balance and symmetry to the two lodges. It is considered that these proposals would not result in a demonstrable harm to the character and appearance of the Listed Buildings or Historic Park. The reintroduction of these features is welcomed.

With regard to the internal and external maintenance and restoration works the Council's Conservation Officer has confirmed that the repair using appropriate materials, styles and techniques is acceptable and would safeguard the future of these building sin the historic park. The proposed repair to the worn out stone work, timber windows and roofing tiles, retention of the original fireplace features and reintroduction of metal rainwater goods would be welcomed. It is considered that the new internal partitions would have a limited impact on the architectural or historic interest of the building.

Impact on the Character and Appearance of the Streetscene

The proposed walls would appear as subordinate additions to the lodges. Furthermore, the proposals include the removal of the existing prefabricated garages and later flat roof and conservatory extensions. The proposed development therefore would not have any detrimental impact on the character and appearance of the streetscene.

Impact on the Amenity of adjacent properties

There are residential properties located 30m away on the opposite side of Victoria Avenue between which is an area of roadside landscaping. The proposed walls would not have an impact on these properties whatsoever through loss of daylight, privacy or overbearing.

The buildings would be used for storage, office and mess facilities for park managers and wardens. However the West Lodge would be used as a meeting room for public groups. This currently occurs within the building. Given the size of the lodges and their location within the park railings it is not considered that there would be any significantly detrimental impact on the amenities of neighbouring properties through noise and disturbance above the existing activities. The lodges would be used as ancillary structures to the park.

11. CONCLUSIONS

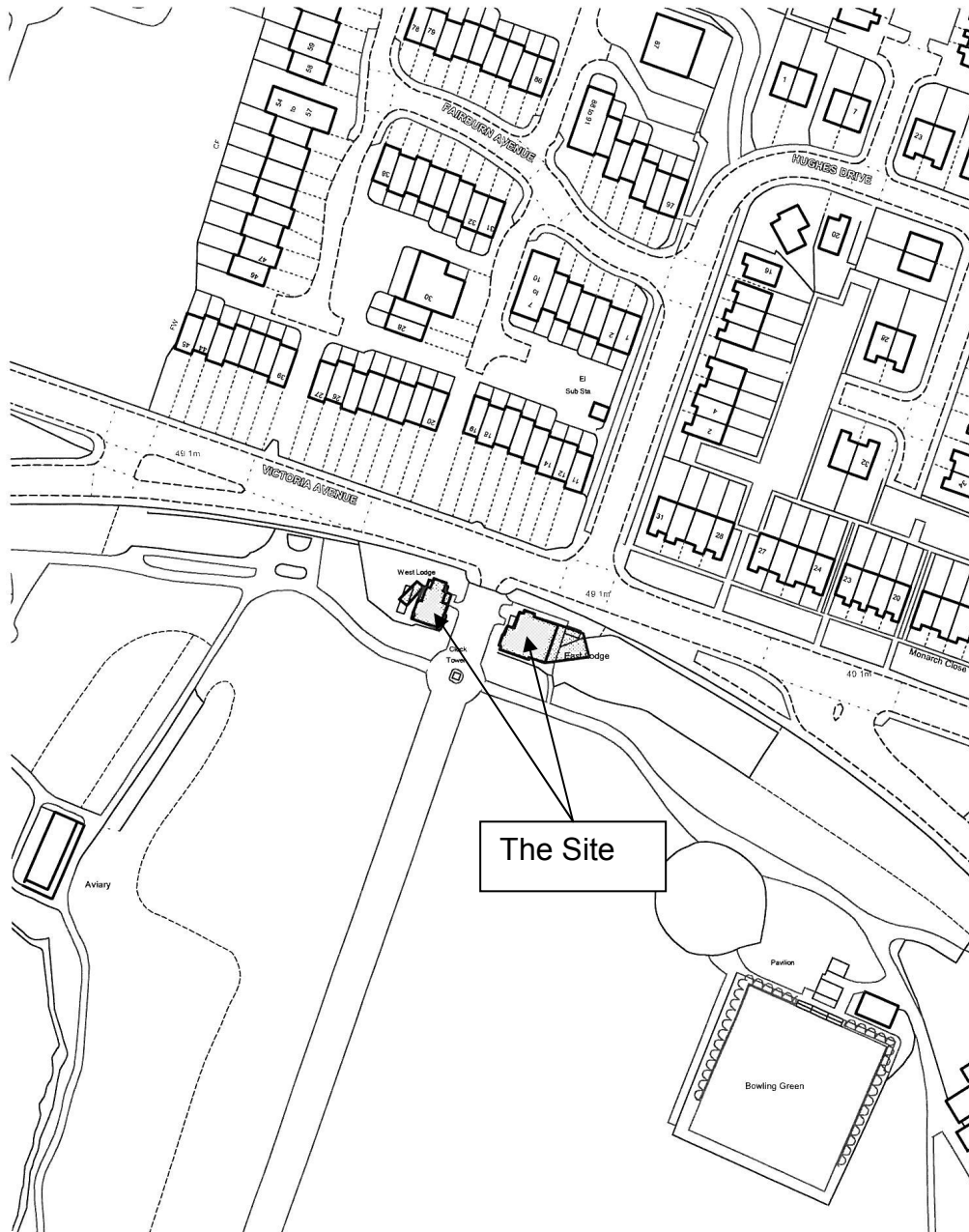
The proposed development which includes the removal of the existing pre fabricated garages, flat roof extension and conservatory is welcomed. This, along with the proposed yard walls would help to enhance the character and appearance of the Listed Buildings and Historic Park.

12. RECOMMENDATIONS

APPROVE subject to the following conditions:

- 1. Standard Time Limit**
- 2. Approved Plans**
- 3. Materials to be match – details to be submitted (including brick, stone, roof tiles, pots, leadwork, gutters and downpipes)**
- 4. Use of matching design and style for the features to be repaired and replaced**
- 5. Use of non-chemical cleaning techniques**
- 6. Use of vertical boarding for the doors to the external walls and external space**

Location plan: Licence No 100049045



Planning Reference No:	10/2680N
Application Address:	East & West Lodge, Queens Park, Victoria Avenue, Crewe, CW2 7SE
Proposal:	Listed Building Consent for Internal and External Restoration of 2 No. Grade 2 Listed Park Lodges. Including Demolition of Flat Roof Extensions to East Lodge and Restoration of Original Elevation
Applicant:	Mr A Leah (CEC)
Application Type:	Listed Building Consent
Grid Reference:	368807 355803
Ward:	Crewe South
Earliest Determination Date:	25 th August 2010
Expiry Dated:	8 th September 2010
Date of Officer's Site Visit:	16 th August 2010
Date Report Prepared:	17 th August 2010
Constraints:	Listed Building and Historic Parks and Gardens

SUMMARY RECOMMENDATION

Approve with Conditions

MAIN ISSUES

- Principle of Development
- Impact on Listed Building / Historic Park

1. REASON FOR REFERRAL

This application was to be determined under the Council's scheme of delegation. However, as the applicant is Cheshire East Council and therefore should be determined by the Southern Planning Committee.

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The application buildings are located within a Grade II Listed Park to the west of Crewe Town Centre. The park is within the Crewe settlement boundary and is designated as being a Historic Park and Garden as identified in the Local Plan Proposals Map. This application relates to the two lodges at the northern and main entrance to the park. Both the lodges are Grade II Listed Buildings. The two lodges are largely identical however the west lodge features a small square tower topped by a belfry. Each feature two chimneys with octagonal stacks. At ground floor level they are constructed from squared red sandstone in courses of 75-200mm with dressed sandstone quoins. Upper floors are of timber framed construction, having half lapped, peg-jointed timbers with white render infill panels. The roofs are covered with plain clay rosemary tiles. The existing east lodge also has a conservatory and a flat roof extension to its eastern elevation. Both lodges also have a prefabricated concrete garage within their setting.

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manager and mess facilities for park wardens. The upper floor is used as a meeting room. The east lodge was last occupied for residential purposes in October 2009.

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4. RELEVANT HISTORY

No relevant history

5. POLICIES

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The relevant development plan policies are:

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BE.9 Listed Buildings – Alterations and Extensions
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National Policy

PPS5: Planning for the Historic Environment

- *HE.6 Information Requirements for Applications*
- *HE.7 Policy Principles Guiding All Heritage Applications*
- *HE.9 Additional Policy Principles for Designated Assets*
- *HE.10 Additional Policy Principle Guiding Setting*

6. CONSULTATIONS (External to Planning)

None

7. VIEWS OF THE PARISH COUNCIL

N/A

8. OTHER REPRESENTATIONS

None

9. APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement for each lodge outlining wider restoration plan for Queens Park and in depth schedule of external and internal works to the lodges.

10. OFFICER APPRAISAL

Principle of Development

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Impact on Listed Building/Historic Park

Both of the Listed Lodges have a pre fabricated garage sited immediately adjacent to them. The East Lodge also has a single storey flat roof extension and conservatory projecting from its eastern elevation. All of these existing features are later additions to the lodges and detract from the overall character and appearance the buildings and their setting. The removal of these features is welcomed.

The yard wall of the West Lodge is largely intact and it is proposed to complete the yard wall as an enclosure as would have been originally designed whilst also providing a timber gate. A similar wall and gate is also proposed to the East Lodge. It is likely that there would have been a walled yard to this lodge and it appears that some part of the later extensions are constructed using stonework from this yard wall. The walls would be 2.3m in height and are proposed to be constructed from materials to match the existing. New elevational treatment to the East Lodge is proposed where the extensions are presently

attached. This would be treated to mirror the West Lodge which would provide balance and symmetry to the two lodges. It is considered that these proposals would not result in a demonstrable harm to the character and appearance of the Listed Buildings or Historic Park. The reintroduction of these features is welcomed.

With regard to the internal and external maintenance and restoration works the Council's Conservation Officer has confirmed that the repair using appropriate materials, styles and techniques is acceptable and would safeguard the future of these building sin the historic park. The proposed repair to the worn out stone work, timber windows and roofing tiles, retention of the original fireplace features and reintroduction of metal rainwater goods would be welcomed. It is considered that the new internal partitions would have a limited impact on the architectural or historic interest of the building.

11. CONCLUSIONS

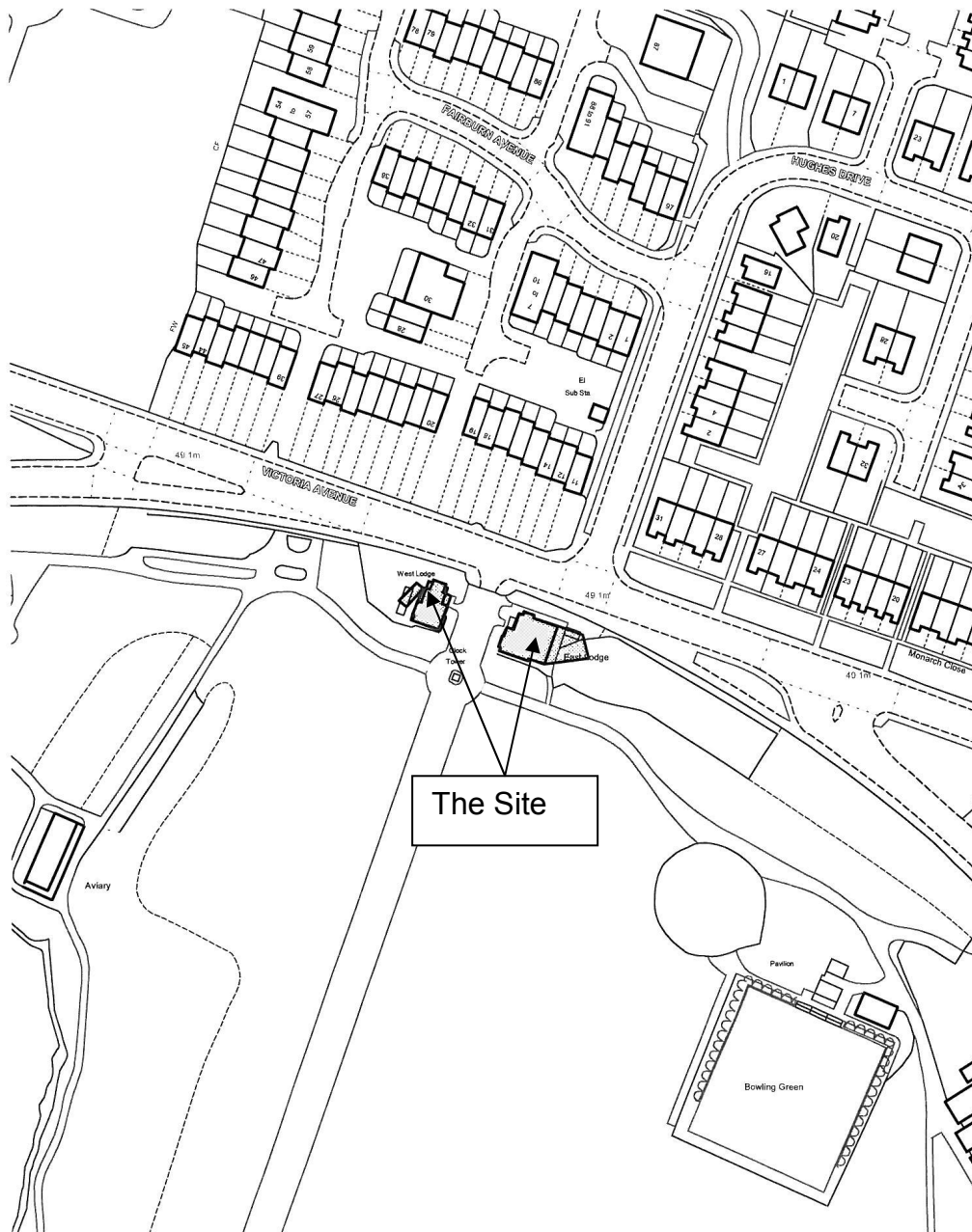
The proposed development which includes the removal of the existing pre fabricated garages, flat roof extension and conservatory is welcomed. This, along with the proposed yard walls, external restoration work and internal alterations would help to enhance the character and appearance of the Listed Buildings and Historic Park.

12. RECOMMENDATIONS

APPROVE subject to the following conditions:

- 1. Standard Time Limit for Listed Buildings**
- 2. Approved Plans**
- 3. Materials to be match – details to be submitted (including brick, stone, roof tiles, pots, leadwork, gutters and downpipes)**
- 4. Use of matching design and style for the features to be repaired and replaced**
- 5. Use of non-chemical cleaning techniques**
- 6. Use of vertical boarding for the doors to the external walls and external space**

Location Plan : Licence No 100049045



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LIST OF APPEALS DETERMINED

APP NUMBER	ADDRESS	DESCRIPTION	LEVEL OF DECISION	OVER TURN	REC AND DECISION	APPEAL DECISION
09/3401M	FINGERPOST COTTAGE, HOLMES CHAOPEL ROAD, TOFT	NEW MEANS OF ACCESS TO FINGERPOST COTTAGE AND CLOSURE OF EXISTING ACCESS ONTO TOFT ROAD (A50)	Delegated	n/a	Refuse	Dismissed 6/8/2010
09/4310M	8, POPLAR AVENUE, WILMSLOW, SK9 6LN	APPROVAL OF RESERVED MATTERS FOR 3-BED DETACHED HOUSE (OUTLINE 08/2226P)	Delegated	n/a	Refuse	Dismissed 5/8/10
08/2378P	LAND AT 9 LEES LANE, NEWTON, MOTTRAM ST ANDREW	CERTIFICATE OF LAWFULNESS FOR THE EXISTING USE OF THE SITE AS A GARDEN CENTRE	Delegated	n/a	Refuse	Dismissed With costs awarded to the Council 13/7/10
09/3006M and 09/00540E	WHITE PEAK ALPACA FARM, PADDOCK HILL LANE, MOBBERLEY	RENEW CONSENT TO RETAIN DWELLING- RESUBMISSION OF 09/0256P UNAUTHORISED DWELLING	Northern Planning Committee 13/01/10 Delegated	n/a	Refuse Enforcement Action Authorised	Planning Appeal Dismissed Enforcement Appeal Dismissed as varied

10/0646M	WILLOW BROOK FARM, MUDHURST LANE, DISLEY, SK12 2AN	HOUSE EXTENSION	Delegated	n/a	Refuse	Dismissed 15/7/10
09/3337C	TRAINING CENTRE, HILL STREET, SANDBACH, CHESHIRE, CW11 3JE	DEMOLITION OF EXISTING INDUSTRIAL UNIT, CLEARANCE OF SITE AND REDEVELOPMENT BY THE ERECTION OF RESIDENTIAL UNITS	Southern planning Committee 11/01/2010	n/a	Refuse	Allowed. No costs awarded to appellant.
09/3535C	LAND SOUTHWEST OF, OLD MILL ROAD, SANDBACH, CHESHIRE	PROPOSED HOUSING DEVELOPMENT CONSISTING OF 43NO. 1, 2, 3, & 4 BEDROOM 2, 2.5 & 3 STOREY APARTMENTS, MEWS & DETACHED DWELLINGS. AMENDMENT TO PREVIOUS APPROVAL 37691/3	Strategic Planning Board 3/3/10	Y	Approve with conditions	Allowed
09/1116C	TALL ASH FARM, BUXTON ROAD, CONGLETON, CHESHIRE, CW12 2DY	THE CONSTRUCTION OF 20 NEW BUILD AFFORDABLE HOUSES AND NEW ACCESS ROAD.	Failure to determine			Dismissed 12/08/2010
09/4184C	30- 32, SHADY GROVE, ALSAGER, CHESHIRE, ST7 2NH	PROPOSED RADIO AERIAL	Delegated	n/a	Refuse	Dismissed 15/07/2010
09/2993C	MEADOW BANK FARM, MILL LANE, GOOSTREY, CHESHIRE, CW4 8PW	CONSTRUCTION OF A TWO STOREY EXTENSION	Delegated	n/a	Refuse	Allowed 19/07/2010

10/0380N	MINSHULL HALL COURT, MIDDLEWICH ROAD, MINSHULL VERNON	DETACHED GARAGE	Delegated	n/a	Refuse	Dismissed 06/07/2010
10/0388N	MINSHULL HALL COURT, MIDDLEWICH ROAD, MINSHULL VERNON	PROPOSED REAR SINGLE EXTENSION	Delegated	n/a	Refuse	Dismissed 06/07/2010
10/0199C	24, GIANTSWOOD LANE, CONGLETON, CW12 2HQ	EXTENSIONS TO EXISTING BUNGALOW TO FORM ADDITIONAL GROUND AND FIRST FLOOR ACCOMMODATION	Delegated	n/a	Refuse	Dismissed 28/07/2010
10/00002/E NFAPP	LAND NORTH OF PEDLEY LANE, TIMBERSBROOK, CONGLETON, CHESHIRE, CW12 3PY	THE REQUIREMENTS OF THE NOTICE ARE: (A) STOP USING THE LAND FOR RECREATIONAL AND EDUCATIONAL USE INCLUDING USE AS A PETTING FARM AND FOR THE HOLDING OF CHILDREN'S PARTIES; (B) REMOVE FROM THE LAND ALL STRUCTURES ASSOCIATED WITH THE UNAUTHORISED USE SUCH AS: ANIMAL SHELTERS, AVIARIES, CLASSROOM, GIFT SHOP, TOILETS, WALKWAYS, PARKING AREA; SIGNS.	n/a	n/a	Enforcement Notice 27/01/10	Appeal Dismissed and Enforcement Notice Upheld 30/07/10

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