

# Southern Planning Committee

## Agenda

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**Date:** Wednesday, 22nd June, 2011  
**Time:** 2.00 pm  
**Venue:** Council Chamber, Municipal Buildings, Earle Street,  
Crewe CW1 2BJ

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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.

**Please note that members of the public are requested to check the Council's website the week the Planning/Board meeting is due to take place as Officers produce updates for some or of all of the applications prior to the commencement of the meeting and after the agenda has been published.**

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

1. **Apologies for Absence**

To receive any 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** (Pages 1 - 6)

To approve the Minutes as a correct record.

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.

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

Please contact Carol Jones on 01270 686471  
E-Mail: [carol.jones@cheshireeast.gov.uk](mailto:carol.jones@cheshireeast.gov.uk) with any apologies, requests for further information or to arrange to speak at the meeting

- 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. **11/0680C-Proposed Erection of a New Dwelling, 2 Rydal Way, Alsager, ST7 2EH for Mr Simon Palfreyman** (Pages 7 - 14)

To consider the above application.

6. **11/1545N-Change of Use Including Formation of Altered Access From Highway Including Dropped Kerb, 501 Crewe Road, Wistaston, CW2 6QP for Mr W Lau** (Pages 15 - 22)

To consider the above application.

7. **11/0573N-The Erection of Poultry House and Feed Hopper with Associated Access Road and Hardstanding, Wades Green Farm, Minshull Lane, Church Minshull, CW5 6DX for Mr Ian Hocknell** (Pages 23 - 36)

To consider the above application.

8. **11/0674C-Two Storey Extension to Rear, 93 Heath Road, Sandbach, CW11 2JY for Mr R Clarke** (Pages 37 - 42)

To consider the above application.

9. **11/0753C-A Garden Fence with Pedestrian Gate for Access to Maintain Service Area, Moss Nook Cottage, 9 Back Cross Lane, Congleton CW12 3HT for Ms P Dawson** (Pages 43 - 48)

To consider the above application.

10. **11/0860C-Proposed Two Storey Side and Rear Extension, 68 Elworth Road, Sandbach, CW11 3HN for Mr J Bartlam** (Pages 49 - 54)

To consider the above application.

11. **11/1022C-Change of Use from Existing Offices to a Pair of Three-Bed Semi Detached Houses, 1 The Chandlery, Wharf Mill, Congleton, CW12 3GQ for McDermott Developments** (Pages 55 - 60)

To consider the above application.

12. **11/1025N-Outline Application for 3 Bedroom House in Rear Garden, 4 Gorsey Bank Crescent, Wybunbury, CW5 7LX for Mick Jones**  
(Pages 61 - 68)

To consider the above application.

13. **11/1051N-Provision of Greenway from Crewe to Nantwich, Sections from Wistaston Green Road to A51/Nantwich Bypass including a 3m wide Surfaced Path together with associated Engineering and Landscaping Works, Land at Middlewich Road, Nantwich for Cheshire East Council**  
(Pages 69 - 76)

To consider the above application.

14. **11/1286N-Erection of 2 Agricultural Buildings and Slurry Store, allowing Farm to Comply with Nvz Regulations. The 2 Cubicle Sheds will each hold 220 Cows and Incorporate Slurry Channels to the Store to Minimise Yardage and Waste, Baddiley Hulse, Baddiley Hall Lane, Baddiley, CW5 8BS for J.H. Blackburn & Son** (Pages 77 - 82)

To consider the above application.

15. **11/1416N-Erection of an Agricultural Steel Portal Frame Building to Provide Space for Two Robotic Milking Machines and Cow Cubicles, Calveley Green Farm, Calveley Green Lane, Calveley, Cheshire, CW6 9LF for A Plumbley and Co** (Pages 83 - 88)

To consider the above application.

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**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Southern Planning Committee**  
held on Wednesday, 1st June, 2011 at Council Chamber, Municipal Buildings,  
Earle Street, Crewe CW1 2BJ

**PRESENT**

Councillor G Merry (Chairman)  
Councillor M J Weatherill (Vice-Chairman)

Councillors P Butterill, J Clowes, W S Davies, L Gilbert, M Jones, A Kolker,  
D Marren, M A Martin, G Morris, M Sherratt and A Thwaite

**NON-COMMITTEE MEMBERS IN ATTENDANCE**

Councillors D Brickhill and S Jones

**OFFICERS PRESENT**

Rachel Goddard (Senior Lawyer)  
Vikki Jeffrey (Strategic Housing and Development Manager)  
David Malcolm (Southern Area Manager – Development Management)

**Apologies**

Councillor S McGrory

**1 DECLARATIONS OF INTEREST**

All Members of the Committee declared that they had received correspondence regarding application number 11/1469N.

Councillor L Gilbert declared that he had received representations from members of the public regarding application number 10/3320C.

Councillor J Clowes declared that she had received representations regarding application number 11/0821N, as the site was located in her Ward.

**2 MINUTES OF PREVIOUS MEETING**

RESOLVED – That the minutes of the meeting held on 27 April 2011 be approved as a correct record and signed by the Chairman.

**3 11/1469N LAND IN FRONT OF THE CHESHIRE CHEESE, CREWE ROAD, SHAVINGTON CUM GRESTDY, CREWE: PROPOSED VODAFONE INSTALLATION FOR VODAFONE (UK) LIMITED**

Note: Councillor D Brickhill (Ward Councillor), Councillor G McIntyre (on behalf of Shavington-cum-Gresty Parish Council), Mr P McHugh (objector) and Mr D Hosker (agent 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, a written update and an oral update by the Southern Area Manager - Development Management.

RESOLVED – That, contrary to the planning officer's recommendation for approval, the application be REFUSED for the following reasons:

1. The proposed mast by virtue of its height and width would be visually obtrusive, having a detrimental impact on visual amenity in the locality contrary to Policy NE.18 of the Borough of Crewe and Nantwich Replacement Local Plan 2011.
2. The Local Planning Authority considers that there is a lack of evidence to clearly demonstrate proper consideration has been given to alternative sites. The proposal therefore falls short of the requirements set out in Policy NE.18 (Telecommunications Development) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and PPG 8 (Telecommunications).

**4 10/3320C LAND NORTH EAST OF DUNKIRK FARM, LONDON ROAD, BRERETON, HOLMES CHAPEL: THE CONSTRUCTION OF 18 NEW AFFORDABLE TWO BEDROOM HOUSES FOR MR MIKE WATSON, PLUS DANE GROUP**

Note: Dr M Cox (objector) and Mr J Ashall (agent 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, an oral report of the site inspection and an oral update by the Southern Area Manager - Development Management.

RESOLVED – That, contrary to the planning officer's recommendation for approval, the application be REFUSED for the following reason:

The Local Planning Authority considers that the affordable housing requirements within the area could be accommodated by alternative Brownfield sites in the locality which would negate the need to use land within the open countryside. The proposal is therefore contrary to Policy H14 of the adopted Congleton Borough Local Plan First Review (2005).

**5 10/4059C HENRY ALTY, KNUTSFORD ROAD, CRANAGE, CW4 8HU: DEMOLITION OF DERELICT BUILDING AND ERECTION OF 14NO FAMILY HOMES WITH ASSOCIATED PARKING AND LANDSCAPING. CHANGE OF USE FROM B1 TO C3 USAGE FOR MR R CHAWLA, GOLDCREST FINANCE LTD**

Note: Councillor J Halstead (on behalf of Cranage Parish Council) and Mr C Parks (agent 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, an oral report of the site inspection and an oral update by the Southern Area Manager - Development Management.

RESOLVED – That, contrary to the planning officer's recommendation for approval, the application be REFUSED for the following reasons:

1. The Local Planning Authority considers that the proposed development would result in a cramped overdevelopment of the site and is of poor design, contrary to policies GR1 (General Criteria) and GR2 (Design) of the adopted Congleton Borough Local Plan First Review (2005).
2. In failing to provide affordable housing, the proposal is contrary to Policy H13 of the adopted Congleton Borough Local Plan First Review (2005).

**6 11/0680C 2, RYDAL WAY, ALSAGER, ST7 2EH: PROPOSED ERECTION OF A NEW DWELLING FOR MR SIMON PALFREYMAN**

Note: Councillor M Martin left the meeting prior to consideration of this application.

Note: Prior to consideration of this application, the meeting was adjourned from 4.10pm to 4.20pm for a break.

Note: Councillor S Jones (Ward Councillor), Councillor C Burgess (on behalf of Alsager Town Council) and Mr A Pickersgill (objector) 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 to enable Members to assess the impact of the proposed development on neighbouring residential amenity.

**7 11/0821N LITTLE ISLAND NURSERIES, HAYMOOR GREEN ROAD, WYBUNBURY, CW5 7HG: RETROSPECTIVE APPLICATION FOR A 10M X 6M X 2M GARAGE FOR MR G HEATH**

Note: Mr A Thornley (agent 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 APPROVED subject to the following conditions:

1. Within 3 months of the date of approval, details of any external lighting to the garage shall be submitted to the LPA and approved in writing. The lighting shall be in accordance with the approved details.
2. The garage shall be used as a garage only and shall not be converted to ancillary residential accommodation.
3. The garage to be approved with dimensions as listed in the report.
4. The garage should be used for domestic purpose only, and not in connection with any commercial/business use.

**8 11/1042N BENTLEY MOTORS LTD, PYMS LANE, CREWE, CHESHIRE, CW1 3PL: INSTALLATION OF ROOF MOUNTED SOLAR PV SYSTEM FOR MR ANDREW ROBERTSON, BENTLEY MOTOR CARS**

The Committee considered a report regarding the above planning application.

RESOLVED – That the Head of Planning and Housing be granted delegated authority to APPROVE, subject to no adverse comments being received from the Civil Aviation Authority.

Approval to be subject to the following conditions:

1. Standard time limit
2. Plans
3. Materials as submitted

**9 10/4422N - APPLICATION FOR LAWFUL CERTIFICATE FOR AN EXISTING USE FOR CLASS B1 LIGHT INDUSTRY AT SWANLEY MOWERS, SWANLEY LANE, BURLAND, CW5 8QB**

Note: Councillor J Weatherill left the meeting during consideration of this application.

Note: Mr A McMurtrie and Mr T Robinson (objectors) and Mr A Thornley (agent on behalf of the applicant) attended the meeting and addressed the Committee on this matter.



The Committee considered a report and a written update regarding the above application, which sought confirmation from the Local Planning Authority that the building and associated land had been used continuously for a period of 10 years for class B1 (light industry).

The Head of Planning and Housing had delegated authority with respect to such applications, which were determined on the basis of factual information. However, given the level of public interest in this site, Members of the Southern Planning Committee were invited to comment on the application.

RESOLVED – That the report be noted.

The meeting commenced at 2.00 pm and concluded at 5.45 pm

Councillor G Merry (Chairman)

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Application No: 11/0680C  
Location: 2, RYDAL WAY, ALSAGER, ST7 2EH  
Proposal: Proposed Erection of a New Dwelling  
Applicant: Mr Simon Palfreyman  
Expiry Date: 15-Apr-2011  
Date Report Prepared 19 May 2011

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

- Principle of the Development
- Amenity
- Design and Scale
- Impact on the Street Scene
- Highways and Parking
- Landscaping and Trees

**1. REASON FOR REFERRAL**

This application has been referred to the Southern Planning Committee as Councillor Rod Fletcher called it in on the following grounds: "I request that this application should go before the planning committee as it still seems to be of similar size to the earlier one refused and may still be contrary to GR1, GR2, GR6 and PPS3."

**2. PREVIOUS MEETING**

At the Planning Committee meeting held on 1<sup>st</sup> June 2011, members resolved to defer this application in order to undertake a site visit which took place on 10<sup>th</sup> June 2011. No further information or objections have been submitted since the previous meeting.

**3. DESCRIPTION AND SITE CONTEXT**

This application relates to an area of the garden of 2 Rydal Way, Alsager, which is situated adjacent to the common boundary with the gable end of 176 Sandbach Road North. It is defined in the local plan, as being within the settlement zone line of Alsager and to the north is open countryside. Adjacent to the northeast corner of the site is the Sandbach Road North No. 1, Alsager, Tree Preservation Order 1993.

**4. DETAILS OF PROPOSAL**

This proposal is for full planning permission for a single detached dwelling in the garden of 2 Rydal Way, Alsager. The dwelling would be an 'L' shaped dwelling, sited to the rear of 176

Sandbach Road North. It would have 4 bedrooms at the first floor, at ground floor level there would be two reception rooms, a kitchen, cloakroom, utility room, study and an integral double garage. In order to allow the creation of an access to the rear of the site it is proposed to remove the existing garage at 2 Rydal Way, this will be replaced with an attached double garage forward of that existing.

In 2008 outline consent was granted for a detached dwelling on this site (08/1734/OUT), however the indicative plans submitted with the application were considered to show a dwelling of excessive size. This consent is no longer extant, but the local policies under which it was assessed remain the same. Subsequently a full application for a detached dormer bungalow (10/3581C) was refused by the Southern Planning Committee on the grounds that the proposal was inappropriate in terms of size and design and would have an overbearing impact on the occupiers of 176 Sandbach Road North.

## 5. RELEVANT HISTORY

20709/3	1989	Approval for alterations and extensions
37071/3	2004	Approval for extension to dining room
04/0413/FUL	2005	Approval for conservatory to rear
08/1734/OUT	2008	Outline approval for one dwelling
09/2726C	2009	Withdrawn application for one dwelling
10/3581C	2010	Refused application for detached dwelling

## 6. POLICIES

### National Guidance

PPS1 Delivering Sustainable Development  
PPS3 Housing

### Regional Spatial Strategy

DP1 Spatial Principles  
DP2 Promote Sustainable Communities  
DP4 Making the Best Use of Existing Resources and Infrastructure  
DP5 Manage Travel Demand: Reduce the Need to Travel, and Increase Accessibility  
DP7 Promote Environmental Quality  
DP9 Reduce Emissions and Adapt to Climate Change  
RDF1 Spatial Priorities  
L2 Understanding Housing Markets  
L4 Regional Housing Provision  
RT2 Managing Travel Demand  
RT9 Walking and Cycling  
EM1 Integrated Enhancement and Protection of the Region's Environmental Assets

### **Congleton Local Plan 2005**

The site is not allocated in the Local Plan but the following policies apply:

PS4 Towns

H1 & H2 Provision of New Housing Development

GR1 New Development

GR2 & GR3 Design

GR6 Amenity and Health

GR9 Parking and Access

NR1 Trees & Woodlands

SPG2 Provision of Private Open Space in New Residential Developments

## **7. CONSIDERATIONS**

### **Environmental Protection:**

None received at the time of report writing.

### **Highways:**

None received at the time of report writing.

## **8. VIEWS OF TOWN/PARISH COUNCIL**

Alsager Town Council strongly objects to this application and fully support the objections raised by Mr and Mrs Pickersgill of 176 Sandbach Road North.

## **9. OTHER REPRESENTATIONS**

At the time of report writing, 7 letters of objection had been received relating to this application, expressing the following concerns:

- Adverse impact on the amenities of neighbouring properties, in particular 176 Sandbach Road North. In terms of these impacts, the concerns relate to the access drive being in close proximity to a downstairs bedroom window leading to disturbance, loss of privacy once the existing garage is reduced in size and loss of privacy to the patio.
- Development out of character with the surrounding area.
- Loss of garden land.
- Adverse impact on the street scene, in particular when viewed from the road entering Alsager from Church Lawton.
- Over development of the site.
- Adverse impact on highway safety.
- Inadequate space for the parking and manoeuvring of vehicles.

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

### **Design and Access Statement**

This document provides details on the history of the site and the surrounding context of the local area. The statement also seeks to expand on the justification for the development proposed and address the issues raised in regard to the refusal of the previous application.

## **11. OFFICER APPRAISAL**

### **Principle of Development**

The principle of development on this site was established when the outline application for a detached dwelling was approved in 2008, however this approval is no longer extant. The site is designated as being within the Settlement Zone Line of Alsager where there is a general presumption in favour of development provided that it is in keeping with the scale and character of the town. Therefore the proposal should be judged on the criteria laid out in the individual sections of this report.

As some of the objectors have stated, PPS3 has now been amended to remove gardens from the designation of brownfield land and create a new designation of garden land. It should be noted however that this does not preclude development and the proposal should still be determined having regard to the policies contained within the adopted local plan.

### **Amenity**

The properties most affected by the development would be 2 Rydal Way and 176 Sandbach Road North.

Having regard to 2 Rydal Way, a study window and entrance door of the proposed dwelling would face the garden of this property. However, as these would be 8m away from the boundary and a 1.8m fence is proposed on the boundary, it is not considered there would be significant adverse impact on the amenities of this property.

The occupiers of 176 Sandbach Road North have expressed several concerns regarding this proposal, relating largely to loss of privacy, access and parking, impact on the street scene and disturbance. Having regard to loss of privacy, one of the concerns relates to overlooking of a downstairs bedroom window once the garage has been altered at 2 Rydal Way. The window in 176 Sandbach Road North is largely screened by a conifer hedge and the window at 2 Rydal Way is at a much higher level than this window; as such it is not considered that there would be any significant loss of privacy caused by overlooking. The other privacy issue raised is the fact that the drive will run alongside their patio, which they state is the only private part of their garden. Having regard to this issue it is considered that a condition requiring the submission of details of boundary treatments to ensure that privacy could be maintained would address this. In addition the drive of 2 Rydal Way is already close to the boundary and could be extended without the need for consent from the Local Planning Authority. As such it is not considered that a refusal on these grounds could be sustained. Disturbance caused by the creation of the new driveway is also cited as an issue, but it is not considered that the vehicle movements generated by one dwelling would create a significant amount of disturbance to residential amenity.

Having regard to the amenities of future occupiers, the proposed dwelling would have an adequate amount of useable residential amenity space, as required by SPG2 (Provision of Private Open Space in New Residential Developments), as would the occupiers of 2 Rydal Way.

The previous proposal involved a building that was forward of the gable elevation of 176 Sandbach Road North, this proposal is for the building to be in line with this elevation, therefore

there would be no adverse impact on the outlook from windows in this dwelling, thereby addressing previous concerns.

It is considered that permitted development rights for extensions should be removed in order to ensure that the amenities of the neighbouring properties in the future.

Environmental Protection have not commented at the time of report writing, however it is considered necessary to impose conditions relating to contaminated land, hours of construction and pile driving.

### **Design and Scale**

The outline consent (08/1734/OUT), established the principle of siting one dwelling on this site, but made clear that the dwelling shown on the indicative drawings would not be acceptable. This was because it showed a large, two-storey dwelling with a ridge height of 9m and a larger footprint than the one proposed in this application. Objectors have referred to the fact that this consent required that the dwelling should be of a 'modest' size, it should be noted that this refers to the scale and massing of the building, not the level of internal accommodation.

This proposal is for a largely one and a half storey dwelling, with a two-storey element, with dormer windows and roof lights in the roof slopes to facilitate the use of the roof space. It would have a smaller footprint than the indicative drawing approved at outline stage and would have a ridge height of 7m, which is 0.4m lower than that of 176 Sandbach Road North. Given the variety of property styles that exist in the vicinity, it is considered that the proposal is acceptable.

### **Impact on the Street Scene**

One of the concerns of the objectors is the impact on the street scene, especially when viewed from Sandbach Road North. However, it is not considered that the dwelling would create a significant, incongruous feature when viewed from the wider area, including the approach to Alsager from Church Lawton, given the development that already exists and the ridge height of the proposed dwelling. As such the building would be viewed in the existing urban context.

There are a variety of house types in the vicinity of the application site, and it is considered that the design of the proposed dwelling would not detract from the overall character of the area. Although the garden area would not be as extensive as others in the vicinity, it is not considered to be so small as to be completely out of character with the surrounding area.

### **Highways and Parking**

The proposal would provide adequate parking spaces for a property of this size and, due to the size of the turning area, vehicles would be able to enter and leave the site in a forward gear. The Strategic Highways Manager has not commented at the time of report writing; however no objections were raised to the previous proposal subject to the creation of an acceptable vehicular crossing. As such it is not considered that a refusal on highway grounds could be sustained.

### **Landscaping and Trees**

The application proposes a dwelling that would be sited in excess of 12m from the protected trees on the corner of the site and is therefore not considered to be a threat to their health and future viability. Having regard to the hedges surrounding the site and the landscaping adjacent to the proposed new drive, it is considered that conditions should be imposed requiring measures for the protection of the hedges during construction and submission and implementation of a landscaping scheme.

### **12. CONCLUSIONS**

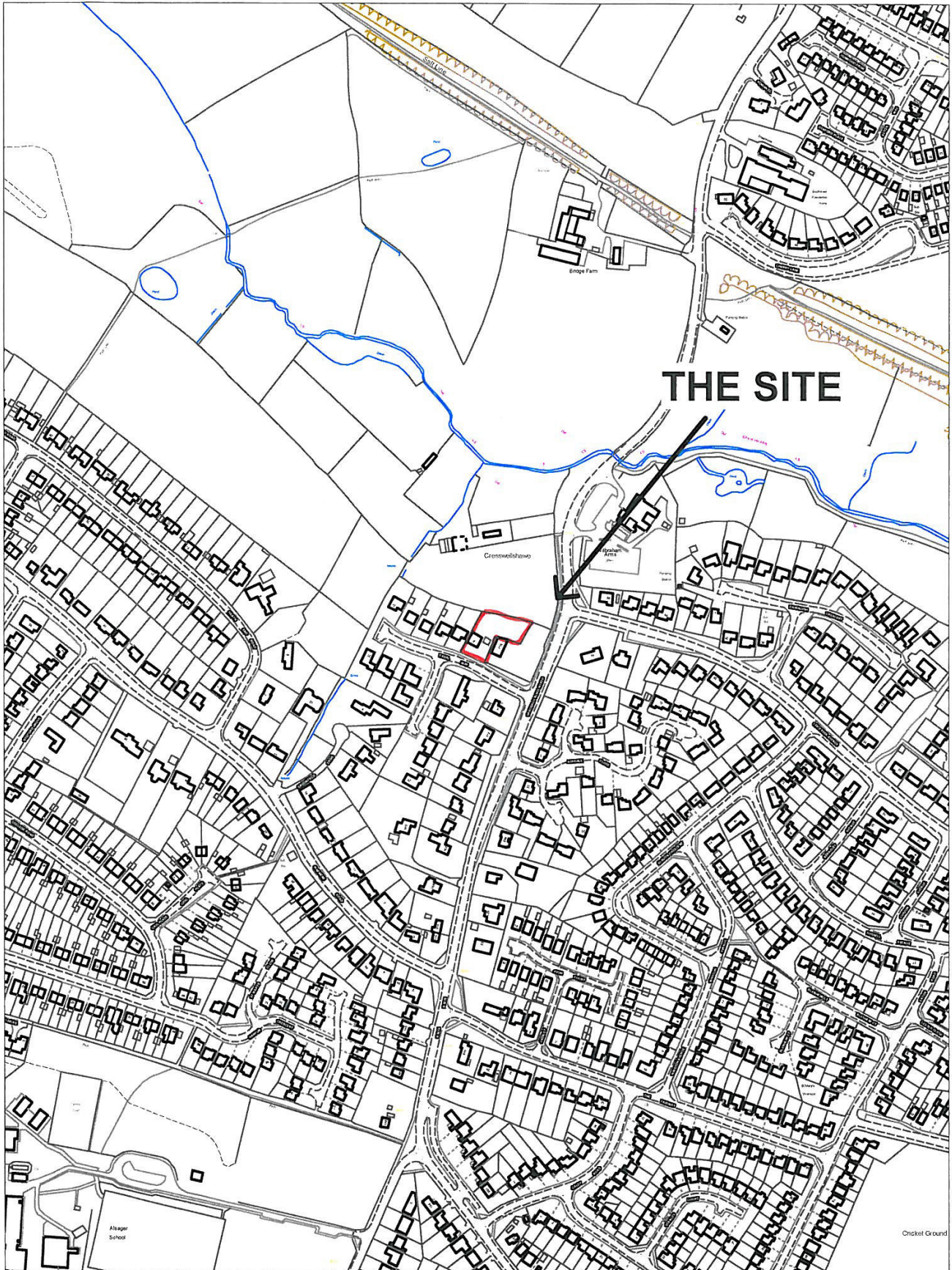
In conclusion, the site is within the settlement zone line of Alsager in the adopted local plan and the proposed development complies with the relevant policies contained within that document, in relation to design, amenity, highway safety and tree protection. It is therefore recommended that the application be approved subject to the following conditions.

### **13. RECOMMENDATION:**

**Approve subject to the following conditions:**

- 1. Standard time limit**
- 2. Development carried out in complete accordance with the approved plans**
- 3. Submission of materials for approval**
- 4. Submission of scheme for measures to protect trees and hedges on the site**
- 5. Submission of full details of boundary treatments**
- 6. Submission of a Phase 1 contaminated land report**
- 7. Hours of construction restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 Saturday and no working on Sundays or Bank Holidays**
- 8. Submission of details of the method, timing and duration of any pile driving operations connected with the construction**
- 9. Removal of permitted development rights for extensions**





11/0680C 2, RYDAL WAY, ALSAGER, ST7 2EH

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Application No: 11/1545N

Location: 501, CREWE ROAD, WISTASTON, CW2 6QP

Proposal: Change of Use Including Formation of Altered Access From Highway Including Dropped Kerb

Applicant: Mr W Lau

Expiry Date: 08-Jun-2011

**SUMMARY RECOMMENDATION:**  
**Approve with conditions**

**MAIN ISSUES:**

- Parking provision,
- Highway safety
- Neighbouring amenity

**REASON FOR REFERRAL**

This application has been referred for the consideration of the Southern Planning Committee by Councillor Margaret Simon for the following reasons:

“Highways and parking concerns, noise nuisance and cooking related smells in a residential area”.

**DESCRIPTION OF SITE AND CONTEXT**

The application site is located at the junction of Crewe Road and Brookland Avenue within the Settlement Boundary for Crewe. Neighbouring the site to the north is a church beyond which are residential dwellings. To the west is a dwelling that has been converted to an optician's surgery and further residential properties. Across Crewe Road to the south and Brooklands Avenue to the east are residential properties. To the south-east of the site, diagonally across the crossroads, is a funeral parlour. The surrounding area as a whole is predominately residential.

The premises were previously used as office accommodation and a doctor's surgery. However it understood to have stood empty for approximately 3 years.

Currently the site has parking provision for 12 cars.

## **DETAILS OF PROPOSAL**

The proposed development is for a change of use to a Chinese restaurant and take-away thus giving the premises an A3 and A5 Use Class. The proposed opening hours are between 11:30 am and 11:30 pm 7 days a week.

The application also includes the dropping of the kerb to allow access from Crewe Road onto the site and the one-way movement of traffic through the car park.

There are no external alterations to the building included as part of this application. If changes are proposed at a later date if required a further application will be required.

## **RELEVANT HISTORY**

10/5008 - Change of Use from former GP surgery and pharmacy to Chinese Restaurant and take-away – withdrawn 2011

P09/0059 - Partial Demolition and Alterations to Existing Building, Formation of Car Parking and Turning Area and Change of Use to Veterinary Surgery - approved with conditions 2009

P04/0762 - Change of Use to Use to Offices (B1) and Provision of Medical or Health Services – approved with conditions 2004

P01/0834 - Alterations to Provide Access by Disabled Persons – approved 2001

P99/0281 - COU of hairdresser's salon to doctors surgery – approved 1999

P91/0294 - Office and consulting room extension – approved with conditions 1991

## **POLICIES**

### **Borough of Crewe and Nantwich Replacement Local Plan Policy**

- BE.1 Amenity
- BE.2 Design Standards
- BE.3 Access And Parking

### **Other Material Considerations**

PPS1 Delivering Sustainable Development

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

### **Highways:**

The Strategic Highways and Transport Manager raise no objections to the proposal.

It is noted that the application is for change of use from a pharmacy to a take away restaurant. There are 9 off street parking spaces proposed, with 7 served from a new access off Crewe Road.

The new access to the car park, should ensure that a one way system operates effectively with entry taken from Crewe Road then exiting only onto Brookland Avenue. This will assist in providing standard parking spaces as opposed to the sub standard that are currently in use, with unloading served off Brookland Avenue.

It is the highways authorities opinion that this proposal will generate a small element of on street parking, but that this will reduce over time and can be controlled by the existing traffic regulation orders in place as well as the many vehicular crossings.

### **Environmental Health:**

Environmental Health does not object to this application subject to the following conditions:

1. Before the use commences details of any proposed lighting of the site shall be submitted in writing and approved by the Borough Council, in the interests of protecting the amenity of the local residents.
1. Before the use commences details of the proposed hours of opening shall be submitted in writing and approved by the Borough Council, in the interests of protecting the amenity of the local residents.
2. All odours and fumes from the building shall be extracted to prevent causing a nuisance to local residents and in accordance with a scheme submitted to in writing and approved by the Borough Council.
3. No implements, boxes, crates, drums, refuse or other waste material shall be placed or stored on the application site other than within the buildings on the site, unless agreed in writing previously with the borough council. To protect the visual amenity of local residents
4. Before the use commences the building together with any ancillary mounted equipment shall be acoustically attenuated in accordance with a scheme submitted to in writing and approved by the borough council.

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

Wistaston Parish Council has raised the following objections to the proposed development:

- Inadequate parking provision
- Poor vehicular access
- Out of character with the surrounding area
- Noise, small and litter

## **OTHER REPRESENTATIONS:**

22 letters of objection have been received which make the following points:

- Highway safety with regards to accessing and leaving the site
- Dangerous parking/parking on double yellow lines
- Insufficient parking
- Disturbance and noise, especially at night
- Litter
- Cooking smells enveloping the surrounding area
- Means of rubbish disposal
- Youths congregating outside the premises
- A restaurant/take away will detract from the area
- No need for the proposed development
- Illuminated signage will damage the amenity of the area and nearby dwellings
- No mention of opening in the application
- Increase in anti-social behaviour
- Rubbish will attract vermin
- Devaluation of property prices

Further to this 2 letters of support have also been received.

## **APPLICANT'S SUPPORTING INFORMATION:**

Design and Access Statement

### **OFFICER APPRAISAL**

#### **Principle of Development**

This is a full planning application for a change of use from doctor's surgery (D1) to a Chinese restaurant and take away (A3/A5) which is acceptable in principle providing that there is no detrimental impact upon neighbouring amenity, the streetscene of Crewe Road and Brooklands Avenue or on highway safety.

#### **Design**

There are to be no material changes to the exterior of the building or signage to be considered as part of this application. This will be done via a separate application at a later date should this application be approved.

Therefore the proposed development complies with Policy BE.2 (Design Standards) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

#### **Amenity**



The application site sits on a busy road junction on one of the main routes between Nantwich and Crewe and as a result there is a significant level of existing background noise and activity.

Adjoining the site to the north is a church while directly to the west is a detached property housing an Optician's surgery. These two non-residential premises are not considered to be sensitive receptors and will help to screen the proposed development from residential dwellings to the north and west in terms of potential noise and smells.

Furthermore the application site is approximately 25 metres away from residential dwellings to the east and approximately 37 metres from dwellings to the south. In view of these distances and the intervening busy main roads, it is not considered that there will be any significant detrimental impact upon residential amenity by reason of noise, smells and disturbance. Similar relationships between restaurants, takeaways and residential properties exist throughout the Borough without generating cause for complaint.

Controls can also be imposed through conditions relating to opening hours, air conditioning units, extraction units and odour control, and the storage and removal of waste from the proposed restaurant can be monitored and controlled through Environmental Health legislation.

Therefore, for the reasons stated above and in the absence of any objection from Environmental Health it is considered that the scheme complies with Policy BE.1 (Amenity) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

### **Highway Safety and Parking**

Concern has been expressed regarding highway safety with vehicles entering and leaving the site. It is accepted that Crewe Road is a busy thoroughfare, and that the site is located on a junction. However it is rarely a congestion hotspot other than during the morning rush hour when the proposed restaurant/take away would be closed. During the evening the Crewe Road and connecting roads are much quieter.

The proposed restaurant will seat between 68 and 84 diners when at capacity and it is proposed that 9 car parking spaces be provided. This is considered as sufficient for this type of development by the Strategic Highways and Transport Manager.

The junction of Brooklands Avenue and Crewe Road is protected by double yellow lines meaning that any displaced parking as a direct result of this proposal will be away from the access to the car park and not causing a hazard. Further to this there are no recorded serious road traffic accidents as at this location vehicles generally drive at slower speeds when approaching or leaving the traffic signals.

The proposed restaurant/takeaway will be used during the afternoons and evenings when traffic is quieter and flows freely.

The site is close to a bus stop on a frequent bus route between Crewe and Nantwich, which connects with the station. There is a substantial local population within walking distance from which the restaurant will draw trade. Added to which the nature of the use is such that people are more likely to car share or take taxis than they would at other times.

It has been highlighted that users of the adjacent church regularly park on the double yellow lines of Brookland Avenue when attending. However, it would appear that the church does not have any parking space within their ownership for patrons to use. The issue of cars parking on double yellow lines is a separate issue and can be controlled through other legislation. Times of peak demand for the restaurant will be very different to that of the church and consequently it will not exacerbate any existing on street parking problems.

The Strategic Highways and Transport Manager has assessed the application and has no objections in terms of highway safety or provision of parking spaces on the site.

Therefore the proposed development complies with Policy BE.1 (Amenity) and Policy BE.3 (Access and Parking) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

### **Other Matters**

The issues raised by neighbours regarding litter, vermin and anti-social behaviour are noted. However there is no evidence to suggest that any of these problems would arise if approval for the change of use were to be granted. As stated earlier, similar relationships between catering establishments and residential properties already exist throughout the Borough and these problems have not occurred.

Residents have also expressed concern regarding negative effects on property values and the need for the proposed restaurant/take away, however these are not material planning considerations and cannot be considered as part of this application.

### **CONCLUSIONS**

This application does not include any changes to the external elevations of the application building or the use of any signage. Therefore the proposed change of use from doctor's surgery to a Chinese restaurant and take away will not have a detrimental impact upon the Streetscene of Crewe Road or Brooklands Avenue.

The conditions attached by the Environmental Health Officer will mitigate any loss of amenity to neighbouring residential properties by reason of noise and cooking odours.

The Strategic Highways and Transport Management has not raised any objections concerning the safety of the site and the surrounding highway, and is satisfied that the proposed parking provision is sufficient for the application site.



The proposal therefore complies with the relevant policies and is accordingly recommended for approval.

**RECOMMENDATION:**

**APPROVE** subject to the following conditions

- 1) Commencement of development (3 years)
- 2) Development in accord with approved plans
- 3) Hours of Operation
- 4) Cooking odour extraction equipment
- 5) Acoustic Attenuation
- 6) Details of external lighting
- 7) Storage of waste
- 8) No external alterations or signage without a further application



11/1545N 501, CREWE ROAD, WISTASTON, CW2 6QP

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Application No: 11/0573N

Location: WADES GREEN FARM, MINSHULL LANE, CHURCH MINSHULL, CW5 6DX

Proposal: The Erection of Poultry House and Feed Hopper with Associated Access Road and Hardstanding

Applicant: Mr Ian Hocknell

Expiry Date: 28-Jun-2011

**SUMMARY RECOMMENDATION:** Approve subject to conditions

**MAIN ISSUES:**

- Principle of Development;
- Design;
- Amenity;
- Ecology;
- Air Quality;
- Drainage;
- Highways; and
- Other Matters

**REFERRAL**

This application is included on the agenda of the Southern Committee as the proposed floor area of the building exceeds 1000m<sup>2</sup> and therefore constitutes a major proposal.

**DESCRIPTION OF SITE AND CONTEXT**

The site of the proposed poultry unit lies to the north of Minshull Lane. It is noted that the application site is generally level, but the field slopes gently to the north. Furthermore, there is an overhead electricity line, which bisects the field. Located to the west of the proposal is a timber stable. Furthermore, there are numerous ponds within and just outside the application site. The field is demarcated by good boundary hedgerows and is punctuated at sporadic intervals with established mature hedgerow trees (of varying species). The site is located in open countryside in the Borough of Crewe and Nantwich Replacement Local Plan.

**DETAILS OF PROPOSAL**

The development includes the erection of a large poultry shed measuring approximately 97.1m long by 26.7m wide and standing 6.6m high to the ridge of the roof. The hopper will be 2.8m in diameter and will be positioned adjacent to the proposed poultry house (on the southern elevation) and will stand 7.5m to the top, from ground level.

## **RELEVANT HISTORY**

P04/1307 – Erection of a Stable Block and Menage, Construction of Market Garden, 3 Paddocks and Landscaping of Existing Pond – Withdrawn – 1<sup>st</sup> December 2004  
P05/0133 – Erection of Stables, Menage, Hard Surfaces and Associated Facilities – Refused – 29<sup>th</sup> March 2005. APP/KO615/A/05/1185252 - Dismissed  
P09/0080 – To Rebuild 11Kv Overhead Lines Supported by Wood Poles – No Objection – 10<sup>th</sup> February 2009

## **POLICIES**

The relevant development plan policies are:

### **Local Plan Policy**

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.13 Rural Diversification  
NE.14 Agricultural Buildings Requiring Planning Permission  
NE.17 Pollution Control

### **Other Material Considerations**

PPS1: Delivering Sustainable Development  
PPS7: Sustainable Development in Rural Areas  
PPS9: Biodiversity and Geological Conservation  
PPG13: Transport  
PPS25: Development and Flood Risk

## **CONSIDERATIONS (External to Planning)**

**Highways:** No objections subject to the following comment

Providing that the visibility splays submitted with this application are achievable, there are no highways objections.

**Ecology:** I am now satisfied that none of the ponds in close proximity to the proposed works are reasonable likely to support Great Crested Newts. Additionally considering the nature of the surrounding land use it is unlikely that the proposed development would result in a significant loss of habitat

**Environmental Health:** No objections subject to conditions relating to hours of construction, the lighting to be provided in accordance with the submitted information, the poultry house to

kept on a deep litter system, removal of waste, hours of delivery and the ridge fans should be installed and maintained in accordance with manufacturers instructions

**Cheshire Wildlife Trust:** No objections subject to the following comments

The application includes a Great Crested Newt Habitat Suitability Index Assessment for a single pond located in the same field as the site for the new poultry unit. At the same time reference is also made to two ponds (plural) in the field, and 'ponds' (plural) are referred to throughout the report. We have checked aerial photographs and the 2000 edition of the 1:25000 Ordnance Survey – these show a single pond in the same field as the proposed unit, but up to four other ponds at around 250m from the proposed building footprint/access road route, including a pond on the south side of Minshull Lane. Although these may be in a similar condition to the pond that has been assessed, we consider that they should be included in the HSI Assessment to ensure that any potential meta-population of GCNs has not been overlooked, and that, if necessary, appropriate recommendations for mitigation are made.

Planting proposals on the Block Plan indicate small discrete blocks of trees and native shrub planting on the southern edge of the pond. We consider the small formal blocks of trees to be atypical in terms of landscape character and of low ecological value. Shrubs on the south side of the pond will eventually shade part of the pond, further reducing its potential value for GCNs. A continuous belt of tree and shrub planting to reinforce the existing southern field boundary would be more effective as a screen for viewpoints from Minshull Lane and of greater potential value to biodiversity.

**Natural England:** No objections subject to a condition relating to emissions from manure on protected land

## **VIEWS OF THE PARISH / TOWN COUNCIL**

### **Objects to the application on the following grounds:**

The site lies within open countryside as defined by Policy NE2 of the Local Plan.

As such development is only permitted where “**essential** for the purposes of agriculture”. There is no existing agricultural activity on the site (other than open grazing) and no agricultural necessity for such a development on this site. As such the proposal therefore fails to meet the requirements of Policy NE13 (Rural Diversification) on the following grounds:

- a) it does **not** “involve the diversification of an [existing] farm business”;
- b) it does **not** “lie in or adjacent to an existing farm or commercial complex”;
- c) it **would** “detract from the visual character of the landscape” by introducing an industrial-style building of considerable size into the open countryside.

The conditions necessary to permit the erection of agricultural buildings requiring planning permission are set out in Policy NE14. The application fails to meet the following requirements:

- a) “the proposal is required for, and ancillary to, the use of the land for agricultural purposes” – the proposal is entirely unrelated to the use of the land for agricultural purposes as a stand-alone enterprise;
- b) “the proposed development is satisfactorily sited in relation to existing buildings” – there are no existing buildings, the development introduces structures into open countryside;
- c) “the proposed development is sympathetic in terms of design and materials” – the large building of industrial character would introduce an entirely alien feature into open countryside.

Permitting a development of this nature onto a site in the open countryside would create a precedent for piecemeal ribbon development on small sites along Minshull Lane, and other lanes in the area.

Planning Policy BE1 requires that new development is “compatible with surrounding land uses” – as outlined above this development would not be compatible with nearby land uses – and will “lead to an increase in air, noise or water pollution”. Policy NE17 also requires “appropriate measures ... to prevent, reduce or minimise pollution”. It is unclear what steps are proposed to address air pollution in particular and whether the processing and disposal of waste can be achieved without causing significant smell nuisance.

## **OTHER REPRESENTATIONS**

Letters of objection have been received from the occupiers of Old Orchard, Primrose, Meadow View, Weaver Manor, Willow Grange, The Old Post Office, Willow Tree Farmhouse, Wades Green Stables, Garden Cottage, The Old Barn, Rosalie Farm and Woodpecker Cottage. The salient points raised in the objection letters are:

- The application site is located within the Green Belt where there is a presumption against development which does not maintain the openness. It is considered given the size of the proposal it does not accord with this policy;
- The noise/smell emanating from the building will have a significant detrimental effect on residential amenity;
- The stand alone building will be highly prominent and stark in appearance and as such will be out of keeping with the character and appearance of the area;
- The proposal is not for an agricultural use but a commercial enterprise and as such would be better located on a brownfield piece of land in a more appropriate area;
- The building due to its size and massing would be overbearing and incongruous;
- If the proposal is approved it could lead to more poultry units on the site or residential development;
- Great Crested Newts and other varieties are abundant in the local area and utilise the ponds;
- A number of trees have already been felled and removed from the site prior to the determination of this application;
- There is very little information regarding how the site will be drained and Eel brook may become polluted in time;
- The additional traffic servicing the proposal will have a detrimental impact on highway safety and local villages within the area;
- The proposal will be a visual intrusion into the open countryside and Green Belt;
- The proposal will lead to light pollution;

- There will be significant amounts of noise and disturbance generated from the proposal impacting on local residents;
- The hopper will be visually intrusive due to its size;
- The development is in a conservation area;
- We have difficulty in understanding how specific breeding for vaccine purposes falls within the category for agricultural purposes;
- What provisions have been made for the storage and removal of manure;
- We believe that the proposed specialised building will be redundant in a very short period because the market for the eggs to be produced is not sustainable in the long term. This is because the big vaccine producing companies including Baxter, Sonofi, GlaxoSmithKline and Novartis (C&K Wood's main customer) are all suggesting a move to cell culture methodology that does not require eggs at all. In particular we would point out that:

Novartis (and others) has licensed product produced using the cell culture method and their main vaccine division web page states that it is their future direction

There are numerous mentions of the UK and US governments and their drug license authorities requiring the new more scalable and reliable methodology for supporting pandemic supplies.

It is reported that it is these governments' flu pandemic vaccine orders that have mainly fuelled the egg production capacity increases to date. Novartis reported a 74% drop in demand for flu vaccine from 2009 to 2010;

The proposal would be better sited at Crowton Farm where there are already a number of units which are owned and operated by the applicant.

**Letter from McDyre and Company on behalf of residents of Rosalie Farm, Willow Grange, Willow Tree Farmhouse and The Old Barn dated 24<sup>th</sup> May 2011.**

- The production of eggs for vaccines does not fall within any of the categories for which essential development will be permitted in the open countryside, nor is it a use which is appropriate to a rural area or essential to have a rural location;
- The application site is not a small gap in an otherwise built up frontage;
- The proposed building due to its size and massing will have a significant detrimental impact on the character and appearance of the streetscene;
- The use of the building is not appropriate in this rural location as it is not an agricultural use;
- The building is in an isolated and remote location not adjacent to any other building within the immediate locality and as such does not comply with policy and exacerbates its prominence;
- The proposal will establish a new farmstead in the open countryside which could be expended at any time in the future;
- Placing such a large building in an isolated open field cannot be regarded as sympathetic in terms of its overall design. Nor can a building of this scale be appropriately landscaped without drastically changing the character of the area, which itself is inappropriate; and



- The use of the building and its size will have a significant detrimental impact on residential amenity in the area.

## **APPLICANT'S SUPPORTING INFORMATION**

### **Design and Access Statement (Prepared by Ludlam Associates dated February 2011)**

- The site covers an area of approximately 3 hectares and is located at Wades Green, Minshull Lane, Church Minshull, Nantwich. The site is currently agricultural open land and is accessed from Minshull Lane. The site boundaries are demarcated by established hedgerows;
- The applicants are part owners of the nearby Crowton Farm, suppliers of fertile hatching eggs to CK Wood which are used for making vaccines. CK Wood presently imports eggs from France. They are hoping to source eggs from local suppliers in order to reduce transport costs and enable monitoring of production and quality;
- The proposal is to construct a poultry unit with an access road and service yard. The building is identical in construction to the poultry house at Crowton Farm;
- The proposed poultry house has a typical modern rural design for such types of agricultural buildings. It is clearly intended for a rural use and would not be suitable for conversion to dwellings;
- It would be size and height appropriate to its use. The building would measure 3.3m high to the eaves and 6.6m to the top of the ridge. 15 ventilation shafts would be positioned along the ridge and would be approximately 0.7m in height. The feed hopper would be sited next to the proposed building;
- The building would be sited approximately 90m back from Minshull Lane and it would be least 400m from the nearest residential properties;
- The development would be positioned behind an established hedgerow and trees which will provide some natural landscaping and screening from the road;
- There is a significant change in level with land sloping from north to south across the site. The proposed building is positioned in response to the sloping topography avoiding the need for major excavation works;
- There is also a requirement to provide a 6m easement for power cables that run east to west axis. This orientation of the building also minimises the potential visual impact by presenting the smaller gabled elevation to face the barn conversion 400m to the east;
- The materials are Plastisol coated steel panels. In terms of colour the elevations are in Country Green and the roof is Moorland Green;
- The poultry house would be accessed from Minshull Lane at the existing access gate. A new 6m wide agricultural track would be constructed. A hardstanding would be provided adjacent to the eastern elevation to provide parking and turning area for staff and delivery vehicles;
- The number of vehicles visiting the site would be minimal. One staff car daily with one feed lorry and two egg collections made weekly;
- Acoustic performance is vital to the design of the building. Standby power is provided by an auto start generator in an acoustic box which is 70db at 7m and therefore cannot be heard from off the site;
- Ventilation is provided by ridge fans and is fully automatic and computer controlled to create a constant internal temperature of 20 degrees. The fans are very quiet and



cannot be heard from off the site. This type of deep litter housing does not create odour due to the low moisture content and deters flies;

- The cleaning and stocking of poultry houses takes place annually and takes two days. The manure is collected directly from the site by local farmers and is used as fertiliser. This sustainable practice of recycling a valuable bi-product of the farm minimises the environmental impact of waste from the proposal;
- A septic tank would be provided to the east of the building adjacent to the access track for foul waste and rainwater would be run-off to a soakaway;
- As part owners of separate poultry farming business the applicants are highly experienced and run a similar operation in Poole. They have never experienced problems with or received complaints from neighbours; and
- The applicants have an interested party to take supply from the poultry house as part of its contract farms.

**Lighting Diagram (Produced by Cooper Lighting and Safety dated January 2010)**

**Email from Mr. Hocknell (Applicant) dated 27<sup>th</sup> May 2011**

- A neighbour has concluded that the business has a short life expectancy. However, Novartis vaccine production have been looking into finding alternative production methods for Vaccines for the 20 years and cell culture is possibly an alternative to using eggs, the process of making this change takes a number of years to trial, and needs to be certified by the American Government before being able to sell into the market. This process itself can take a minimum of 8 years;
- We are essentially poultry breeders and we have various alternatives available to us if there was a change to our present outlet;
- With exactly the same building and internal equipment we could go onto Broiler Breeders, Layer Breeders or Grand parent flock, or even with the forthcoming banning of the 'battery cages' all eggs produced for the supermarket chains are from barn egg production systems or free range; and
- Our modern building satisfies all the legislation for barn egg production, presently any of our eggs that don't go to produce vaccines are sold into the barn egg market, we have DEFRA flock code that enables us to do this.

**Protected Species Survey (Produced by Biota)**

- The field is currently ploughed and is bounded on all sides by an intact species-poor hedgerow with occasional Oak and Ash standard trees. There are two ponds within the field, but no others detected within 250m in the adjacent fields;
- The pond is located in the middle of the arable field and contained little suitable vegetation that Great Crested Newts could utilise for egg laying. The HIS score for the pond is less than that for ponds normally associated with Great Crested Newts;
- The construction of the deep litter poultry unit and access road will not be detrimental to Great Crested Newts. The site is considered unlikely to support Great Crested Newts, but the survey was undertaken outside the optimal survey period;
- The deep litter poultry unit will be delivered to suit as a pre fabricated unit and erected. There will be a requirement for services to be taken to the building, so water and

electricity will need to be fed to the unit. It is therefore recommended reasonable avoidance measures are undertaken; and

- Ponds with 250m of the proposed site for chicken rearing unit at Wades Green were assessed for their likelihood to support Great Crested Newts. The ponds were not considered suitable as breeding habitat for Great Crested Newts, however due to the season in which the survey was undertaken, reasonable avoidance measures are proposed.

## **OFFICER APPRAISAL**

### **Principle of Development**

The site is located in open countryside where policy NE.2 of the Borough of Crewe and Nantwich Replacement Local Plan allows for essential development for the purposes of agriculture. The keeping of livestock falls within the definition of agriculture as given in section 336 of the Town and Country Planning Act 1990 (as amended). The fact that the eggs to be produced are required for the pharmaceutical industry is not considered to remove the use from the definition of agriculture which includes the keeping of animals for fur and skins. Policy NE.14 allows for new agricultural buildings subject to a number of requirements one of which is that required for and is ancillary to the use of the land for agriculture. Whilst the building is required for agriculture it is not ancillary to the existing agricultural use of the land.

The applicants currently have poultry units where eggs are produced for the pharmaceutical industry at The Pinfold at Poole, and a number of other units within the Borough. However, the pharmaceutical industry requires large scale units in order to produce a large quantity of eggs. The fact that there may be other poultry farms in the area where this building could be sited is not a reason to refuse this application. Furthermore, the applicant has stated that his poultry units are located at various sites around the Borough is in order to deal with possible disease management issues. Therefore, the issue is whether the proposed poultry unit meets the requirements for agricultural buildings and is acceptable on this site. Policy NE.2 and guidance in PPS 7 allow for agricultural development in rural areas. PPS 7 notes that planning policies should support development which allows agriculture to adapt to new and changing markets and diversify into new agricultural opportunities. Whilst there are no existing buildings on this site, and Wades Green Farm is not an existing farming establishment, the use is related to another unit in the general area. Therefore, there are no objections in principle to the proposed use at this site.

### **Design**

The building is the same as the poultry unit permitted at The Pinfold in 2008 under reference P07/1152 and at Crowton Farm under reference P09/0170. The proposed poultry unit will measure approximately 97.1m long by 26.7m wide (which equates to a floor area of approximately 2592.57m sq) and is 3m high to the eaves and 6.6m high to the ridge (excluding the ventilators). Located on the east facing elevation will be two large apertures and on the west facing elevation there will two personnel doors. According to the submitted plans there are no other apertures proposed. Internally the building will comprise staff room, office, toilets, egg room and the rest of the building is where the chicken will be located. The proposal will run parallel to Minshull Lane, the agent was advised that the building would sit more comfortably if it was located perpendicular to Minshull Lane. However, this was not

feasible due to a variety of reasons, firstly, there is an electricity line which bisects the field and there is a 6m wide easement requirement. Secondly, the field has a gentle slope and locating the building at 90 degrees to Minshull Lane will require considerable earth movements. Although large in area, the design of the unit is typical of a modern poultry unit. Whilst the hopper will stand above the ridge of the roof, there are other hoppers at farms in the locality and across the Borough, of similar dimensions.

The building is sited some 135m from the dwelling known as 'The Loft', which is located to the east of the application site and the nearest building to the west is approximately 390m away. Located to the south of the application site is Minshull Road and open fields beyond that and to the north are open fields. A hedgerow to the east of the site of the proposed poultry unit and intervening trees (albeit quite sporadic) will provide some screening when viewed from the east. The pond, boundary hedge and trees will provide some screening when viewed from Minshull Lane. If planning permission is to be approved a condition for additional landscaping around the site will be attached to the decision notice and this will provide some additional benefits for wildlife and screening.

It is accepted that while the building will be clearly visible within the open countryside, it is not uncharacteristic of other large agricultural buildings which form part of the rural landscape.

### **Amenity**

The unit will be managed in the same way as the poultry units at Crowton Farm and The Pinfold. The birds will be housed in 'deep litter' with a ventilation system which does not attract flies or result in odour problems. In the event that any flies were present daily inspection and collection of eggs will allow for any isolated flies to be treated with an insecticide. Following consideration of the details and on the basis of knowledge of the similar operations, the Environmental Health Officer has raised no objections to the development subject to a number of conditions. The ventilation system will not generate noise (and will be conditioned if planning permission is to be approved) which would adversely affect residential amenities bearing in mind the location of the dwelling relative to the site. The nearest dwelling is over 135m away and with the above controls, the proposed poultry units would not adversely impact on residential amenities in the locality, in respect of noise and odour. The poultry houses are emptied of manure once a year when the poultry are changed. It is understood that this operation is to be completed in 2-3 days and the manure spread on fields in the locality and will be conditioned accordingly.

### **Ecology**

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 implements the Directive in the Conservation of Habitats & Species Regulations 2010 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.

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.

It was noted that there was a couple of ponds within 250m of the proposed development and as such the proposal could have a detrimental impact on Great Crested Newts. Therefore, the applicant has submitted a Protected Species Survey to accompany the application. However, it is noted that the survey was undertaken outside optimal season for survey work. In any event, the conclusions of the report state that the ponds are considered unlikely to support Great Crested Newts. Pond 1 is isolated in the middle of the arable field and contained little suitable vegetation that Great Crested Newts could utilize for egg laying. The HIS score for the pond is less than that for ponds normally associated with Great Crested Newts. Pond 2 is heavily shaded and very eutrophic, resulting in a HSI Score of 0.31, which is below the threshold for ponds supporting Great Crested Newts. Given the nature of the development on arable land that is not typical Great Crested Newt habitat and lack of connectivity between the pond and the development footprint, the development will not have an adverse impact on the pond. However, the applicants ecologist recommends that reasonable avoidance measures are undertaken due to the time the survey was undertaken, and will be conditioned accordingly. All the other ponds which are within 250m of the application site are no longer in existence. It is now concluded that none of the ponds in close proximity to the proposed

works are reasonable likely to support Great Crested Newts. Additionally considering the nature of the surrounding land use it is unlikely that the proposed development would result in a significant loss of habitat. Consequently, the proposed development accords with policy NE.9 (Protected Species).

### **Air Quality**

The proposal is located approximately 2.5km away from Wettenhall and Darnhall Woods SSSI. An important material factor is whether the proposal will have a detrimental impact that is likely to damage a SSSI (through pollution or other impacts). In order to assess what impact the proposal may have on the SSSI, the applicant has submitted an air quality assessment and colleagues in Natural England have confirmed they have no objection. However, they have requested that a condition is added advising the applicant of his responsibilities regarding the disposal of manure. However, it is considered that the most appropriate way of dealing with this issue is by an informative. Overall, it is considered that the proposal will not have a detrimental impact on air quality and the proposal is in accordance with policy NE.17 (Pollution Control).

### **Drainage**

According to the submitted planning application forms the proposed method for drainage would be via a septic tank. Development on sites such as this generally reduces the permeability of at least part of the site and changes the site's response to rainfall. Planning Policy Statement 25 (Development and Flood Risk) states that in order to satisfactorily manage flood risk in new development, appropriate surface water drainage arrangements are required. The guidance also states that surface water arising from a developed site should, as far as possible, be managed in a sustainable manner to mimic the surface water flows arising from the site prior to the proposed development. It is possible to condition the submission of a drainage scheme in order to ensure that any surface water runoff generated by the development is appropriately discharged.

### **Highways**

The application site will be served by the existing access arrangement and a new track will be formed running parallel to the adjacent hedgerow. It is considered that there is sufficient on site parking and turning for vehicles, which will allow them to enter/leave in a forward gear and to be parked clear of the public highway. According to the applicants Design and Access Statement there will only be one staff car daily with one feed lorry and two egg collections weekly. It is considered that the proposal will generate negligible amounts of additional traffic. Colleagues in Highways have been consulted and they conclude that 'Providing that the visibility splays submitted with this application are achievable, there are no highways objections'. Therefore, it is considered that the proposal accords with Policy BE.3 (Access and Parking).

### **Other Matters**

A number of objectors are concerned that if planning permission is approved for the proposed poultry shed it will create a precedent for other development with the locality. However, whilst the concerns of residents are noted each application must be determined on its own individual

merits. It is not considered refusing this application on a hypothetical situation is a sufficient justification to warrant a refusal.

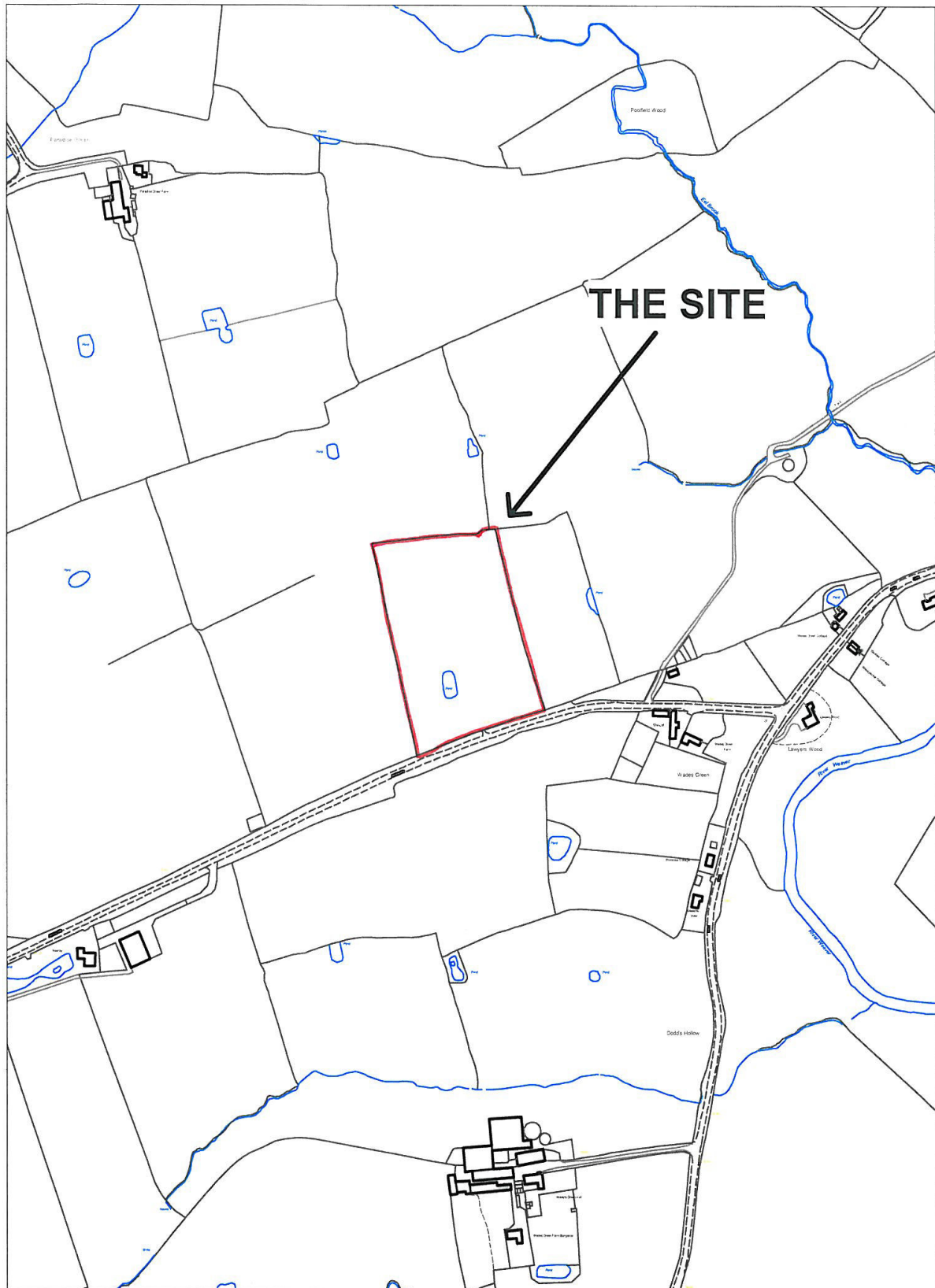
A number of representations make reference to the application site lying within the Greenbelt and Conservation Area. However, this is not the case and according to the Local Plan the whole of the application site is located wholly within the open countryside.

## **CONCLUSIONS AND REASON(S) FOR THE DECISION**

The proposed poultry house will provide an agricultural building of appropriate size and design for the proposed use. The development by virtue of its location set back from the highway and from residential properties in the locality will not adversely impact on the character and appearance of the area or residential amenities. The proposal will generate negligible amounts of traffic and the existing vehicular access and proposed turning area is sufficient and the development will not adversely impact on highway safety. The two ponds on the site are not considered to provide suitable habitats for Great Crested Newts. The development is considered to comply with policies NE.2 (Open countryside), NE.9 (Protected Species), NE.14 (Agricultural Buildings Requiring Planning Permission), BE.1 (Amenity), BE.2 (Design), BE.3 (Access and Parking) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

**Approve subject to the following conditions:**

- 1. Standard Time Limit**
- 2. Plan References**
- 3. Materials**
- 4. Drainage**
- 5. Landscaping Submitted**
- 6. Landscaping Implemented**
- 7. Development to comply with Reasonable Avoidance Measures of Great Crested Newts Assessment Dated November 2010**
- 8. Hours of Construction**
- 9. External Lighting**
- 10. Method for the Control of Flies**
- 11. Treatment of Manure from Site**
- 12. Hours of Operation**
- 13. The Auto Start Generator and Ridge Fans to be Installed and Maintained in accordance with Manufacturers Instructions**
- 14. Visibility Splays**
- 15. Surfacing Materials**



11/0573N WADES GREEN FARM, MINSHULL LANE, CHURCH MINSHULL, CW5 6DX  
NGR- 356,520:360,250

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Application No: 11/0674C  
Location: 93, HEATH ROAD, SANDBACH, CW11 2JY  
Proposal: Two Storey Extension to Rear  
Applicant: Mr R Clarke  
Expiry Date: 24-May-2011

**Date Report Prepared: 7<sup>th</sup> June 2011**

**SUMMARY RECOMMENDATION: Approve with Conditions**

**MAIN ISSUES:**

- Principle of development
- Impact on neighbouring amenity
- Design Standards

**REFERRAL**

This application would usually be dealt with under the Council's delegation scheme. However, the application has been called into the Southern Planning Committee by Councillor Sam Corcoran for the following reasons,

*'If the officer is intending to approve this application then I request that it be reported to Planning Committee (called in).*

*My grounds are that the application would disturb the amenity of the surrounding houses in that*

*1) it would severely restrict light to the kitchen on 91 Heath Road*

*2) it would block a gas vent from 95 Heath Road*

*3) it would prevent access to the rear of 95 & 97 Heath Road. This would prevent them from getting their wheelie bins round to the front for collection. The bins would therefore have to be stored at the front of the properties causing obstruction to the highways (GR9)*

*In addition the application is out of keeping with the surrounding in that although several other properties have extensions to the rear, this would be larger than the adjacent properties.'*

**DESCRIPTION OF SITE AND CONTEXT**

The application site comprises a mid terraced property within the Sandbach settlement zone line, on Heath Road. The dwelling is set within a streetscene of similar properties which have had various additions over the years. To the rear of the proposal site is private right of way which serves several properties within the terrace.

## **DETAILS OF PROPOSAL**

The proposal is for the erection of a two storey extension off the rear of the dwellinghouse. The proposed extension will have a maximum projection of 4.7m off the original rear elevation of the dwelling; will have a maximum width of 4m and a maximum height of 5.7m. The proposal will have a two storey projection of 3.7m, and a further single storey lean-to feature of 1m. The proposal will include the removal of an existing single storey extension (which had already been demolished at the time of the Case Officers site visit.)

## **RELEVANT HISTORY**

10/3795C – Two storey extension to rear elevation including internal alterations –  
Refused 30/11/2010

## **POLICIES**

The principle issue surrounding the determination of this application is whether the development is in accordance with the following policies within the Borough of Congleton Local Plan First Review 2011:

PS4 Towns  
GR1 New Development  
GR2 Design  
GR6 Amenity and Health  
GR7 Amenity and Health

## **Other Material Considerations**

PPS1, Delivering Sustainable Development

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

None received at the time of writing this report

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

None received at the time of writing this report

## **OTHER REPRESENTATIONS:**

Letters of objection have been received from the occupiers of 95 and 97 Heath Road, Sandbach. The main issues raised in the letters are;

- The proposed extension will block the right of way which is accessed from a covered passage way between 89 and 91 Heath Road, and which passes along the rear of 91, 93, 95, 97 and 99 Heath Road.
- The extension will have a detrimental impact on light reaching the kitchen, sunroom and bedroom of No.95.

- It will block an existing flue wall heater outlet on the side elevation of No.95, and issues raised about being able to maintaining the existing walls.
- Impact on natural light reaching No.97.

#### **APPLICANT'S SUPPORTING INFORMATION:**

None received

#### **OFFICER APPRAISAL**

##### **Principle of Development**

The site lies within the settlement zone line of Sandbach where there is a presumption in favour of development. There is no specific policy which governs the acceptability of extensions to dwellings within settlement zone lines and therefore the generic policies relating to issues such as design, amenity and highway safety will apply. These issues are considered below.

##### **Design**

The proposed rear extension will be of a two storey height, which will have a gable projection off the rear elevation of the dwelling, and then a further single storey lean-to off the rear. There are several other examples of two storey rear projections within the streetscene, some of which have flat roofs, such as the adjoining property at No. 95 Heath Road. The proposed extension will project a maximum of 4.7m off the original rear elevation of the dwelling, which is approximately, 1.4m further than the adjoining neighbours two storey extension. The extension will project only 0.5m at two storey past the existing two storey element of the adjoining neighbours property (No.95).

The proposed extension will have a 0.4m lower ridge height than the ridge height of the original dwellinghouse; however the proposed extension is to be constructed to the full width of the rear elevation, extending to the boundary limits on both sides. The overall impact of the proposed extension on the rear elevation will be fairly dominant in appearance. However the amended scheme from the previously refused application (10/3795C) has a 0.3m less overall projection and this is reduced a further 1.3m at two storey level.

The lowering of the ridge height of the extension and the reduction in the two storey element at first floor height helps to create an extension which is a subordinate addition to the dwellinghouse. Furthermore, two storey extensions on the rear elevations of dwellinghouses have been a common addition to this small row of terrace properties and therefore the extension would not be considered out of keeping with the surrounding area.

Whilst the two storey element of the extension will appear as a fairly dominant structure, particularly when viewed from the gardens of No.91 and 89 Heath Road; the adjoining dwelling at No.95 already has a two storey extension of a similar nature and size and therefore it would be difficult to sustain a reason for refusal on the design in this location.

It is considered that the applicant has sought to reduce the overall mass of the proposal from the refused design and therefore has submitted a proposal which is acceptable and in accordance with Policy GR2 Design.

### **Residential Amenity**

The proposed extension is to be sited on the rear elevation of the dwelling adjacent to the adjoining boundaries of No's 91 and No.95 Heath Road, Sandbach. The proposed extension will project a total of 4.7m off the rear elevation (3.7m at first floor level and a further 1m at ground floor level).

The neighbours at No.95 have a 2 storey extension which projects about 3.2m off the rear elevation of the dwelling, adjacent to the boundary, and has a small lean to conservatory which projects approximately a further 1.5m. The proposed extension will project a total of 4.7m off the rear elevation of the dwelling and will therefore project 0.5m further past the two storey extension of No.95 and including the single storey extension to about the same point as the adjacent neighbour's conservatory. Although the two storey extension will have some impact on the single storey conservatory it will only project 0.5m and therefore this is not considered to be a significant impact. At single storey level the extension will create a lean-to to the two storey element and will reduce the impact of the extension on the adjacent neighbours by means of overshadowing and loss of light. The existing neighbour's conservatory is heavily glazed; however the overall impact on the amenity of the neighbours at No.95 will not be significant as the proposal would not exceed the 45 degree code for principal windows on the rear elevation of this dwelling.

The adjoining neighbours at No.91 only have a small lean to extension which has recently been constructed under permitted development rights, and is of a similar size to the existing extension of the proposal property. The extension projects approximately 2m off the rear elevation of the dwelling and serves as a kitchen; this extension has a window and door on the rear elevation and a rooflight within the lean-to roof slope. At first floor level there is an obscure glazed window which appears to serve a bathroom. The proposed extension will project a further 2.7m in total past the rear elevation of the neighbouring dwelling, but only 1.7m will be at two storey level and the further 1m will be a ground floor level. The proposed extension will slightly breach the 45 degree code from the first floor bathroom window; however as this is not a principal window in a habitable room the minor breach will not have an unduly negative impact on this window. Furthermore, the proposed extension extends 2.7m past the rear elevation of the dwelling at ground floor level, it is clear that at ground floor level the proposal will also breach the 45 degree code to the window, however there is also a door and rooflight in this extension. It is therefore considered that although the extension will have some impact on the adjoining neighbours this will not be a significantly detrimental impact on the adjoining neighbours. It is considered that whilst the extension will be visible from the windows on the rear of No. 91 the proposed extension has been altered in such a way that the impact will not cause a significantly negative impact on the amenity of the neighbouring property, by means over overshadowing, loss of light or visual amenity.

With regards to possible impact on the neighbours at No.97 Heath Road, it is considered that given the distance, and existing extension at No.95 Heath Road, it is unlikely that the proposed extension would have an adverse impact on light reaching this property.

Overall, it is considered that the proposed extension has been reduced to a size and position which will not have a significantly detrimental impact on neighbouring amenity, whilst it may have some impact due to the close proximity of the terrace properties it is not considered that this would be so significant enough to merit a reason for refusal.

### **Other Matters**

Within the letters of objection it has been noted that the proposed extension will block an existing private right of way to the rear of the row of terraced properties. Although this has been noted it is not a material planning consideration, as land ownership does not impact on the ability to approve planning permission to an area of land. Therefore it should be noted that this issue is a civil matter which has no bearing on the recommendation of this proposal.

Furthermore, issues of land ownership have been raised, in relation to the construction of the extension on neighbouring properties. The applicant was asked to confirm if all the land which the extension would be constructed upon was in his ownership and this was confirmed that all land within the application site was within his ownership. Therefore for planning purposes this is sufficient. Any future issues raised relating to land ownership become a civil matter and has no bearing on the recommendation of this application.

### **CONCLUSIONS**

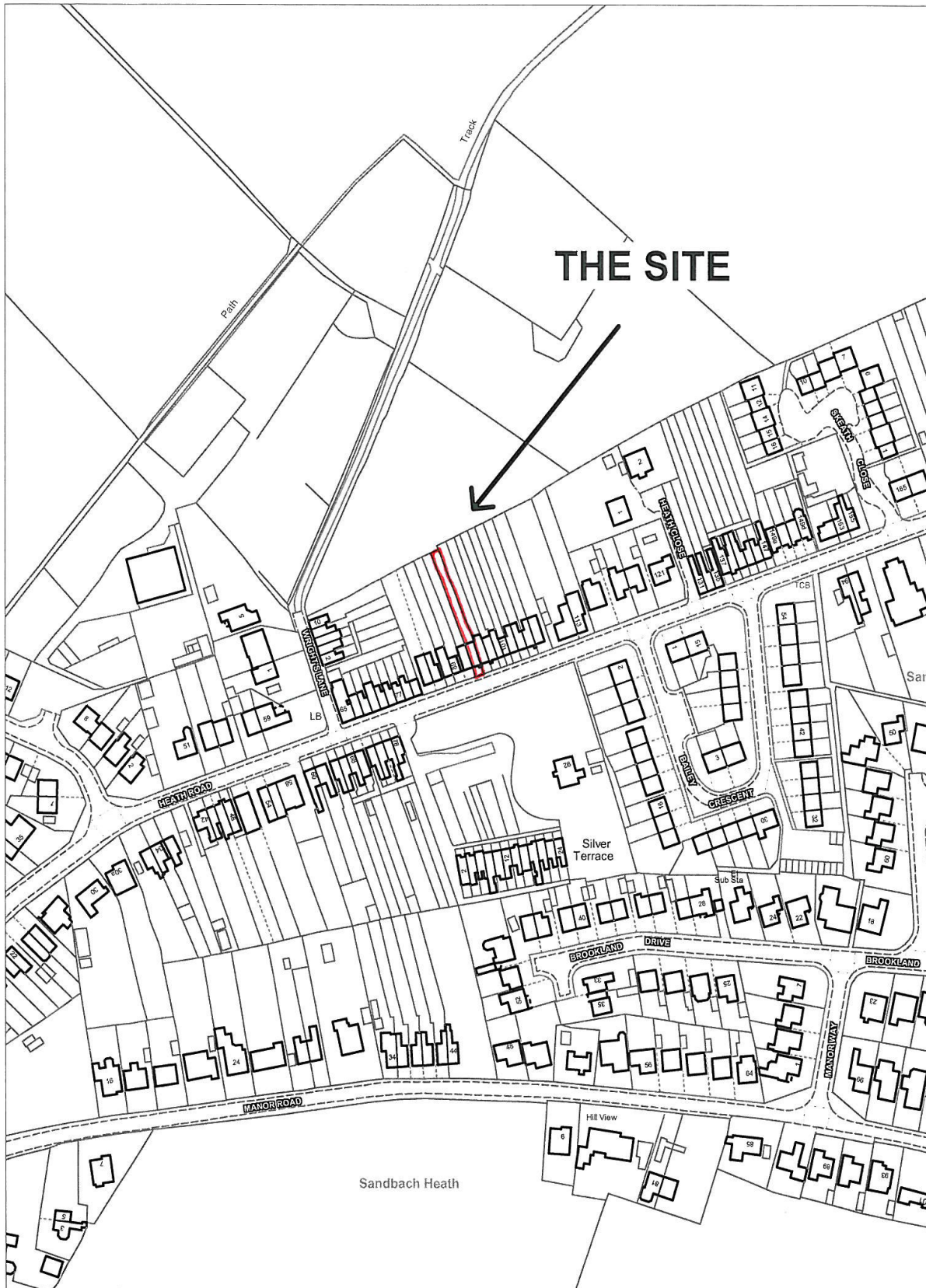
The overall impact of the development has been altered to a stage which is considered to be acceptable in both design and amenity grounds. The proposal is suitable for the purpose it will serve and therefore is considered to be acceptable and in line with the Congleton Borough Local Plan Policies GR1 and GR2 and the objectives of PPS1 which seek to promote high quality and inclusive design that is appropriate within its context.

### **RECOMMENDATION**

#### **Approve with conditions**

- 1. Standard Time**
- 2. Approved Plans**
- 3. PD rights removed for any windows on the side elevations of the extension**
- 4. Materials to match existing dwelling**

Location Plan



11/0674C 93, HEATH ROAD, SANDBACH, CW11 2JY

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Application No: 11/0753C

Location: MOSS NOOK COTTAGE, 9, BACK CROSS LANE, CONGLETON, CW12 3HT

Proposal: A Garden Fence with Pedestrian Gate for Access to Maintain Service Area

Applicant: Ms P Dawson

Expiry Date: 11-May-2011

**SUMMARY RECOMMENDATION:**

APPROVE subject to conditions.

**MAIN ISSUES:**

- Principle of Development
- Impact on Character of Russell Close
- Highways & Parking

**1. REASON FOR REFERRAL**

Councillor P. Mason has called this application in for consideration by the Southern Committee as “residents have concerns about the appearance of the fence and parking issues which may contravene policies GR2 and GR6. There will be also be a “loss of privacy, visual impact and traffic generation”.

**2. DESCRIPTION AND SITE CONTEXT**

This application relates to a parcel of land that forms part of the residential curtilage of the property known as ‘Moss Nook Cottage’, 9 Back Cross Lane in Congleton. The land is currently overgrown and benefits from some screen planting around the perimeter of the site in the form of some hedges. The land backs onto Russell Close, a modern housing development that terminates along the northern boundary of the site where there is currently a vehicular turning head. There are some mature Sycamore trees that are protected by Tree Preservation Order. The site falls within the Sandbach Settlement Zone Line and is not allocated for any other purpose in the adopted Congleton Borough Local Plan First Review (2005).

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

Planning permission is sought to erect a 1.2 metre high post and rail fence around the perimeter of the site where it bounds Russell Close. Pedestrian access would be provided via a gate directly off the turning head on Russell Close.

### **4. RELEVANT HISTORY**

14256/3 - PROPOSED KITCHEN AND BATHROOM EXTENSION, INTERNAL ALTERATIONS AND GARAGE – Approved 01.07.1982

35131/3 - CHANGE OF USE TO RESIDENTIAL CURTILAGE – Approved 16.12.2002

### **5. POLICIES**

#### **Regional Spatial Strategy**

DP1 Spatial Principles

DP7 Promote Environmental Quality

#### **Local Plan Policy**

PS4 Towns

GR1 General Requirements for New Development

GR2 Design

GR4&GR5 Landscaping

GR6 Amenity and Health

GR9 Accessibility, Servicing and Parking Provision

#### **Other Material Considerations**

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

#### **Environmental Health:**

No comments received.

#### **Highways:**

No objection - The detail of the application shows the fence-line to be behind the service strip, which is acceptable. The pedestrian gate will take access onto the joint-use surface of Back Cross Lane - which is a combined pedestrian/vehicular surface. Therefore with the property having a frontage to Back Cross Lane, it does not seem unreasonable that they take a pedestrian access from it.

There may be local concern over the parking of cars in the turning head of Back Cross Lane (which would cause obstruction) however this could not be controlled under this application. The police have the option to move vehicles under the Obstruction ruling (Town Police Clauses Act).

### **7. VIEWS OF CONGLETON TOWN COUNCIL**

No comments received.



## 8. OTHER REPRESENTATIONS

Letters from 5 neighbouring properties have been received objecting to this application on the following grounds:

- The plan shows an 'existing pedestrian access'. This was only created recently by removing a section of an existing kick rail fence
- Direct pedestrian access off Russell Close constitutes a health and safety issue
- There will be conflict between pedestrians and vehicles
- The proposal will lead to parking problems
- Russell Close was designed with an open aspect in terms of front gardens
- There is no need for the fence of the gate
- The proposed fence and sheepwire would not be appropriate and would harm the aesthetics of Russell Close
- The applicant was given permission to fell a TPO Ash tree that was in direct line between the applicant's garage and Russell Close however, the stump should have remained in situ but was fully removed leaving a huge gap in the boundary
- The replacement tree had to be planted as near to the base of the removed tree however it was planted some 5-6ft away and does not therefore comply with the condition
- Given previous non-compliance with previous consents, residents are concerned that the applicant will not conform to any future requirements
- Security – the gate will create easy access to the far end of the cul-de-sac for thieves
- Residents believe that it is the applicant's long term intention to put a an access driveway into their property from Russell Close
- Russell Close has no pavements so the parking of cars is dangerous as the views around the corner are obscured by planting
- During autumn and winter, when the leaves drops off the foliage, residents on Russell Close will have to look at a ranch style fence

## 9. APPLICANT'S SUPPORTING INFORMATION

The applicant has submitted a letter in response to concerns expressed during the consultation period. The points raised are summarised as follows:

- The proposed fence is required to make our garden safe for children to play and to keep our garden and property secure.
- There is a matter of a health and safety issue of dog's droppings & dogs urinating in our garden used as a '*common land*' by some of the neighbours in the area
- The gated entrance and exit is required so that we can get a mower out to mow the service area.
- The gap where the previous TPO Ash tree was situated has made a temporary pedestrian way into our garden and not, as suggested in the objections, directly onto Russell Close. The hedge on either side of the felled tree has already begun to grow back together and in the near future may naturally close the gap.
- There is an issue of parking alongside our garden border on Russell Close.
- To clarify, we do not park our vehicles on Russell Close neither do our friends or family.
- The post and rail fence will not even be visible for the most part.

## **10. OFFICER APPRAISAL**

### **Principle of Development**

The application site is located within the settlement zone line for Congleton where according to Policy PS4 there is a general presumption in favour of development provided that it is in keeping with the town's scale and character and does not conflict with other policies. The land subject of this application was a spare redundant piece of land that was left over following completion of the development on Russell Close. Moss Nook Cottage subsequently purchased the land and then the use of the land was changed to residential curtilage by virtue of planning ref; 35131/3. The principle of the use has already been established and therefore the key issues for members to consider relate to the impact that the proposed fence would have on the character and appearance of the street, highways considerations and any other issues raised by representation.

### **Impact on Character of Russell Close**

In order to enclose the land and incorporate it fully into the front garden of Moss Nook Cottage, the application proposes the erection of a 1.2-metre high post and rail fence behind an existing hedge that runs around the perimeter of the site. The proposed fence would be reasonably well screened by existing vegetation and the submission indicates that any gaps in the vegetation would be in-filled. The fence itself would not appear intrusive given that it would be low in height and because it would be of a post and rail construction and not a solid close-boarded fence. With respect to comments regarding the proposed chicken wire, this would not appear prominent or intrusive for the same reasons already discussed. Subject to the supplemental infill planting being secured by condition as part of a landscaping scheme, the proposed development would not materially harm the character or appearance of the area. The open plan aspect of Russell Close would be retained. As such the development is found to be in accordance with Policies GR1, GR2 and GR6.

### **Highways and Parking**

Residents of Russell Close are concerned that the proposal will lead to the applicant and visitors parking on the head of the cul-de-sac and causing an obstruction. Whilst vehicles could park on the head of the cul-de-sac, this would be a matter for the Police and not the Council. The Police could exercise their powers under the Obstruction (Town Police Clauses Act) ruling to move any vehicles deemed to be causing an obstruction. In the absence of any objection from the Strategic Highways Manager, it is not considered that the proposal would give rise to highways or parking issues within the Council's control.

### **Other Issues Raised by Representation**

Neighbours have raised additional concerns with respect to crime and security. Some residents consider that the provision of a pedestrian gate may lead to thieves being able to quickly access Russell Close from Back Cross Lane to the west via the applicant's property. Whilst pedestrians could access the applicant's property from Back Cross Lane and leave via the proposed pedestrian gate on Russell Close, it is not considered that this would sustain a refusal of planning permission. In any event,

the position of the proposed gate is well overlooked by the properties on Russell Close and therefore in this regard, the passive surveillance is good.

Objectors believe that it is the applicant's long-term intention is to provide vehicular access from the driveway directly onto Russell Close. This application does not propose a new vehicular access. Any such proposal would have to be considered under a future application. Resident's are also concerned about non-compliance with previous consents. Whilst these concerns are noted and have been investigated separately, the Council can only assess what is put before them. If the applicant deviates from the approved details or any conditions attached to any permission, this would be a matter for enforcement to investigate.

## **11. CONCLUSIONS AND REASONS FOR THE DECISION**

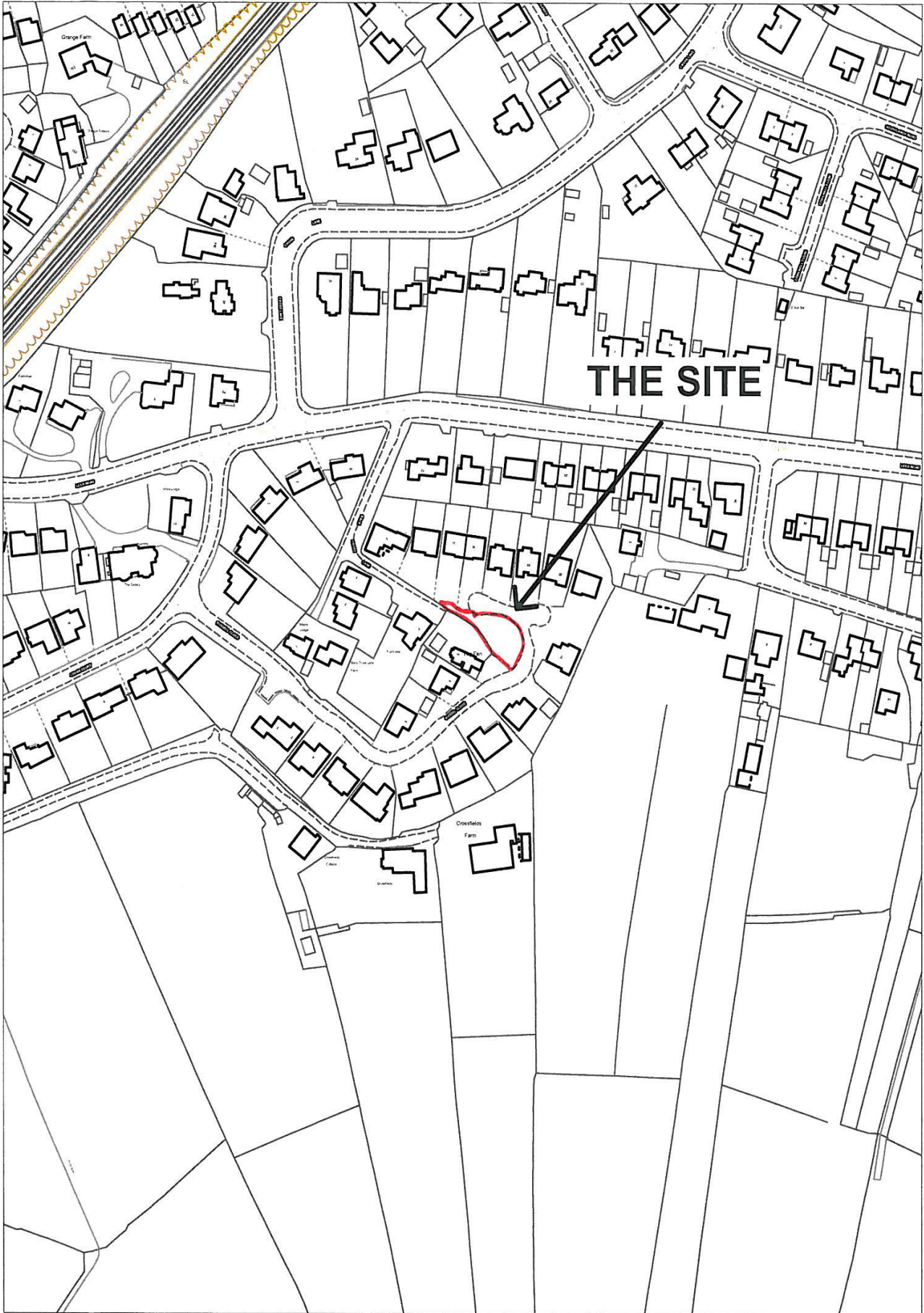
The use of the land as garden has already been accepted. The proposed fence would be reasonably well screened by existing vegetation and any gaps would be in-filled with further planting. Subject to compliance with conditions, the proposal would not materially harm the character or appearance of Russell Close nor would the residential amenity of the neighbouring occupant's be materially harmed. Any parking deemed to be obstructing the highway on Russell Close would be a matter for the Police and could not be controlled or enforced by the Council. Consequently, it is not considered that the concerns expressed by the Local Ward Councillor or the neighbouring residents would warrant a refusal given that the proposed development accords with the requirements of the relevant policies of the adopted Congleton Borough Local Plan First Review (2005). As such the proposal is deemed to be acceptable and is recommended for approval.

### **RECOMMENDATION:**

**APPROVE** subject to the following conditions:

- 1. Development to commence within 3 years**
- 2. Development to be carried out in strict accordance with approved plans**
- 3. Materials as per application**
- 4. Scheme of Landscaping to secure infill planting to be submitted to and approved and implemented within first planting season**
- 5. 5 yrs maintain planting**

**Informative:** The applicant is reminded that this application does not grant or convey consent for a vehicular access. Any future application for a vehicular access directly off Russell Close would be assessed on its own merits.



11/0753C MOSS NOOK COTTAGE, 9, BACK CROSS LANE, CONGLETON, CW12 3HT



Application No: 11/0860C

Location: 68, ELWORTH ROAD, SANDBACH, CW11 3HN

Proposal: Proposed Two Storey Side and Rear Extension

Applicant: Mr J Bartlam

Expiry Date: 28-Apr-2011

Date Report Prepared 6 June 2011

### **SUMMARY RECOMMENDATION**

**Approve with conditions**

### **MAIN ISSUES**

- Principle of Development
- Design - Impact on the Character and Appearance of the Streetscene
- Impact on Amenity of adjacent properties
- Impact on Highway Safety

### **REASON FOR REFERRAL**

This application was to be determined under the Councils scheme of delegation. However the application has been called in by Cllr Merry as “neighbours have indicated that this extension will be overbearing and overlooking onto their property, taking sunlight from their rear garden” and “that side windows will overlook next door and some windows of the next door property will look onto a brick wall”.

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

The application site is a two storey detached property located in the settlement boundary for Sandbach. The property is located on a corner plot on the junction of Elworth Road and Deans Lane. The dwelling is double fronted with a small two storey projection to the rear. To the side and front of the property is a driveway for parking for up to three vehicles. The boundary between the application site and the adjacent property of No.66 Elworth Road is defined by a 1.5m high hedge. The site is well screened from Deans Lane with tall coniferous hedge boundary.

### **2. DETAILS OF PROPOSAL**

The application proposes the construction of a two storey side extension along with a single storey rear extension. The two storey extension will project to the side by 3m at a height to eaves of 5m and 6.9m to ridge. The extension would be 1m from the shared boundary with No.66 Elworth Road. The rear extension would have a projection of 5.4m and would have a mono pitch roof with

a height to eaves of 2.4m and a height to ridge of 4.1m, the scheme also includes a summer room. A first floor window is proposed to the front elevation with a doorway at ground floor level. Two windows are proposed within the side elevation which would be obscure glazed. Within the rear elevation new openings are proposed at ground floor level for the utility room and kitchen. The summer room will be predominantly glazed.

### **3. RELEVANT HISTORY**

**11/843/3** – Planning permission approved for vehicular access on 12<sup>th</sup> September 1980.

### **4. POLICIES**

#### **Local Plan Policy**

GR1 General Criteria  
GR2 Design  
GR6 Amenity and Privacy  
SPG2 – Private Open Space

#### **Other Material Considerations**

PPS1: Delivering Sustainable Development

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

**Strategic Highways Manager** – No objection

**Environmental Health** – No objection

### **6. VIEWS OF THE PARISH/TOWN COUNCIL**

None received at time of writing report

### **8. OTHER REPRESENTATIONS**

One letter of objection received from No.66 Elworth Road, the salient points being:

- Side living room window would lose open aspect replaced by brick wall
- Two side windows, one will look directly into living room window, the other indirectly
- Significant loss of daylight
- Overlooking and significant loss of daylight to rear garden
- Construction on driveway will create confined look
- Wind tunnel
- Rear windows will result in loss of privacy

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

None

## **10. OFFICER APPRAISAL**

### **Principle of Development**

The application proposes extension to a dwelling within the Settlement Zone Line for Sandbach which is an acceptable form of development in principle. The main issues in this instance is the impact that the proposed development would have on the character and appearance of the streetscene/locality and the host dwelling, whether the proposed development would result in any significant harm on the amenities of neighbouring properties, and whether there would be an impact on highway safety.

### **Design - Impact on the Character and Appearance of the Locality and Streetscene**

The proposed two storey side extension would be set back from the front building line of the existing dwelling and would have a ridge height which is 200mm lower than the host dwelling. The extension would therefore appear as a subordinate addition to the original dwelling. The proposed single storey extensions would also appear as subordinate additions. The property is well screened from Deans Lane and would cause little harm on the character and appearance of the streetscene from that vantage point. The existing first floor openings facing Elworth Road have dormers, this design feature would be replicated in the proposed side extension and would therefore be of appropriate design which respects the host dwelling.

The proposed side extension would be 1m from the shared boundary with No.66. The spacing between the extension and the boundary is considered to be appropriate and would not result in a cramped form of development. The application dwelling benefits from a relatively large curtilage and the proposals could be sited comfortably within the plot.

### **Impact on the Amenity of adjacent properties**

The proposed development would be sited 1m from the boundary with No. 66, within the side elevation of that property is a small opening at ground floor level, there is also an opening within the side elevation of the rear outrigger. The nearest opening would be 5m from the proposed development, it is understood that this is a secondary living room window. Whilst the extension would be closer to this opening it is considered that there would be little harm to the overall amenity of that property through loss of light or overbearing as this is not the primary opening. Furthermore the orientation of the buildings with the application site to the north of the neighbouring property (No.66) and therefore any loss of light would be imperceptible. The extension to the rear would be single storey and given the height and depth of the extension, orientation and size of No.66's garden space it is considered that there would be little overshadowing of the private amenity space of that property to cause demonstrable harm to their amenities.

Concern has been raised with regard to loss of privacy from the proposed side windows. The submitted plans show that these would be obscure glazed and would serve a hall way and w/c which are not habitable rooms. Notwithstanding this it is considered that a condition would be appropriate to ensure that these windows are obscure glazed to retain the privacy of both properties. The rear ground floor openings will face directly towards the rear garden of the application site. As such there will be no overlooking or loss of privacy created from these

windows. There is a separation distance of 20m between the rear extension and No.41 Deans Lane. There would be no detrimental impact on that property.

### **Impact on Highway Safety**

The proposed side extension would result in a loss of an off street parking space. There is however significant remaining provision within the curtilage of the application dwelling to private for at least two vehicles. There has been no object raised from the Strategic Highways Manager. There would therefore be no harm caused to highways safety.

## **11. CONCLUSIONS**

The proposed extension are of acceptable design which would not result in a significantly detrimental impact on the character and appearance of the streetscene or host dwelling. There would be no significantly detrimental impact on the amenities of neighbouring properties or highway safety. The proposal is therefore in compliance with Policies GR1 General Criteria, GR2 Design and GR6 Amenity and Privacy of the Congleton Borough Adopted Local Plan 2005.

## **12. RECOMMENDATIONS**

### **APPROVE with conditions**

- 1) Standard time limit**
- 2) Plans**
- 3) Materials to match existing**
- 4) Obscure glazing to side openings facing No. 66 Elworth Road**





11/0860C 68, ELWORTH ROAD, SANDBACH, CW11 3HN



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Application No: 11/1022C

Location: 1, The Chandlery, WHARF MILL, CONGLETON, CW12 3GQ

Proposal: Change of Use from Existing Offices to a Pair of Three-Bed Semi Detached Houses

Applicant: McDermott Developments

Expiry Date: 09-May-2011

Date report Prepared 8 June 2011

**SUMMARY RECOMMENDATION:** Approve with conditions

**MAIN ISSUES:**

- Principle of the Development
- Marketing and Demand
- Suitability of the Site for Residential Use
- Highways and Parking

**1. REASON FOR REFERRAL**

This application has been referred to the Southern Planning Committee as Councillor Roland Domleo called it in on the following grounds:

“The former Congleton Borough Council wanted to see the Congleton Canal basin come back into proper use with boats stopping and people shopping in the town and the local pubs. So as part of granting planning permission for the redevelopment of the mill and a large number of new flats, there was a requirement to have a chandlery on the site. It was hoped that this would be a supply shop and cafe for the passing boats.

What is designated as the Chandlery looks like a pair of semi detached houses which has raised suspicions that the developer may have had other ideas for this building, which may be confirmed by this planning application.

My request to call this in is based on this being a fundamental change in the original use for this site, which will no longer have any chance of meeting one of the original key requirements - to bring the canal basin back into use. ie " there are significant policy or precedent implications"

I will want to see evidence of what the developer has done to try and market this as a Chandlery /Shop.”

## 2. DESCRIPTION AND SITE CONTEXT

This application relates to a brick built building which was constructed as part of a development comprising a converted mill, new build apartments and these commercial units. The building does have the appearance of residential properties. To the rear is the Macclesfield Canal.

## 3. DETAILS OF PROPOSAL

This proposal is for full planning permission for the change of use of the buildings from offices to residential. No external alterations are proposed, but internally the rooms would be sub-divided in order to provide satisfactory living accommodation.

The whole development was granted consent in 2003 (35037/3) and this element was designated as a chandlery. In 2006 an application was refused for change of use to residential (06/0580/FUL) and in 2007 consent for change of use to offices was granted (07/0364/FUL). A marketing report has been submitted with the application which details the measures that have been taken to market the site for commercial use and the supply and demand for office space in the Congleton area.

## 4. RELEVANT HISTORY

35037/3	2003	Approval for conversion of mill to residential, 24 new build apartments and chandlery
06/0580/FUL	2006	Refusal for change of use to residential
07/0364/FUL	2007	Approval for change of use to residential

## 5. POLICIES

### National Guidance

PPS1 Delivering Sustainable Development  
PPS3 Housing

### Regional Spatial Strategy

DP1 Spatial Principles  
DP2 Promote Sustainable Communities  
DP4 Making the Best Use of Existing Resources and Infrastructure  
DP5 Manage Travel Demand: Reduce the Need to Travel, and Increase Accessibility  
DP7 Promote Environmental Quality  
DP9 Reduce Emissions and Adapt to Climate Change  
RDF1 Spatial Priorities  
L2 Understanding Housing Markets  
L4 Regional Housing Provision  
RT2 Managing Travel Demand  
RT9 Walking and Cycling  
EM1 Integrated Enhancement and Protection of the Region's Environmental Assets

### Congleton Local Plan 2005

The site is not allocated in the Local Plan but the following policies apply:

PS4 Towns  
H1 & H2 Provision of New Housing Development

GR1 New Development  
GR6 Amenity and Health  
GR9 Parking and Access  
E10 Re-use or Redevelopment of Existing Employment sites  
SPG2 Provision of Private Open Space in New Residential Developments

## **6. CONSIDERATIONS**

### **Environmental Protection:**

No objections.

### **Highways:**

None received at the time of report writing.

### **British Waterways:**

No objections.

## **7. VIEWS OF TOWN COUNCIL**

None received at the time of report writing.

## **8. OTHER REPRESENTATIONS**

None received at the time of report writing.

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

### **Design and Access Statement**

This document provides details on the history of the site and the process which led to the submission of this proposal.

### **Report in Respect of Demand for Employment Uses and Marketing Strategy**

This document gives details of the methods by which the building has been marketed and the demand for employment uses in the Congleton area.

## **10. OFFICER APPRAISAL**

### **Principle of Development**

The site is designated as being within the Settlement Zone Line of Congleton where there is a general presumption in favour of development provided that it is in keeping with the scale and character of the town. Therefore the proposal should be judged on the criteria laid out in the individual sections of this report.

### **Marketing and Demand**

Policy E10 of the adopted local plan requires that inter-alia, proposals that would result in the loss of an employment site will not be permitted unless it is demonstrated that it is no longer suitable for employment use or there would be planning benefit that would outweigh the loss. This should be considered having regard to the nature and location of the site, the adequacy of suitable local employment sites and the measures that have been taken to secure employment use at the site.

The application contains a report which details the marketing strategy that has been undertaken and an assessment of the supply and demand of office space in Congleton. It states that Timothy A Brown, a local estate agent, first marketed the property in August 2003 as a chandlery, for a rent of £10,000. This marketing included advertising in specialist magazines and local newspapers and a mailshot to boat builders, chandleries and marinas. This produced some queries in the period up to May 2005 but the two proposals that were put forward were not acceptable due to conditions requested on the lease. Rental details and copies of the advertisements are appendices to the report. Following the granting of planning permission for change of use in 2007, marketing was undertaken for the buildings to be used as offices. The marketing comprised a sign on the premises and details available in their shop and on the internet. The rent was set at £9,500 for each of the two units. A tenant was found in 2010 for a rent of £5,500 with 6 months rent free, however this fell through. The report states that substantial reductions in the rent and other incentives have failed to elicit further interest in the properties for office use and concludes that there no demand for use as a shop or offices at the site.

The report goes on to detail several vacant office units in the Congleton area and concludes that there is an over supply of office accommodation in Congleton.

Research undertaken during the compilation of this report confirms that there is a considerable amount of office space available in Congleton and that the prices that the property has been marketed at appear to be realistic. It is therefore considered that reasonable attempts have been made to let the premises for employment use as required by Policy E10 of the adopted local plan.

#### **Suitability of the Site for Residential Use**

The surrounding area comprises largely residential properties and the building has the appearance of a pair of dwelling houses. As such it is considered that with internal alteration, the site would be suitable for residential use. Having regard to the amenities of future occupiers, the proposed dwellings would have an adequate amount of useable residential amenity space to the rear however, permitted development rights for extensions should be removed in order to ensure that this remains the case. It is therefore considered that the site is suitable for residential use subject to the removal of permitted development rights.

#### **Highways and Parking**

The proposal would provide adequate parking provision for properties of this size, 2 spaces per dwelling and access already exists to Canal Road for the whole development. As such it is not considered that the development would meet the requirements of Policy GR9 of the adopted local plan.

### **11. CONCLUSIONS**

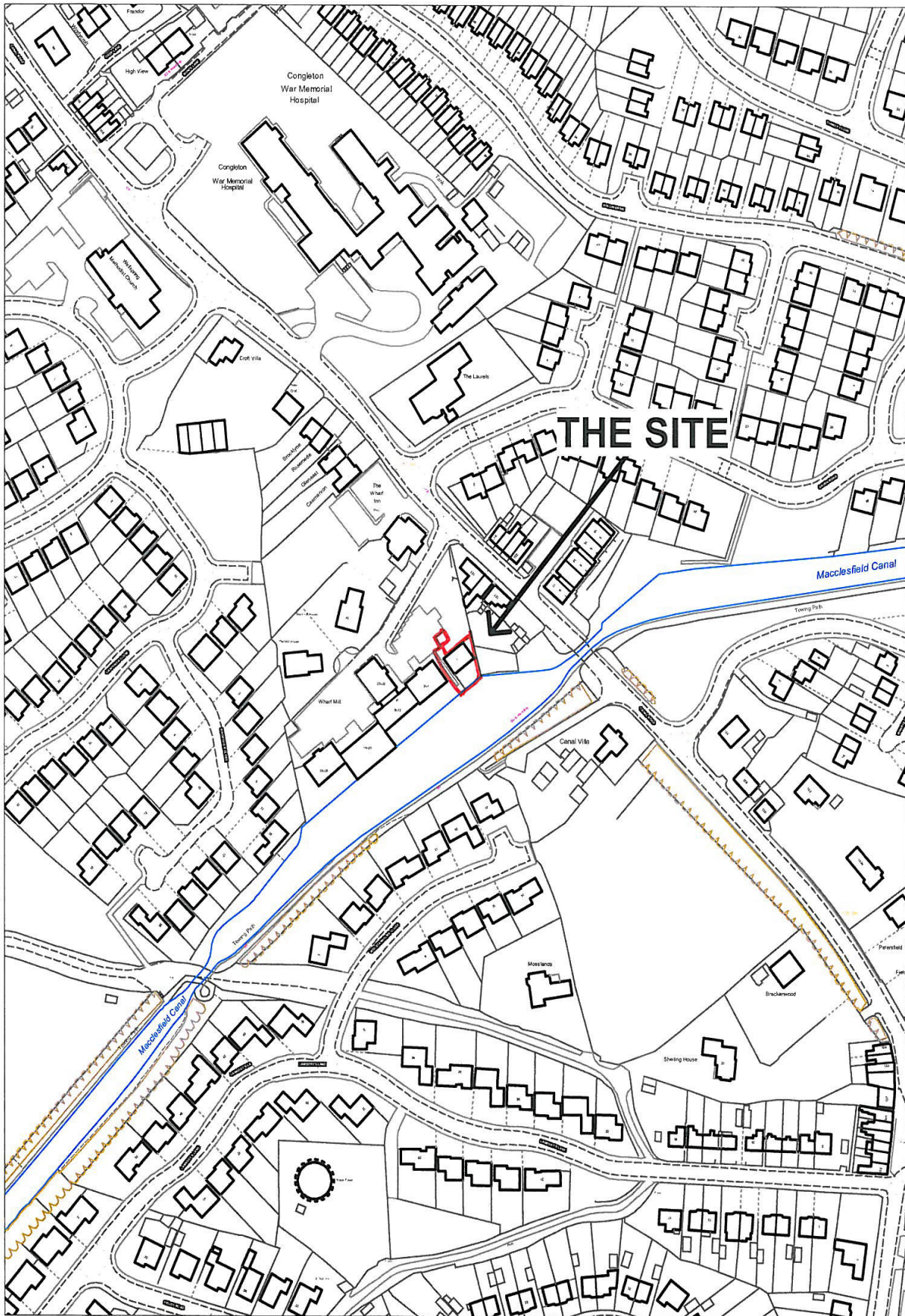
In conclusion, the site is within the Settlement Zone Line of Congleton in the adopted local plan and the proposed development complies with the relevant policies contained within that document, in relation to loss of employment land, amenity and highway safety. It is therefore recommended that the application be approved subject to the following conditions.

### **12. RECOMMENDATION:**

**Approve subject to the following conditions:**

1. **Standard time limit**
1. **Development carried out in complete accordance with the approved plans**
2. **Removal of permitted development rights for extensions**





11/1022C 1, The Chandlery, WHARF MILL, CONGLETON, CW12 3GQ



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Application No: 11/1025N  
Location: 4, GORSEY BANK CRESCENT, WYBUNBURY, CW5 7LX  
Proposal: Outline Application for 3 Bedroom House in Rear Garden  
Applicant: Mick Jones  
Expiry Date: 16-May-2011

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

- Principle of Development
- Design - Impact on the Character and Appearance of the Streetscene
- Impact on Amenity of adjacent properties
- Impact on Highway Safety
- Other Matters – Contaminated Land

**1. REASON FOR REFERRAL**

This application would normally be determined under the Councils delegated scheme however this application has been referred to the Southern Planning Committee to be determined by Cllr Clowes for the following reasons:

*'I consider that this application may raise issues of:*

- i) Restricted access of vehicles from St Chad's Church car park and the new property as the new property is directly opposite the church car park entrance. (This car park is in use throughout the week as the church and its community room are multi-user premises).*
- ii) The suggested boundaries of the new property are in very close proximity to the neighbouring property (No 2, Church Way). This may therefore give rise to:*
  - issues of over-development*
  - impacts on privacy and over-shadowing'*

**2. DESCRIPTION OF SITE AND CONTEXT**

The application site is situated within the Wybunbury settlement boundary as defined by the Borough of Crewe and Nantwich Replacement Local Plan 2011, and within the residential curtilage of No.4 Gorsey Bank Crescent. The existing dwelling is a semi-detached property which

is accessed off Gorsey Bank Crescent. The application site has a rear garden which increased in width to the rear and faces onto Church Way to the rear. The adjacent properties within Gorsey Bank Crescent are of a mix of post-war semi-detached designs, with catslide windows, cladding and gable projections off the front elevation. The properties on Church Way are of a more modern design but of a similar 2 storey height. The eastern boundary of the site, facing onto Church Way is currently bounded by a 1.8m fence and several trees. Opposite the proposed site entrance is St Chads Church.

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

This is an outline application (with all matters reserved), for the construction of a detached dwelling within the residential curtilage of No.4 Gorsey Bank Crescent. The dwelling would be a standard rectangle shape in footprint with a maximum width of 6.5m and maximum depth of 7.1m. The dwelling would be 2 storeys in height with a ridge height of 7.9m. The dwelling would be accessed from Church Way, where there should be a gap of around 6.5m to create a new access.

### **4. RELEVANT HISTORY**

No planning history

### **5. POLICIES**

The development plan includes the Regional Spatial Strategy for the North West (RSS) Borough of Crewe and Nantwich Replacement Local Plan 2011 (LP).

#### **Local Plan Policy**

BE.1 (Amenity)  
BE.2 (Design Standards)  
BE.3 (Accessing and Parking)  
BE.4 (Drainage, Utilities and Resources)  
BE.5 (Infrastructure)  
RES.2 (Unallocated Housing Sites)

#### **Supplementary Planning Documents**

Local Development Framework - Development on Backland and Gardens Supplementary Planning Document (2008)

#### **Other Material Considerations**

PPS1: Delivering Sustainable Development  
PPS3: Housing  
PPS23: Development and Pollution Control

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

**Strategic Highways Manager** – No objection. Requested two informatives to be added if permission is given.

**Environmental Health** – Condition relating to construction hours recommended.

**Environmental Health (Contaminated Land)** – Would like a condition attached if the application is approved for a contaminated land phasing report to be carried out.

**United Utilities** – No objection to the proposed development, however if possible the site should be drained on a separate system with only foul drainage connected into the foul sewer. Surface water should discharge to SUDS as stated on the planning application form.

## **7. VIEWS OF THE PARISH COUNCIL**

None received at the time of writing this report.

## **8. OTHER REPRESENTATIONS**

Letters of objection received from the occupants of The Coachhouse, Walghton; Poolbank House, Crewe Road, Walgherton (owner of No2 Church Way); Poolbank, Wybunbury and 2 Church Way, Wybunbury. The salient points being:

- Access arrangements onto the highway on Church Road are much smaller than the proposed drawing shows,
- Loss of garden amenity and mature trees which occupy the entrance of the site,
- 'squeezing in' of a dwelling in this position would have a detrimental impact on the area
- Against current planning policy and guidelines regarding gardens being considered brown field sites and garden grabbing
- The proposed dwelling will encroach on the adjacent neighbours boundary wall and requires permission to reduce the height as stated on plans,
- Would have a detrimental impact on an area of existing executive homes
- Increase population density in the area
- Dimensions of proposal site are not in line with the actual site
- Proposed dwelling is too large for the available space in the plot
- Impact on privacy of No.2 Church Way
- Will have a detrimental impact on the continuity of the design of the original area.

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

A Design and Access Statement has been submitted with the application which outlines the proposal.

## **10. OFFICER APPRAISAL**

### **Principle of Development**

As the application involves development on garden land it is important to consider the implications of the amendments made to Planning Policy Statement 3: Housing on 9<sup>th</sup> June

2010 which amended Annex B so that private residential curtilages are removed from the definition of previously developed land. An additional sentence has also been added to paragraph 41 of the PPS which states that brownfield land is the priority for development, to say that, *“there is no presumption that previously developed land is necessarily suitable for housing, nor that all of the curtilage should be developed”*.

Notwithstanding these amendments Local Plan policies contained within the Borough of Crewe and Nantwich Replacement Local Plan 2011 allow for the development of sites within settlement boundaries for housing subject to the proposals satisfying a number of criteria. There is nothing in these policies to restrict these developments only to previously developed land, or to rule out development on Greenfield land where it is located within the settlement boundary.

Consequently, this site, which is located within the settlement boundary, is considered to be suitable in principle for residential development, subject to compliance with Policy RES.2 (Unallocated Housing Sites) of the Local Plan and the Crewe and Nantwich Council Supplementary Planning Document on Development in Backland and Gardens which is also relevant and provides more detailed advice. In order to fully accord with Policy RES.2 the development must also be in keeping with the requirements of policies BE.1 – BE.5 and the Council's Supplementary Planning Document on Extensions and Householder Development.

#### **Design Standards - *Impact on the Character and Appearance of the Locality and Streetscene***

As this application is in outline only with all matters reserved it is not possible to comment on the external appearance of the proposed development. Notwithstanding this, detail has been provided of the proposed height of the dwelling and an indicative layout has also been provided to show how the site could be developed.

The proposed dwelling would be sited adjacent to No.2 Church Way, and within the rear garden of No. 4 Gorsey Bank Crescent. The rectangular footprint with a gable detail to the frontage will appear as a similar size and design to those in Church Way, in keeping with the existing streetscene. Most of the dwelling within the Church Way streetscene have a minimum gap of 2m between them, and have driveways fronting the road with fairly small gardens to the rear. The proposed indicative layout shows the siting of the dwelling 1.5m away from the side elevation of No.2 Church Way, and to be constructed almost onto the boundary. It is recommended that the siting of the dwelling be altered slightly in the reserved matters application, moving the dwelling at least 0.5m northwards away from the boundary with No.2 Church Way, to create a more uniformed space between the properties as seen in the current layout of the street. However, in principle the general siting and indicative design for the dwelling appears to be sympathetic with the surrounding area. It is therefore considered that the proposed layout of the development as shown in the indicative plan would be sympathetic to and respect the pattern of development in the area.

The proposed development is for two storey dwelling. Within the immediate area there is a mixture of housing types. The adjacent properties on Church Way however, are all modern detached properties which are quite closely constructed within a fairly rigid build line, with driveways fronting the highway. The proposed property will be seen within this streetscene. The indicative layout appears to show a property which will be of a similar height, size and design to that of the surrounding area.

The proposal will be screened from the applicant's site (No.4 Gorsty Bank Crescent) by a 1.8m boundary wall, and as the proposal will be sited within the garden area for the proposal site, any dwelling would not have any adverse impact on the streetscene of Gorsey Bank Crescent.

To ensure that the proposal is in keeping with the surrounding area it is considered that conditions should be attached requiring finishing and surfacing materials to be submitted and approved to the LPA, along with details of landscaping, tree protection and boundary treatment. This will ensure that the proposed development is of satisfactory appearance and appropriately landscaped. The proposed development would therefore be in compliance with Policy BE.2 (Design Standards) of the Local Plan and guidance contained within the Development on Backland and Gardens SPD.

### **Impact on the Amenity of adjacent properties**

At its closest the proposed dwelling will be sited 1.5m away from the adjacent neighbours side elevation at No.2 Church Way, this drawing shows the dwelling sited up to the boundary at this point. There are no windows on the side elevation of No.2 and whilst no elevations have been produced as part of the proposal, it is considered that given the close relationship of these properties a condition will be attached to the permission to ensure that no windows are proposed within the south elevation of the proposed dwelling. Given that both side elevations will be flank walls and positioned parallel to one another this will not create an amenity impact on the adjacent neighbour's property. Given that the proposed dwelling will have a similar depth to the adjacent property it is unlikely that the proposed property will have an adverse impact on the amenity of the neighbours at No.2 Church Way.

The property is to be constructed within the garden area of No.4 Gorsey Bank Crescent; the proposed dwelling will be sited 12m from the single storey extension and approximately 16m away from the original two storey element of the dwelling. The proposed dwelling will be sited at a 45 degree angle to the existing dwelling therefore reducing the likelihood of any direct overlooking from the dwelling. The SPD for Backland Development aims to achieve a distance of 13.5m between principal elevations with windows and blank elevations in this case the proposal will meet these standards, furthermore a boundary treatment of a 1.8m wall and some natural boundary treatment will be planted to improve the boundary and therefore it is considered that the proposal will not have an unduly negative impact on the applicant property by means of overlooking. Furthermore whilst the property will inevitably have some impact on light reaching the existing dwelling this will be minimal given the orientation of the dwelling.

It is likely that several principal windows will be sited on the rear elevation of the dwelling given the restriction on the side elevations which will be imposed. There is a distance of 25m from the rear elevation of the proposed property and the rear elevation of No.5 Gorsty Bank Crescent. The proposed dwelling will be sited in such a way that the rear windows of these dwellings will not directly overlook each other, however inevitably some overlooking in to the rear garden of the adjacent dwellings to the rear may occur. However the spacing standards are more than satisfactory and there is some existing coniferous planting within the adjacent neighbours gardens which will help to reduce the impact of the rear windows. It is unlikely that the property would have a significant impact on loss of day light to the properties to the rear.

The SPD for Backland and Garden Development suggests that new dwellings should have private amenity space of at least 50sqm. The proposed dwelling would have private amenity space which is well in excess of this suggested minimum whilst the remaining amenity space for No.4 would also be satisfactory.

Conditions relating to obscure glazing for bathrooms are also suggested along with construction hours and pile driving to ensure that the amenities of neighbouring properties are further protected.

### **Impact on Highway Safety**

Access is a reserved matter. However, an indicative plan has been submitted to show the site being accessed from Church Way. This would be a new access onto the street were currently there is no dropped kerb access. The indicative plan states that a new entrance will be formed with dropped kerbs to highway standards, there appears on the plans to be gap of 6.5m to create the entrance which is sufficient to access the site. The Strategic Highways Manager has stated that the indicative access arrangements would be acceptable subject to informatives added to the permission for the new access complies with Cheshire East Council Highway Authority and a requirement for a S184 Road Opening Notice.

The proposed site will include a garage on the rear boundary of the site, which will accommodate a car and the site would clearly accommodate another parking vehicle to the front of the dwelling. It is therefore considered that the proposed development would have a suitable level of car parking for the area, and it is unlikely that the proposal would result in any pressure for on street parking from the proposed property.

Furthermore, it is unlikely that the addition on an extra access at this point on a street where all properties face onto the road, it is unlikely to have a significantly negative impact on highway safety access to St Chads Church opposite the proposal site.

### **Other Matters**

Within the letters of objections concerns have been raised regarding the reduction in height of the boundary wall between No. 2 Church Way and the proposal site, due to the ownership of the boundary wall being No.2 Church Way. Whilst this issue has been noted issues of land ownership are a civil matter and not a material planning consideration. The issue of the impact of the boundary wall will be considered further within the reserved matters application, should it have any impact on achieving suitable visibility splays from the proposed property.

## **11. CONCLUSIONS**

The proposed development is of an acceptable design which would not result in significant harm to the character and appearance of the streetscene. Furthermore, it is considered that there would be no significantly detrimental harm to the amenities of neighbouring properties, highway safety or any other matter. The proposed development, as conditioned, is therefore considered to be in compliance with Policies BE.1 (Amenity), BE.2 (Design Standards), BE.3 (Accessing and Parking), BE.4 (Drainage, Utilities and Resources), BE.5 (Infrastructure) and RES.2 (Unallocated Housing Sites) of the Borough of Crewe and Nantwich Replacement Local Plan

2011 and guidance contained within the Local Development Framework Development on Backland and Gardens Supplementary Planning Document (2008).

## **12. RECOMMENDATIONS**

### **APPROVE with conditions**

- 1) Commencement of Development**
- 2) Submission of Reserved Matters**
- 3) Time Limit for Submission of Reserved Matters**
- 4) Materials to be submitted and agreed**
- 5) Surfacing Materials to be submitted and agreed**
- 6) Landscaping scheme to be submitted and agreed**
- 7) Landscape Implementation**
- 8) Tree Protection scheme**
- 9) Drainage Scheme to be submitted**
- 10) Details of Boundary Treatment**
- 11) Bin Storage to be provided**
- 12) Phase 1 Contaminated Land Survey to be submitted**
- 13) Hours of Construction - 08:00 to 18:00 Mon to Fri, 09:00 to 14:00 Sat, not at all on Sunday or BH**
- 14) Removal of all PD**
- 15) No windows at first floor level within flank elevations and no windows to habitable rooms whatsoever in flank elevations**
- 16) Ridge height to be no greater than 7.9m**
- 17) Indicative layout**
- 18) Access to be via Church Way, detailed drawings to be submitted and access to be constructed to CEC standard**
- 19) Pile Driving**

**Informative 1 - Prior to first use the developer will provide a new vehicular crossing to the property, the specification for which will comply with Cheshire East Council Highway Authority requirements.**

**Informative 2 - The applicant or their contractor will sign a S184 Road Opening Notice under the Highways Act 1980 and prior to the commencement of the work.**



11/1025N 4, GORSEY BANK CRESCENT, WYBUNBURY, CW5 7LX

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Application No: 11/1051N

Location: LAND AT, MIDDLEWICH ROAD, NANTWICH

Proposal: Provision of Greenway from Crewe to Nantwich, Sections from Wistaston Green Road to A51/Nantwich Bypass including a 3m wide Surfaced Path together with associated Engineering and Landscaping Works

Applicant: Cheshire East Council

Expiry Date: 05-Jul-2011

Date report Prepared 8 June 2011

### **SUMMARY RECOMMENDATION**

**Approve with conditions**

### **MAIN ISSUES**

- Principle of Development
- Impact on the Character and Appearance of the Open Countryside
- Impact on Landscape Features – Trees/Hedgerows
- Impact on Amenity of adjacent properties
- Impact on Highway Safety
- Impact on Protected Species

## **1. REASON FOR REFERRAL**

This application is to be determined by Southern Planning Committee as the development is a small scale major application, due to site area being over 1ha, and where the applicant is Cheshire East Council.

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

The application site is located entirely within the Open Countryside as defined by the Borough of Crewe and Nantwich Replacement Local Plan 2011. The route of the proposed greenway would begin at the roundabout by Alvaston Business Park, cutting through the existing hedgerow into an agricultural field. The link will then follow the field boundary which adjoins Middlewich Road, the land descend steeply towards Cheney Brook and then rises again on the northern side. The application route continues to follow the line of Middlewich Road before taking a 90 degree turn to the west to Colleys Bridge and then follows an existing agricultural track, which is in part bound by hedgerows and trees to peach Lane (Alvaston Farm). The route of the application site also includes the made service road to the front of Alvaston Hall Hotel. To the north of Alvaston Hall the route follows a green lane between two field boundaries and then continues to follow the line of a field hedgerow within an agricultural field before taking a 90degree turn to the east joining with Middlewich Road opposite the Rising Sun Public House.

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

The application proposes the construction of a 3m wide cycleway and footway as part of the national Connect 2 project which attempts to encourage people to take everyday journeys by foot or bike. It is proposed within the application forms that the laid route would be constructed from compact bituminous surfacing. The scheme also includes the construction of a bridge over Cheney Brook and the creation of a Pegasus crossing over Middlewich Road.

### **4. RELEVANT HISTORY**

No relevant Planning History relating to the site however a series of applications at Alvaston Hall.

### **5. POLICIES**

The development plan includes the Regional Spatial Strategy for the North West (RSS) and the Borough of Crewe and Nantwich Replacement Local Plan 2011 (LP).

#### **Local Plan Policy**

NE.2 (Open Countryside)  
NE.5 (Nature Conservation)  
NE.9 (Protected Species)  
BE.1 (Amenity)  
BE.2 (Design Standards)  
BE.3 (Accessing and Parking)  
BE.4 (Drainage, Utilities and Resources)  
BE.5 (Infrastructure)  
BE.1 (Hazardous Installations)  
TRAN.5 (Provision for Cyclists)  
RT.9 (Footpaths and Bridleways)

Cheshire East Local Transport Plan (2011 – 2015)  
Cheshire East Right of Way Improvement Plan (2011 – 2026)

#### **Other Material Considerations**

PPS1: Delivering Sustainable Development  
PPG13: Transport  
PPG17: Planning for Open Space, Sport and Recreation

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

**Strategic Highways Manager** – No highways objections

**National Cyclists Organisation** – Support the application

**Sustrans** – Fully support as application will provide a route for pedestrians/cyclists and in this case horse riders away from the busy, narrow Middlewich Road.

**Sport England** – Sport England's planning policy objective 16 supports measures to protect, enhance and develop the network and other permissive routes that provide opportunities to access the countryside by foot, bicycle and horse. Therefore, do not raise an objection.

**Countryside Access Development Officer** - Policies of the Cheshire East Rights of Way Improvement Plan (ROWIP) 2011-2026 and Cheshire East Local Transport Plan (LTP) 2011-2026 seek to improve walking and cycling facilities for travel and leisure purposes. The proposed development will support these policies.

## 7. VIEWS OF THE TOWN/PARISH COUNCIL

**Nantwich Town Council** - Wish to draw attention to a possible conflict between users of the Greenway and vehicles servicing Alvaston Hall Hotel and agricultural traffic from the tenant of the trustees. Measures should be tabled to minimise possible hazards arising from such conflict.

**Wistaston Parish Council** - The junction of Middlewich Road with Wistaston Green Road is becoming more dangerous, due to increased use by motorists avoiding the newly installed chicanes around Queens Park Drive, Crewe. A Pegasus crossing installed near this junction with no advanced warning signs to drivers approaching from both directions is unacceptable and will have a contrary effect on road safety.

## 8. OTHER REPRESENTATIONS

Comments made by Beam Heath Estate stating that the service road for Alvaston Hall is constantly used for deliveries, hotel staff, refuse collections and agricultural traffic. Concerned, as land owners, about the safety of pedestrians and cyclists.

Objections raised from Peach Cottage (x2 and photographs of HGV), Nettle Cottage and The Paddocks, Colleys Lane, the salient points being:

- Safety for pedestrians, cyclists and horse riders – conflict with HGV's servicing Alvaston Hall Hotel and turkey farm
- Would lose all privacy
- Nuisance from motorcyclists
- Anti-social behaviour as will be a hang around site
- Security of property will be affected
- Route would be better following line of Middlewich Road
- Impact on farming system

## 9. APPLICANT'S SUPPORTING INFORMATION

**Ecological Assessment** (*prepared by TEP dated March 2011*)

- Consideration given to habitats, Great Crested Newt, Water Vole, Otter, Bats, Badgers, Birds and Himalayan Balsam
- Grassland habitat have limited species diversity and of little ecological value

- No records of Great Crested Newts within 500m of cycle route, no likely impact on GCN population or habitat
- No implications with respect to water vole or otter
- Not likely to impact bats – no removal of vegetation
- No evidence of badger
- Suggested condition for the removal of vegetation during breeding bird season
- Himalayan Balsam identified on site – this is a non native species which reduces the biodiversity value of the watercourse. Needs controlling however any localised control would have little impact on the overall spread

## **10. OFFICER APPRAISAL**

### **Principle of Development**

The application proposes the third stage of the Sustrans Connect 2 project and will provide a link from the north of Nantwich to the western side of Crewe. The application site is located entirely within the Open Countryside where Policy NE.2 states that only development which is appropriate to the rural area will be considered to be acceptable. Policy RT.9 relating to Footpaths and Bridleways states that proposals which improve the footpath network will be permitted. National Planning Guidance contained within PPG13 states that greater priority should be given to walking whilst, with regard to cycling, Local Planning Authorities should promote national and local networks.

The Cheshire East Local Transport Plan and the Cheshire East Right of Way Improvement Plan 2011-2026 seeks to improve green infrastructure in accordance with Policy H.3 which requires the enhancement of public rights of way/green infrastructure and endeavour to create new links. One of the key initiatives of the PROWIP is for the sustainable access to green spaces, and support initiatives to connect up the highway footway and public rights of way networks for greater pedestrian movement, and with regard to cycling, seek to provide appropriate highways improvements (e.g. on-road cycle lanes or wide nearside lanes) and off-road routes to make commuter cycling a safe and quick alternative to car use.

It is considered therefore that there is significant Policy support, at both national and local level, for the proposed footway/Cycleway in principle. However, consideration needs to be given to the impact that the proposed greenway would have on the character and appearance of the open countryside, specific landscape features, protected species, the amenity of nearby properties/uses, and highway safety.

### **Impact on the Character and Appearance of the Open Countryside**

The application site is located within the Open Countryside and large sections of the route cross agricultural fields, as such the proposed development needs to be sensitively integrated into the rural setting. At two points, to the south and north of Alvaston Hall, the greenway follows the line of two lightly used green lanes which add value to the landscape character of the area. Whilst part of the route will follow the existing service roads at Alvaston Hall. The scheme proposes a 3m wide track which would be treated in bituminous bound surfacing. In isolation a bituminous track is likely to cause detrimental harm to the character and appearance of the open countryside and would appear as an alien and incongruous feature on the landscape and the greenlanes. It is therefore considered that this would be an insensitive and inappropriate form of development in this open

countryside setting. There would be little or no change in character along the existing service roads at Alvaston Hall. There are however significant planning benefits for the proposed scheme through providing green infrastructure and enhancing access to sustainable modes of transport. Furthermore, whether the landscape concerns can be overcome by appropriate conditions should be explored.

The application submission states that additional stock proof fencing, hedgerows and trees will be planted. Additional landscaping is welcomed and would help to integrate the development into the landscape and soften its impact. However a regimented scheme of landscaping could appear equally out of place on this landscape. Therefore a condition requiring a landscaping scheme to be submitted is suggested to ensure that any landscaping is appropriate to the rural setting.

A gravel or stone chipping surfacing could be more appropriate to the rural setting within the agricultural fields and be more appropriate along the “green lanes”. It is acknowledged that a bituminous surfacing material may be more appropriate for ease of maintenance however this should not be at the expense of the character and appearance of the open countryside. Whilst the detail of the surfacing material as detailed in the application form is in the main considered to potentially be unacceptable it is considered that, rather than to refuse the application, a condition could be attached to any permission to require alternative surfacing materials to be explored and such details to be submitted and approved.

### **Impact on Landscape Features**

The proposed development is likely to require the removal of some small sections of hedgerow and/or trees to accommodate the 3m width of the greenway, particularly where the greenway would begin and end cutting through hedgerows. No details have been submitted to demonstrate how much is likely to be removed, however at the time of writing this report the applicant a survey was being prepared. The extent of the removal of trees is likely to be minimal and would not significantly alter the wider landscape value of the area. Furthermore, and as detailed in the previous section, additional landscaping will be secured by condition which would help to blend the proposals into the rural environment. There are no protected trees along the route of the greenway.

### **Impact on the Amenity of adjacent properties**

The proposed cycle way and footpath would, at points, be within close proximity to residential properties. Walking, cycling and horse riding are leisure activities which do not generate a high level of noise or disturbance. Whilst the proposed route would pass the front of some properties these buildings, at their nearest point, would be 16m from the greenway between which are the parking/turning areas and points of access for these dwellings which are the more public areas of dwellings. It is therefore considered that there would not be a significant impact on any property near to the application site which would be detrimentally impacted through loss of privacy.

### **Impact on Highway Safety**

Concern has been raised with regard to the potential conflict between users of the greenway and vehicles, particularly HGV's, which service Alvaston Hall Hotel and agricultural operations. The greenway at this point will follow the existing made service track which serves dwellings, the hall and golf course, and agricultural units. The proposals have been assessed by the

Strategic Highways Manager who has raised no objection to the proposals. Notwithstanding this, it is considered that a condition be attached to any permission for details to be submitted of safety measures/signage which could be incorporated along the route at this stretch to improve awareness/safety.

The link will connect with Phase 2 of the route to the north of Nantwich, the route crosses the A500 and the site access to Alvaston Business Park, it is unclear what measures would be installed to ensure safe pedestrian/cycle movement however this is outside of the application site. The end of the route is opposite the Rising Sun PH on Middlewich Road and it is proposed to construct a Pegasus crossing over this road. This crossing would be signalled and allows the crossing of un-mounted horses along with pedestrians and cyclists. This is works that is within the adopted highway and can be carried out under Highways agreements.

At the point where the cycle route cuts through the hedgerow at Middlewich Road the route runs adjacent to Middlewich Road. The distance between the edge of the highway and the hedgerow is narrow at this point. Further details of how this area will be treated have been requested as there will be a requirement for the removal of some vegetation to accommodate a 3m wide greenway. There is no concern from the Strategic Highways Manager with regard to any of these works.

### **Impact on Protected Species**

A protected species survey has been submitted to support the application. A desk top survey has been carried out to determine the likely impact of the proposed development a protected species. The survey identifies that there would be no adverse impact on such species, but has suggested a series of Reasonable Avoidance Measures and conditions. The Councils ecology consultation has confirmed that there would be no adverse impact on protected species or their habitat and has raised no objection to the proposal. This is subject to a condition being attached to any permission for further survey work to be carried out if works are to commence during the bird breeding season (1<sup>st</sup> March and 31<sup>st</sup> August). A condition is therefore recommended to that end.

### **Other Matters**

A hazardous Installation consultation zone runs along Middlewich Road and part of the adjoining field. The application site is partially within this consultation zone. However the development type is of a nature and low sensitivity which does not require consultation with the Health and Safety Executive. Therefore there are no implications on the hazardous implication or public safety risk to the users of the proposed development.

## **11. CONCLUSIONS**

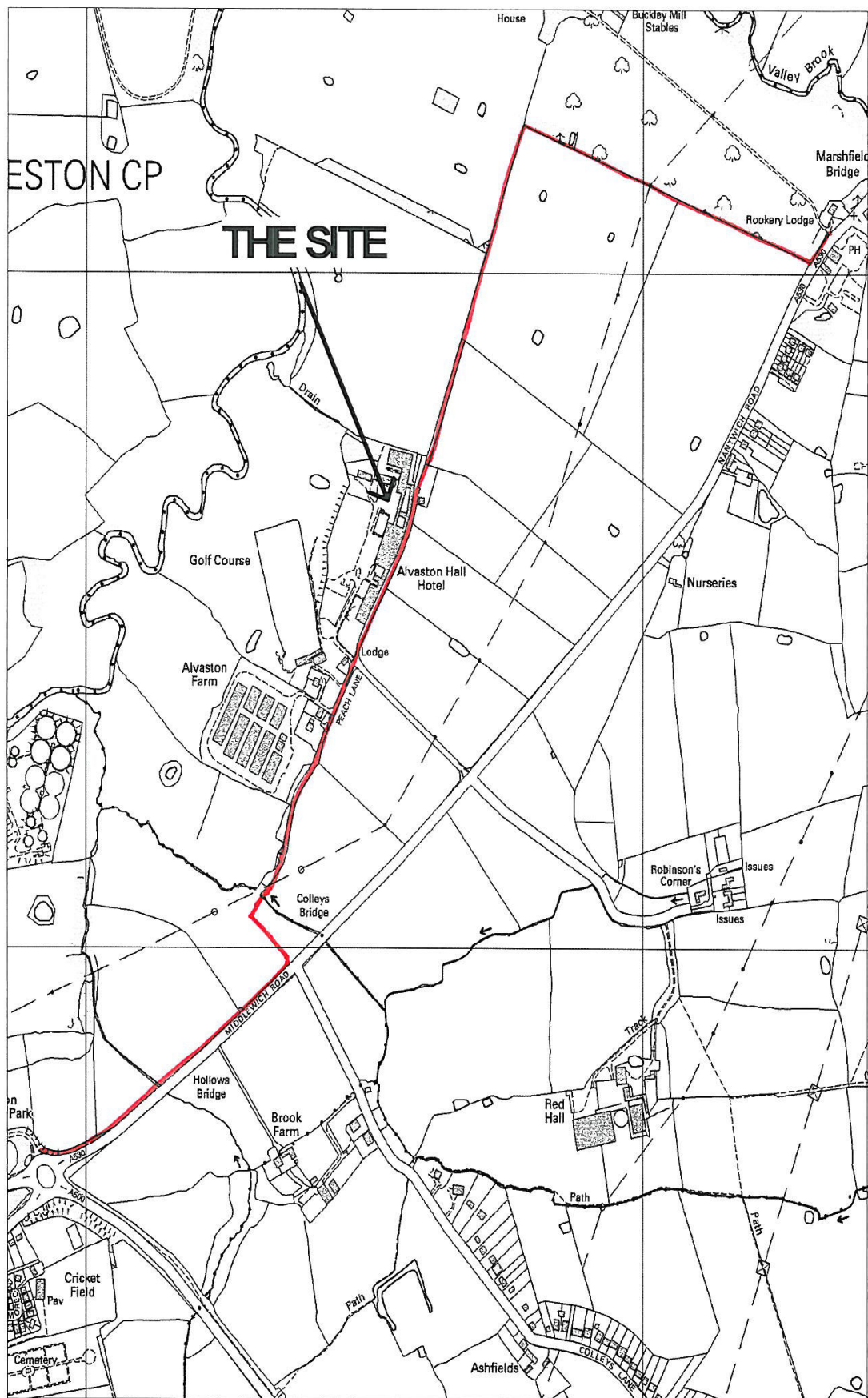
The proposed development would provide an important stretch of infrastructure which would encourage the use of sustainable modes of travel. Whilst some harm may be caused to the character and appearance of the open countryside it is considered that benefits, along with appropriate conditions relating to landscaping and surfacing materials would overcome the harm caused. Furthermore, it is considered that there would be no significantly detrimental harm to the amenities of neighbouring properties, highway safety protected species or any other matter. The proposed development, as conditioned, is therefore considered to be in compliance with Policies NE.2 (Open Countryside), NE.5 (Nature Conservation), NE.9 (Protected Species), BE.1 (Amenity),

BE.2 (Design Standards), BE.3 (Accessing and Parking), BE.4 (Drainage, Utilities and Resources), BE.5 (Infrastructure), BE.21 (Hazardous Installations), TRAN.5 (Provision for Cyclists) and RT.9 (Footpaths and Bridleways) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

## **12. RECOMMENDATIONS**

### **APPROVE with conditions**

- 1) Commencement of Development**
- 2) Plans**
- 3) Details of surfacing materials to be submitted and approved**
- 4) Scheme of Landscaping to be submitted and approved – including fencing**
- 5) Scheme of Landscaping to be implemented**
- 6) Details of highway safety measures/signage to be submitted and approved**
- 7) Survey to be submitted and approved if works carried out between 1<sup>st</sup> March and 31<sup>st</sup> August**



11/1051N LAND AT, MIDDLEWICH ROAD, NANTWICH

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Application No: 11/1286N

Location: Baddiley Hulse, BADDILEY HALL LANE, BADDILEY, CW5 8BS

Proposal: ERECTION OF 2 AGRICULTURAL BUILDINGS AND SLURRY STORE, ALLOWING FARM TO COMPLY WITH NVZ REGULATIONS. THE 2 CUBICLE SHEDS WILL EACH HOLD 220 COWS AND INCORPORATE SLURRY CHANNELS TO THE STORE TO MINIMISE YARDAGE AND WASTE.

Applicant: J.H. BLACKBURN & SON

Expiry Date: 30-Jun-2011

#### **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
- Impact on Public Rights of Way
- Impact on Protected Species

### **1. REASON FOR REFERRAL**

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

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

The application site forms an existing working dairy farm which is located within the Open Countryside as defined by the Local Plan Proposals Map. The farm has a mixture of traditional and modern farm buildings. The surrounding landscape is primarily agricultural in nature with fields defined by hedgerows and hedgerow trees. The topography of the landscape is generally flat however land levels ascend from the north east to the farm complex. There are two public rights of way which pass the farm site. The site is also located within a Hazardous Installation Consultation Zone for a gas pipe line which crosses the farm.

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

This application proposes the construction of two agricultural cubicle buildings. The two buildings would each be 27m wide, 79m in length and have a height to eaves of 4.5m and 9.2m to ridge. The buildings are proposed to be constructed on land which is adjacent to the existing buildings

and would have steel clad elevations and fibre cement roofs. In addition to the cubicle buildings the scheme also proposes the construction of a slurry store. The slurry store would be sited in the adjacent field to the proposed cubicle buildings and would have a height of 4.572m and diameter of 29.870m. The slurry store would be finished in blue or green.

#### **4. RELEVANT HISTORY**

**P96/0282** – Planning permission approved for a cattle building on 6<sup>th</sup> June 1996.

#### **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.21 Hazardous Installations  
NE.2 Open Countryside  
NE.5 Nature Conservation and Habitats  
NE.9 Protected Species  
NE.14 Agricultural Buildings Requiring Planning Permission  
NE.17 Pollution Control  
RT.9 Footpaths and Bridleways

##### **National Policy**

PPS1: Delivering Sustainable Development  
PPS7: Sustainable Development in Rural Areas

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

**Environmental Health:** No objections subject to conditions relating to the accommodation of livestock only, and on site slurry only to be stored and construction hours

**Health and Safety Executive** – Does not advise, on safety grounds, against the granting of planning permission in this case.

#### **7. VIEWS OF THE PARISH COUNCIL**

None at time of writing report

## **8. OTHER REPRESENTATIONS**

None

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

Design and Access Statement submitted, the salient points being:

- Gas pipeline restricts development to other side of farm
- The proposal is adjacent to existing buildings
- Within 400m of the proposals there are only dwellings related to the farm
- Close to milking parlour
- Partially visible from road, hidden by trees, hedgerows and buildings
- Slurry store central to the farm
- Away from footpaths and watercourses
- Required to comply with Nitrate Vulnerable Zone Regulations
- Rainwater will be harvested and used for drinking water for cattle and cleaning
- Designed in highest standards of cow welfare following veterinary advice
- Much improved rearing facilities to comply with welfare standards
- Provide more secure employment

## **10. OFFICER APPRAISAL**

### **Principle of Development**

Development for agricultural purposes is acceptable in principle providing it is required for agricultural purposes and is essential to the agricultural operation or to comply with welfare regulations. The applicant has stated that the proposed development would be required to comply with NVZ regulations and would improve the rearing facilities to comply with welfare standards. The proposed development would also ensure the expansion of an agricultural enterprise. It is considered that it has been satisfactorily demonstrated that the buildings are essential for the purposes of agriculture and as such is acceptable in principle. The proposed development should also have regard to the impact on the surrounding landscape, be of satisfactory design, and have regard to the amenities of nearby residential properties and highway considerations. In this instance consideration also needs to be given to the impact on protected species, public rights of way and hazardous installations.

### **Impact on Landscape/Open Countryside**

The application proposes the construction of two large cubicle buildings which would have a total floorspace of 5048sqm. The buildings would result in a significant encroachment into the open countryside. Notwithstanding this, they would be seen within the context of existing buildings on the farm complex and as such are appropriately sited. Views of the buildings would be available from the public highway but would be partially screened by existing vegetation and buildings. There are two public rights of way which would pass the buildings to the north and south. It is considered that it would be justifiable to require additional landscaping to the south and east of the buildings to mitigate against the harm to the landscape setting when viewed from the public right of ways.

The design of the buildings, which are of modern utilitarian style, are considered to be appropriate to the rural setting and would not be readily converted to a residential dwelling. The proposed slurry store is also considered to be of appropriate design.

### **Impact on the Amenity of adjacent properties**

The nearest properties which are not within the farming complex are located 150m to the east of the proposed buildings. The proposals are of significant distance from the neighbouring properties not to cause harm to their amenity through loss of daylight or overbearing. There has been no object raised from environmental health with regard to these proposals and it is therefore unlikely that the proposed development would cause any significant harm on the amenities of neighbouring dwellings through noise and disturbance, and odour.

### **Impact on Highway Safety**

There would be no alterations to the site access which is considered to be appropriate.

### **Impact on Protected Species**

There is a pond which is sited 220m from the proposed development. Given the nature of the land and proposals the Councils ecologist has confirmed that there would not be any significant harm on protected species.

### **Impact on Public Right of Way**

The proposals would be 60m from public footpath Baddiley Footpath 20 to the north and 50m from Baddiley Footpath No.9 to the south/east. There would be no obstruction of these PROWs however it is considered that an informative is necessary informing the applicant of their obligation to keep PROW's clear of obstruction.

### **Impact on Hazardous Installations**

The proposed development would be within the Hazardous Installation Consultation Zone for a gas pipeline which passes through the site from east to west. The proposed development and its end user is not a low sensitivity type/use of development. As such, the Health and Safety Executive does not advise against the granting of planning permission on safety grounds. It is however advise that an informative be attached to any permission to make the development aware that they should contact the pipeline operator of their intention to develop.

## **11. CONCLUSIONS**

The proposed development is of an agricultural nature which is essential for the enterprise and is considered to be acceptable in principle. As conditioned it is considered that there would be little demonstrable harm caused to the character and appearance of the landscape. There would be no demonstrable harm caused to the amenity of neighbouring properties, highway safety, protected species, public right of ways or hazardous installations. The proposed development is therefore considered to be in compliance with Policies BE.1 Amenity, BE.2 Design Standards, BE.3 Access and Parking, BE.4 Drainage, Utilities and Resources, BE.5 Infrastructure, BE.21

Hazardous Installations , NE.2 Open Countryside, NE.5 Nature Conservation and Habitats, NE.9 Protected Species, NE.14 Agricultural Buildings Requiring Planning Permission, NE.17 Pollution Control and RT.9 Footpaths and Bridleways of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

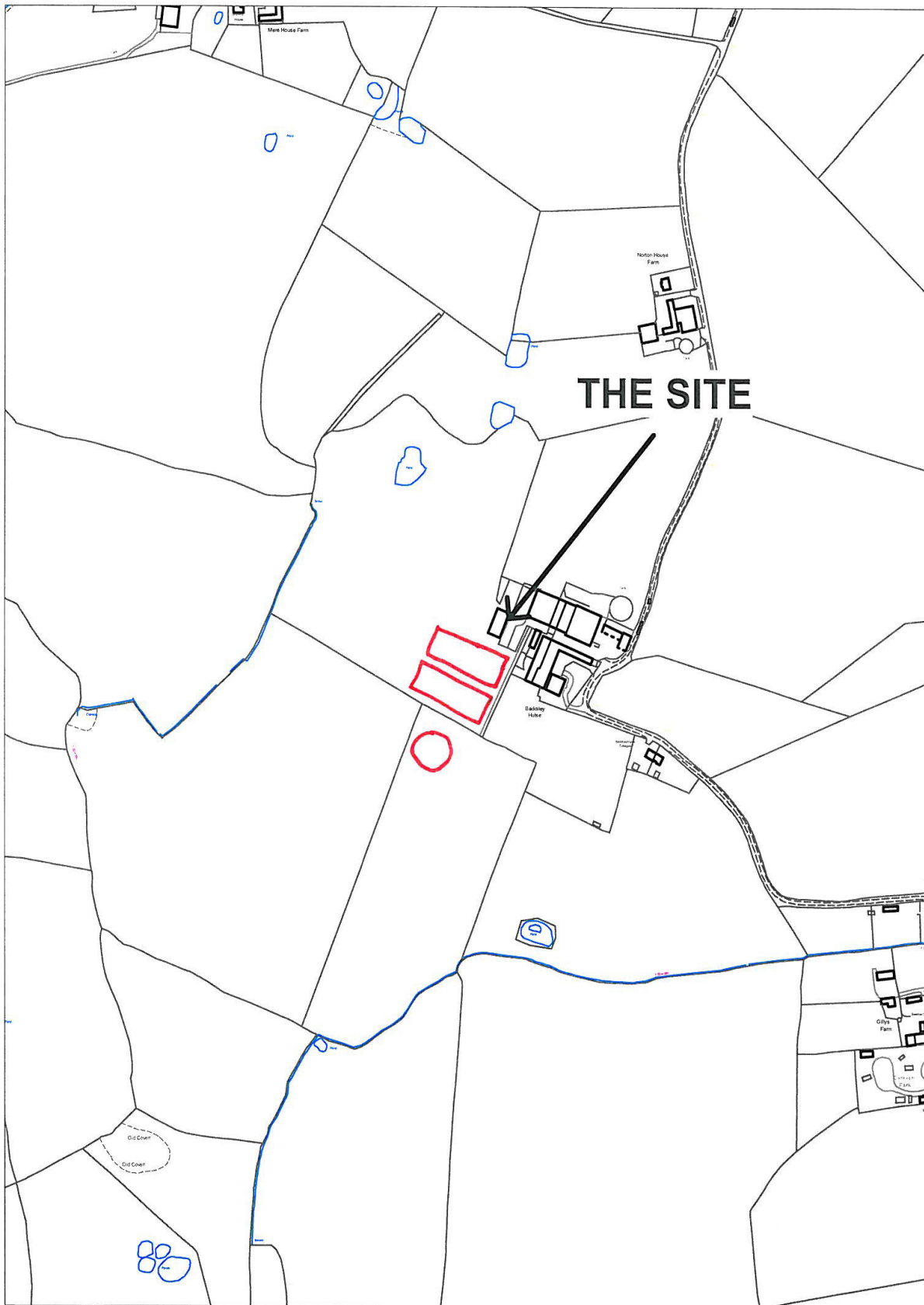
## **12. RECOMMENDATIONS**

**APPROVE** subject to the following conditions:

- 1. Standard Time Limit**
- 2. Approved Plans**
- 3. Materials as submitted**
- 4. Scheme of Landscaping to be submitted**
- 5. Implementation of landscaping scheme**
- 6. Storage of slurry from farm only**

**Informative(s):**

- 1) Public Rights of Way**
- 2) Inform pipeline operator of their intention to develop**



11/1286N Baddiley Hulse, BADDILEY HALL LANE, BADDILEY, CW5 8BS

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Application No: 11/1416N

Location: CALVELEY GREEN FARM, CALVELEY GREEN LANE, CALVELEY, CHESHIRE, CW6 9LF

Proposal: Erection of an Agricultural Steel Portal Frame Building to Provide Space for Two Robotic Milking Machines and Cow Cubicles

Applicant: A Plumbley and Co

Expiry Date: 15-Jul-2011

**SUMMARY RECOMMENDATION:**

Approve subject to conditions

**MAIN ISSUES:**

- Principle of development
- Justification for development
- Impact on the character and appearance of the open countryside
- Impact on residential amenity
- Highway safety

**REASON FOR REFERRAL**

This application is included on the agenda of the Southern Planning Committee as the proposed building has a floorspace in excess of 1,000 square metres.

**DESCRIPTION OF SITE AND CONTEXT**

The application site is situated within the open countryside as designated by the Crewe and Nantwich Replacement Local Plan and is accessed off Calveley Green Lane, down a long private access. Calveley Green Farm is an existing farmstead complex with approximately 175 acres of farm land. The original traditional farm building has been converted to residential dwellings, and a new modern complex has been constructed within the last 5 years approximately 150m to the south west of the original farm buildings. The current dairy buildings are fairly modern in appearance and are accessed off a private driveway. The dairy comprises of two steel portal frame buildings to house 70 cows milked by the robotic milking parlour on an organic dairy system. To the south and east of the site are public footpaths Calveley FP4 and FP6.

**DETAILS OF PROPOSAL**

This application seeks full planning permission for an agricultural building for the housing of livestock and two robotic milking machines. The building will measure 50.3m in length, 23.16m in width and will have a maximum height of 4.57m. The proposed structure will house two new milking robots and 165 cubicles. The building will be constructed using natural grey fibre cement cladding for the roof with external side walls of the building being open with feed

barriers down each side. The north east gable will be block faced and will contain access doors to the robots and the south west gable will be clad down to the eaves in tanded space timber boarding.

## **RELEVANT PLANNING HISTORY**

09/4145N - Erection of Gaia 133 11KW wind turbine on a 18m tower, Approved with conditions 23<sup>rd</sup> February 2010

P07/0597 – Barn Conversion to three dwellings (Amendment to P05/0786) – Approved with conditions 25<sup>th</sup> June 2007

P06/0846 – Replacement Driveway – Approved with conditions 7<sup>th</sup> September 2006

P06/0113 – New private access road, predestination of existing vehicular drive, repositioning of garages approved under P05/0786 and erection of single garage – Approved with conditions 29<sup>th</sup> March 2006

P05/0786 – Conversion of existing barns to four residential units and the Greenfield development of a new dairy building and slurry store (resub P05/0122) – Approved with conditions 23<sup>rd</sup> August 2005

P95/0298 – Livestock building – Approved 7<sup>th</sup> June 1995

P93/0131 – Livestock building – Approved 15<sup>th</sup> April 1993

## **POLICIES**

### **Regional Spatial Strategy**

DP1 Spatial Principles

DP7 Promote Environmental Quality

### **Local Plan Policy**

NE.2 (Open Countryside)

NE.14 (Agricultural Buildings Requiring Planning Permission)

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)

### **Other Material Considerations**

PPS1: Delivering Sustainable Development

PPS7: Sustainable Development in Rural Areas

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

**Environmental Health** – Comments received on the 1<sup>st</sup> June 2011

Before Environmental Health are able to make their final comments we require the noise data from the proposed milking machines including the frequency spectrum/analysis. This is to



ensure that the noise from the machines does not affect the amenity of local residents, as the proposed building is closer to the residential properties than the one currently used for milking. Furthermore, the proposal is to increase the use of the milking parlour and move from one robotic milking machine to two robotic milking machines, which may result in an increase in noise.

**Highways:** No representations received at the time of writing this report

#### **VIEWS OF THE PARISH COUNCIL:**

No representations received at the time of writing this report.

#### **OTHER REPRESENTATIONS:**

No representations received at the time of writing the report

#### **APPLICANT'S SUPPORTING INFORMATION:**

**Design and Access Statement**

**Agricultural Justification Report**

#### **OFFICER APPRAISAL**

##### **Principle of Development**

The agricultural unit is currently a 175 hectare dairy enterprise consisting of a 70 organically farmed cow dairy herd. Policy NE.14 of the Borough of Crewe and Nantwich Replacement Local Plan states that proposals for the erection, alteration or extension of agricultural buildings will be permitted where:

- The proposal is required for, and is ancillary to, the use of the land for agricultural purposes
- The development is essential either to the agricultural operation or comply with environment and welfare legislation
- The development is satisfactorily sited in relation to existing buildings, in order to minimise the impact on the landscape
- The development is sympathetic in terms of design and materials
- Adequate provision is made for the disposal of foul and surface water drainage and animal wastes
- Adequate provision is made for access and movement of machinery and livestock
- The proposal is of appropriate location, scale and type so as to not be detrimental to the amenities of any nearby residential properties
- The proposal is not of a design and construction which makes it easily convertible to residential use.

The main issues in the consideration of this proposal is therefore whether the development is required for and essential to agriculture, the visual impact of the proposal, access and movement, and the impact on the amenity of nearby residents.

### **Justification for Development**

The proposal is for a new agricultural building adjacent to the existing two building in the dairy complex. The existing use of the dairy farm is for organic milk and therefore the herd numbers are fairly low at 70. The proposed building and additional milking robots will allow the dairy farm complex to return to more traditional grassland system of farming with a move away from organic milk production which has recently seen a decline in profitability. The new building and the move away from organic milk will allow the business to increase to 185 cows making the farm a more viable business. This will allow the applicant to increase efficiency and ultimately the yield of the herd to maximise the growth of the business.

### **Design**

The building is of a design typical of modern agricultural buildings. It will be constructed in materials which match the existing cubicle building thus appearing sympathetic in the group of buildings in which it will sit. The design and construction will be appropriate to the purpose it will serve and although it will be a large building, it will be in keeping with other buildings on the site in terms of its size and scale.

The building will be a new third unit on the site; however It is located within the existing cluster of buildings. The current area of land is grassland however it is adjacent to existing hardstanding and will be viewed in this context from the adjacent public foot paths. It will therefore have minimal impact on the landscape. The development is therefore considered to comply with Policies NE.1 (Open Country) and BE.2 (Design Standards).

### **Amenity**

The proposed building will be approximately 120 metres from the existing farmhouse and adjacent converted barns. As this building will result in an intensification of use at this site the Environmental Health department have requested details of noise to be submitted prior to any further comments being made on the application. The noise data information has been requested but has yet to be received from the applicant. The committee will be updated on this matter in the either in the update report or verbally at the committee meeting.

However, as the site is an existing farm and has been running a robotic milking machine for several years, it is not expected that the proposal will result in a significantly increased impact by means of noise and disturbance to the detriment of residential amenity to properties.

The building is located sufficient distance from any residential properties so as not to cause a visual intrusion or loss of light to the detriment of residential amenity.

### **Access and Parking**

Notwithstanding the absence of the Highway Authorities comments, it is considered that as the building will be accessed using the existing arrangement, therefore there will be no detrimental impacts in terms of intensification or creation of a traffic hazard.

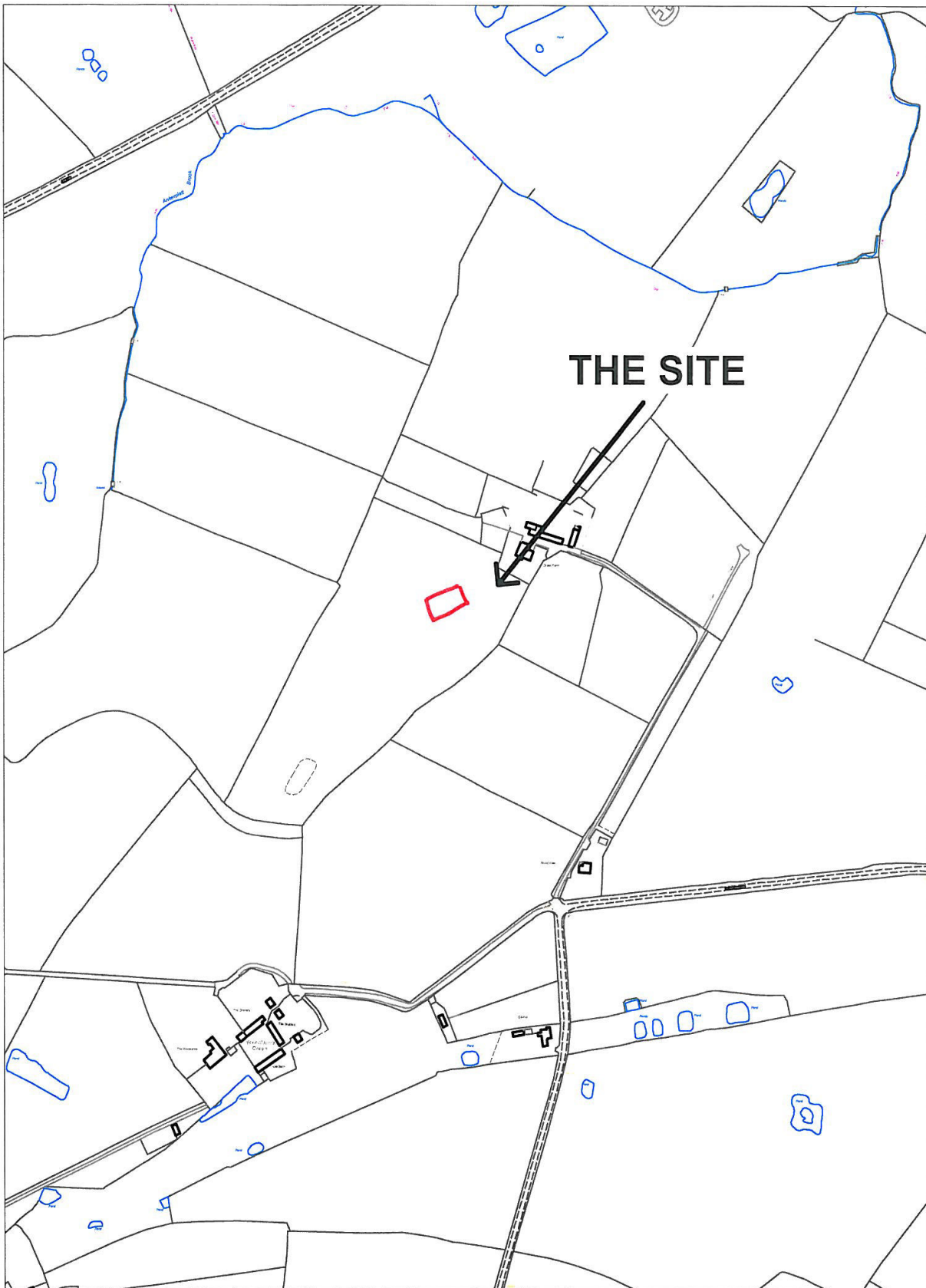
## **CONCLUSIONS**

The proposed development is essential for the continued agricultural operation and is located immediately adjacent to the existing group of buildings and therefore would not result in a form of development that would have a significantly detrimental impact on the character and appearance of the open countryside. There is a proven need for the development which is sited so as to minimise its impact. The development would not result in any detrimental impact on neighbouring amenity or highway safety. The proposal is therefore considered to be in compliance with Policies BE.1 (Amenity), BE.2 (Design Standards), BE.3 (Access and Parking), NE.2 (Open Countryside), and NE.14 (Agricultural Buildings Requiring Planning Permission) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

## **RECOMMENDATIONS**

**APPROVE** subject to the following conditions:-

- 1. Standard Time**
- 2. Approved plans**
- 3. Materials used shall be in accordance with those specified in the application unless different materials are first agreed with the local planning authority**



11/1416N CALVELEY GREEN FARM, CALVELEY GREEN LANE, CALVELEY, CHESHIRE, CW6 9LF

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