

Southern Planning Committee

Agenda

Date:	Wednesday 14th September 2011
Time:	2.00 pm
Venue:	Council Chamber, Municipal Buildings, Earle Street, Crewe CW1 2BJ

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

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

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

1. Apologies for Absence

2. Declarations of Interest

To provide an opportunity for Members and Officers to declare any personal and/or prejudicial interests in any item on the agenda

3. Minutes of the Previous Meeting (Pages 1 - 10)

To approve the minutes of the meeting held on 24 August 2011

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:

- 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. **11/2326N - 2 WESTON COURT, SHAVINGTON, CREWE, CW2 5AL: Advertisement Consent for Signage and External Graphics for Mr M Sutherland, MH & N Services Ltd (Pages 11 - 16)**

To consider the above planning application

6. **11/2324N - 2 WESTON COURT, SHAVINGTON, CREWE, CW2 5AL: Convenience Store, Retaining Existing A1 Class Use (as Application 7/16196). Shop Front to Accommodate External Automatic Teller Machine and External Air Conditioning Equipment on Flat Roof for Mr M Sutherland, M H & N Services Ltd (Pages 17 - 24)**

To consider the above planning application

7. **11/2241N - LAND SOUTH OF THE ROYAL OAK, MAIN ROAD, WORLESTON: Outline Application for Residential Development, Associated Access and Landscaping Works for Mr R Hollinshead (Pages 25 - 34)**

To consider the above planning application

8. **11/0573N - LAND ADJACENT, MINSHULL LANE, CHURCH MINSHULL, CW5 6DX: The Erection of Poultry House and Feed Hopper with Associated Access Road and Hardstanding for Mr Ian Hocknell (Pages 35 - 50)**

To consider the above planning application

9. **11/2520C - THE SANDPIPER, 62 THE HILL, SANDBACH, CHESHIRE, CW11 1HT: A 1200 Wide Hardwood External Staircase From The Yard At The Rear Of The Licensed Premises With A New Timber 850 x 1600 Exit Gate Faced One Side To Match Existing Fence To Give Access To Booth Avenue (Retrospective) for Unicorn Brewery (Pages 51 - 56)**

To consider the above planning application

10. **11/2370N - 44 MARSH LANE, NANTWICH, CHESHIRE, CW5 5LH: New Detached House, Garage, Driveway for E. Leetham N. Cleave (Pages 57 - 66)**

To consider the above planning application

11. **11/2156N - BRIDGEMERE NURSERIES, LONDON ROAD, BRIDGEMERE, NANTWICH, CHESHIRE, CW5 7QB: Demolition of Buildings and Erection of Two Storey Garden Centre Sales/Restaurant Building for Bridgemere Nursery & Garden World** (Pages 67 - 74)

To consider the above planning application

12. **Appeal Summaries** (Pages 75 - 80)

To note the Appeal Summaries

THERE ARE NO PART 2 ITEMS

This page is intentionally left blank

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Southern Planning Committee**
held on Wednesday, 24th August, 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, G Morris and A Thwaite

Apologies

Councillors S McGrory, M A Martin, D Newton and M Sherratt

58 DECLARATIONS OF INTEREST

Councillor A Thwaite declared a personal interest in respect of planning application 5 [11/1484C] as he had, in the past, held discussions with the residents about the site but had not pre-determined the application. In accordance with the Code of Conduct he remained in the meeting during consideration of this item.

Councillor G Morris declared a personal interest in respect of planning application 7 [10/4973C] as the Ward Councillor. In accordance with the Code of Conduct she remained in the meeting during consideration of this item.

Councillor G Merry declared a personal interest in planning application 7 [10/4973C] on the grounds that she was a member of Sandbach Town Council, which had been consulted on the proposed development, but she had not sat on its Planning Committee. In accordance with the Code of Conduct she remained in the meeting during consideration of this item.

Councillor S Davies declared a personal interest in respect of planning application 10 [11/2241N] on the grounds that he was acquainted with the applicant. In accordance with the Code of Conduct he remained in the meeting during consideration of this item.

Councillor P Butterill declared a personal interest in respect of planning applications 10 and 11 [11/2241N and 11/2051N] on the grounds that she had been previously been a Member of Worleston Parish Council. She also declared a personal interest in planning application 12 [11/2184N] as a member of Nantwich Town Council, which had been consulted on the proposed development. In accordance with the Code of Conduct she remained in the meeting during consideration of these items.

Councillor D Marren declared a personal interest in planning application 12 [11/2184N] as a Member of Nantwich Town Council, which had been consulted on the proposed development, but he had not sat on its Planning Committee. In accordance with the Code of Conduct he remained in the meeting during consideration of this item. He also declared a personal and prejudicial interest in planning applications 13 and 14 [11/2326N and 11/2324N] on the grounds that he lived in close proximity to the sites. In accordance with the Code of Conduct he withdrew from the meeting during consideration of these items.

59 MINUTES OF PREVIOUS MEETING

RESOLVED: That the Minutes of the meeting held on 3 August 2011 be approved as a correct record and signed by the Chairman.

**60 11/1484C LAND OFF WINDSOR PLACE, CONGLETON:
CONSTRUCTION OF 12 DWELLINGS, WIDENING OF WINDSOR
PLACE AND DEMOLITION OF OUTBUILDINGS/GARAGES FOR
ALLIED HOMES (CHESHIRE LTD)**

Note: Councillor Kolker, having arrived after the commencement of the meeting, took no part in the discussion on this item nor voted thereon.

Mrs A Beech (Objector) and Mr E Embrey (Applicant's Representative) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

The Principal Planning Officer reported that a replacement report had been circulated to the Committee which replaced the original submitted with the agenda.

RESOLVED: That a) delegated authority be granted to the Head of Planning and Housing to agree Public Open Space contributions; and

b) the application be APPROVED subject to the prior completion of a Section 106 Agreement requiring the Public Open Space contribution agreed by the Head of Planning and Housing and the following conditions:

- 1 Commence development within 3 years
- 2 Development in accordance with agreed drawings
- 3 Submission of details/samples of external materials
- 4 All brickwork constructed with English garden wall bonding
- 5 Submission of details of chimney stacks and pots
- 6 All roof-lights to be set flush with the roof plane
- 7 Submission of full details of the finish to the dormers
- 8 Rainwater goods to be metal finished in black or another dark colour to be agreed with the Local Planning Authority

- 9 All fenestration to be set behind a reveal of 100mm over a shallow stone sill
- 10 All windows and doors fabricated in timber and painted or opaque stained
- 11 Full details of fenestration to be submitted for approval
- 12 Submission and implementation of detailed design and construction specification for the works to Windsor Place and the internal part of the site
- 13 Completion of the carriageway works to Windsor Place prior to first occupation of the dwellings
- 14 Measures for the protection of breeding birds
- 15 Submission of details for the incorporation of features for use by breeding birds
- 16 Submission of a scheme of landscaping of the site
- 17 Implementation of approved landscaping scheme
- 18 Submission and implementation of details of boundary treatments
- 19 Submission and implementation of a tree and hedge protection scheme
- 20 Submission of a detailed drainage scheme
- 21 Submission of a Phase 1 Land Contamination Survey
- 22 Limits on hours of construction
- 23 Limits on hours of piling
- 24 No development shall take place until a Construction Method Statement is submitted to the Local Planning Authority

**61 11/2648C JUNCTION OF ROOD HILL & BERKSHIRE DRIVE,
CONGLETON: 14.8M HIGH JOINT OPERATOR STREET FURNITURE
TYPE TELECOMMUNICATIONS TOWER**

Note: Having called in the application, Councillor G Baxendale (Ward Member) 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 a written update.

RESOLVED: That the application be APPROVED subject to details of siting and design being required; such details to be subject to the following conditions –

- 1 Standard time 3 years
- 2 Development to be completed in accordance with the approved plans

**62 10/4973C CANAL FIELDS, HALL LANE, MOSTON, SANDBACH:
REDEVELOPMENT OF THE SITE TO PROVIDE 102 NEW DWELLINGS,
PUBLIC OPEN SPACE AND ASSOCIATED INFRASTRUCTURE,
INCLUDING A NEW ACCESS TO HALL LANE FOR BELLWAY HOMES
LTD**

Note: Mr J MacKenzie (Applicant's Representative) attended the meeting and addressed the Committee on this matter. Mr M Denny (Objector) who had registered to speak was not in attendance.

The Committee considered a report regarding the above planning application, an oral report of the site inspection and a written update.

RESOLVED: That the application be APPROVED subject to the following conditions and the prior signing of a S106 Agreement in respect of the following areas –

S106 Heads of Terms

- Secures 10% affordable housing comprising two and three bed intermediate houses
- A financial contribution of £206,440 comprising £174,292 towards education provision and with the remaining sum of £33,857 being used for improvements to pedestrian accessibility and/or enhancing play provision within the immediate vicinity of the site
- Overall provision to capture any uplift in value with any additional sums paid to the Council to invest back into affordable housing provision within the borough
- Secures the landing and access rights for any pedestrian footbridge and/or footpath and from the adjacent Fodens Test Track site for any future residential or office development on the site
- Secures the precise details for a management company in respect of the on-site amenity green-space, SUDS systems and ponds

Conditions

- 1 Time limit
- 2 Development in accordance with the approved plans and site levels
- 3 Precise details of materials, windows and boundary treatments to be submitted and agreed prior to the commencement of development
- 4 100mm reveals to windows
- 5 Implementation of new access to base course prior to the commencement of any other development on the site
- 6 Secure access arrangements and improvement to Hall Lane Rail Bridge in accordance with approved plans
- 7 Precise details of internal highway layout, arrangement and proposed materials to be submitted and agreed prior to the commencement of any development

- 8 Prior to first development the developer will provide an amended site layout which clearly defines a legible adoptable highway boundary to the satisfaction of the Local Planning Authority
- 9 Finished floor levels
- 10 SUDS system and surface water in accordance with submitted scheme
- 11 Precise details of scheme to manage flood risk
- 12 Precise details of scheme to manage overland flow
- 13 Scheme for removal of Australian swamp stonecrop
- 14 Precise details of scheme to protect pond during construction and future Management Plan
- 15 Landscape Management Plan
- 16 Contaminated land and remediation
- 17 Scheme and implementation of noise mitigation measures
- 18 Landscaping details
- 19 Landscaping implementation
- 20 Detailed scheme for ecological enhancements, implementation and future management
- 21 No development shall commence until a detailed scheme for street furniture, street lighting and railings and boundary treatments to public areas and amenity green-space has been submitted and agreed
- 22 Removal of Permitted Development Rights

63 11/2001N 10, GLENDALE CLOSE, WISTASTON CW2 8QE: FIRST FLOOR EXTENSION OVER EXISTING GARAGE TO SIDE OF DWELLING FOR MR J BAKER

The Committee considered a report regarding the above planning application and an oral report of the site inspection.

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

- 1 Standard
- 2 Plans
- 3 Materials
- 4 Remove Permitted Development Rights

64 11/2556C LAND ADJACENT TO 26, MILLMEAD, RODE HEATH, CHESHIRE ST7 3RX: CONSTRUCTION OF TWO DETACHED HOUSES AS PER FOOTPRINT LAYOUT INDICATED FOR MR B JARVEST

Note: Having called in the application, Councillor Rhoda Bailey (Ward Member) attended the meeting and addressed the Committee on this matter.

Mr T Kehoe (Objector) 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 a written update.

The Principal Planning Officer reported that United Utilities had raised no objection to the application. He also confirmed that the footpath referred to by Odd Rode Parish Council in the written update was, in fact, not a Public Right of Way.

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

- 1 Application for reserved matters approval within 3 years
- 2 Commencement of development within 3 years of this permission or 2 years of approval of the last of the reserved matters, whichever is the later
- 3 Development in accordance with agreed drawings
- 4 Submission of details/samples of external materials
- 5 Submission of detailed drainage scheme
- 6 Limits on hours of construction
- 7 Limits on hours of piling
- 8 Submission of landscaping scheme
- 9 Implementation of landscaping scheme
- 10 Submission of details of boundary treatments
- 11 Hedgerow protection scheme
- 12 Surface water not to be discharged into foul drainage sewer

**65 11/2241N LAND SOUTH OF THE ROYAL OAK, MAIN ROAD,
WORLESTON: OUTLINE APPLICATION FOR RESIDENTIAL
DEVELOPMENT, ASSOCIATED ACCESS AND LANDSCAPING
WORKS FOR MR R HOLLINSHEAD**

Note: Mr M Astbury (Objector) had not registered his intention to address the Committee. However, in accordance with paragraph 2.8 of the public speaking rights at Strategic Planning Board and Planning Committee meetings, the Committee agreed to allow Mr Astbury to speak.

Mr M Heming (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 and an oral report of the site inspection.

RESOLVED: That the application be DEFERRED to consider loss of parking and to obtain further comments from Environmental Health relating to the potential for noise from the Public House negatively impacting on the proposed development.

66 11/2051N ASTON LOWER HALL FARM, DAIRY LANE, ASTON JUXTA MONDRUM, CHESHIRE CW5 6DS: PROPOSED EXTENSION TO AGRICULTURAL BUILDING FOR CATTLE HOUSING FOR MR J THOMASSON

The Committee considered a report regarding the above planning application.

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

- 1 Standard time limit
- 2 Approved plans
- 3 Materials as submitted

67 11/2184N FOREGATE HOUSE, WELLINGTON ROAD, NANTWICH CW5 7BH: EXTENSION TO TIME LIMIT ON P08/0471-DEMOLITION OF FORMER JOB CENTRE AND CONSTRUCTION OF 14 APARTMENTS FOR LOTHLORIAN LTD

The Committee considered a report regarding the above planning application.

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

- 1 Standard time limit 3 years
- 2 Materials to be Hanson Hampton Rural Blend and the Marley Edgemere Duo in smooth grey
- 3 Surfacing material details as specified on plan reference 009753
- 4 Obscure glazing to the secondary first and second floor windows facing towards 4 and 6 Station View
- 5 Boundary treatment details as specified on plans reference 009753 and 009768
- 6 Tree protection fencing to conform with BS5837:2005 in the position shown on plan reference 009753
- 7 Implementation of landscaping details as shown on plan reference 009573
- 8 Access details as specified on plan reference 009574
- 9 The car parking provision shown on the approved plans is to be provided prior to the occupation of dwellings
- 10 Cycle parking details as specified on plan reference 009575
- 11 The development shall include 6-16-4 double glazing needs to be installed to provide 'good' living conditions in line with BS8233, acoustic trickle vents with a performance of 40 to 45 Dn,e,w should also be installed, along with mechanical ventilation when required. All the above work should be completed before any of the dwellings are first occupied and thereafter retained
- 12 Bin storage details as specified on plan reference 009575
- 13 Secure entrance gate as specified on plans reference 009573 and 009768
- 14 Drainage details as specified on plan reference 009753
- 15 External lighting details as referred to in letter of 6 June 2011 and shown on plan reference 009753
- 16 Approved plans

**68 11/2326N 2, WESTON COURT, SHAVINGTON, CREWE CW2 5AL:
ADVERTISEMENT CONSENT FOR SIGNAGE AND EXTERNAL
GRAPHICS FOR MR M SUTHERLAND, MH & N SERVICES LTD**

Note: Having previously declared a personal and prejudicial interest in planning applications 11/2326N and 11/2324N, Councillor Marren withdrew from the meeting and took no further part in the proceedings.

Having called in the application, Councillor D Brickhill (Ward Member) 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 site inspection to consider the impact of the proposed development on the locality.

**69 11/2324N 2, WESTON COURT, SHAVINGTON, CREWE CW2 5AL:
CONVENIENCE STORE, RETAINING EXISTING A1 CLASS USE (AS
APPLICATION 7/16196). SHOP FRONT TO ACCOMMODATE
EXTERNAL AUTOMATIC TELLER MACHINE AND EXTERNAL AIR
CONDITIONING EQUIPMENT ON FLAT ROOF FOR MARK
SUTHERLAND, M H & N SERVICES LTD**

Note: Having called in the application, Councillor D Brickhill (Ward Member) 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 site inspection to consider the impact of the proposed development on the locality.

**70 11/2530C BATH VALE WORKS, BATH VALE, CONGLETON CW12
2HD: REMOVAL OF CONDITION 11 IMPOSED ON APPLICATION FOR
APPROVAL OF RESERVED MATTERS 10/1269C RELATING TO
SUSTAINABLE / ENERGY SAVING FEATURES FOR BOVIS HOMES
LIMITED**

The Committee considered a report regarding the above planning application.

RESOLVED: That the application be APPROVED subject to the completion of a Deed of Variation to the Section 106 Agreement to reference the new permission and the following conditions –

- 1 Plans
- 2 Materials

- 3 Boundary treatment
- 4 Internal layout details
- 5 Contaminated land
- 6 Updated Tree Canopy Plan
- 7 Updated Landscaping Plan
- 8 Implementation of landscaping
- 9 Removal of Permitted Development Rights
- 10 Construction of access

The meeting commenced at 2.00 pm and concluded at 5.10 pm

Councillor G Merry (Chairman)

This page is intentionally left blank

Application No: 11/2326N

Location: 2 WESTON COURT, SHAVINGTON, CREWE, CW2 5AL

Proposal: Advertisement Consent for Signage and External Graphics

Applicant: Mr M Sutherland, MH & N Services Ltd

Expiry Date: 18-Aug-2011

SUMMARY RECOMMENDATION:

APPROVE subject to conditions

Main issues:

- The impact upon the character and appearance of the streetscene
- The impact upon amenity
- The impact upon highway safety

REASON FOR REFERRAL

Councillor David Brickhill has called in this application to Southern Planning Committee for the following reasons:

'the appearance of the unit will be substantially changed and provide a loss of amenity to neighbouring residents and a distraction to motorists on a dangerous bend on a hill with a T junction.'

This application was deferred by Members for a site visit.

DESCRIPTION OF SITE AND CONTEXT

The application unit faces east, fronting onto Crewe Road, Shavington within the Shavington Settlement Boundary. The unit is currently a vacant shop, to the rear of which, are residential flats.

DETAILS OF PROPOSAL

Revised plans have been submitted for the erection of 7 signs in relation to a 'Nisa Local' convenience store.

The main sign would be the Fascia sign. When scaled from the submitted plans this sign would measure 4.5 metres in width, 1.1 metres in height, 0.3 metres in depth and would be positioned approximately 3.1 metres above ground floor level. The sign would be constructed from aluminum and acrylic and would have yellow and blue text on a white background. The sign would be externally illuminated and fixed to the roof with a bracket.

The other 5 signs would be constructed from vinyl and would have either a white or yellow background with blue or yellow text. These signs would be affixed to the principal and side elevation of the shop at various locations to advertise the shop name, the opening times, an overview of the products for sale and to advertise the cash machine.

RELEVANT HISTORY

P01/1032 – Proposed alterations to shop entrances to create disabled access – Approved 5th December 2001

P94/0510 – COU ex workshops/shops to form 6 residential flats –Refused 25th August 1994 (Appeal allowed January 1995)

P94/0942 – COU of existing workshops/shops and subdivision of existing residences to form 6 residential flats (amended scheme) – Approved 15th December 1994

P93/0327 – Extension and re-modeling – Refused 24th June 1993

P92/0867 – Extension and re-modeling – Refused 18th December 1992

P92/0214 – Provision of car parking area – Refused 21st May 1992

7/20027 – Formation of car parking area – Refused 26th September 1991

7/16196 – COU from Class A2 to Class A1 – Approved 15th November 1988

7/14195 – Illuminated sign – Approved 24th June 1987

7/13997 – COU from shop to office – Approved 19th March 1987

7/11045 – COU to office accommodation – Approved 7th June 1984

7/08884 – Alterations to shops, first floor made into flats – Approved 10th June 1982

7/07871 – 1 illuminated projecting sign – Approved 6th April 1981

7/07698 – COU butchers shop to fried fish and chip shop – Refused 26th February 1981

POLICIES

National policy

PPG19 - Outdoor Advertisement Control

Local Plan Policy

BE.19 – Advertisements and Signs

CONSULTATIONS (External to Planning)

Highways – No objections

Environmental Health – No objections

VIEWS OF THE PARISH COUNCIL

Shavington-cum-Gresty Parish Council – No objections

OTHER REPRESENTATIONS

9 Letters of objection to this application have been received from local residents. The key concerns raised relate to the following issues;

1. Parking issues
2. Highways issues
3. Opening Hours
4. Sign not in keeping with village
5. The presence of a convenience store at this location

APPLICANT'S SUPPORTING INFORMATION

Details of the signage

OFFICER APPRAISAL

Principal of Development

The proposal seeks advertisement consent for the erection of 1 externally illuminated fascia sign and 6 non-illuminated vinyl signs in relation to a new 'Nisa Local' Convenience Store located within the Shavington Settlement Boundary. This type of development is acceptable in principle providing that the signage adheres with policy BE.19 of the Local Plan.

Advertisements and Signs

Policy BE.19 of the Local Plan, advises that proposals for signs will be permitted provided; they would not have an adverse effect on the character of the streetscene or the building, they are not above ground floor fascia level, they do not obscure important architectural features, do not introduce excessive illumination, are discreet and provide no threat to public or highway safety.

In response to this policy, there is an adjacent hair and beauty salon business named Hairporium with signage so it is not considered that the proposal would appear incongruous within the streetscene as there is another example adjacent to the development.

The position of the fascia sign, although above ground floor level, would still be positioned in an acceptable location on a single-storey roof canopy, just 0.5 metres above the ground floor level and 0.2 metres below the ridge.

It is considered that the signage would not cover up any important architectural features. The fascia sign would cover a section of roofing, and the vinyl signs would cover up either wooden boards or glazed panels.

With regards to illumination, the original application included an internally lit fascia board. Following negotiations between the applicant and the Council, the applicant has agreed to amend the plans to ensure that the fascia sign is externally illuminated as per the adjacent hair and salon business. As a result, because this illumination would be inward facing, it is considered that its impact would be greatly reduced and acceptable in line with the adjoining business.

Although it is accepted that the proposal is not discreet, it is considered that it is typical for a business of this type which already has planning permission to operate from this premises.

Highways have raised no objections to the proposal, suggesting that they are satisfied with what has been applied from a highway safety perspective.

As a result, it is considered that the proposed signage is in accordance with Policy BE.19 (Advertisements and Signs) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

Other Matters

In response to the issues raised by local residents and the reasons for the committee 'call in'. One of the main concerns raised were in relation to parking and highways issues. Parking and the knock-on highways issues have not been considered in this application as this application solely relates to the signage. In relation to the distracting nature of the signage, highways have been consulted on this specific application and are satisfied with the safety aspects.

With reference to the issues relating to opening hours and the actual presence of the convenience store in this location, again, because this application relates solely to the signage, this aspect is not considered.

With regards to the concerns raised about the signage not being in keeping with the village setting, this issue has been considered within the report. Although the signage is not discreet in nature, it is considered typical for such a use. In addition, the only illuminated aspect of the sign would be externally illuminated reducing the overall impact of the signage on the general streetscene.

CONCLUSIONS

The proposed signage is of a design and construction that is appropriate for this location. The proposal would not have an unreasonable impact on character of the streetscene, would not include excessive illumination for its location and would not impact highway safety. As such, the proposal conforms to Policy BE.19 (Advertisements and Signs) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

RECOMMENDATIONS

APPROVE subject to the following conditions

1-5 Standard Advert Conditions

6. Plans

:



This page is intentionally left blank

Application No: 11/2324N

Location: 2 WESTON COURT, SHAVINGTON, CREWE, CW2 5AL

Proposal: Convenience Store, Retaining Existing A1 Class Use (as application 7/16196). Shop Front to Accommodate External Automatic Teller Machine and External Air Conditioning Equipment on Flat Roof

Applicant: Mr M Sutherland, M H & N Services Ltd

Expiry Date: 18-Aug-2011

SUMMARY RECOMMENDATION:

APPROVE subject to conditions

Main issues:

- The impact upon the character and appearance of the streetscene
- The impact upon amenity
- The impact upon highway safety

REASON FOR REFERRAL

Councilor David Brickhill has called in this application to Southern Planning Committee for the following reasons:

1. Noise from the air conditioning units would disturb the neighbours
2. The cash machine will give rise to loitering and robbery
3. The Bollards will obstruct a right of way

This application was deferred by Members for a site visit.

DESCRIPTION OF SITE AND CONTEXT

The application unit faces east, fronting onto Crewe Road, Shavington within the Shavington Settlement Boundary. The unit is currently a vacant shop, to the rear of which, are residential flats.

DETAILS OF PROPOSAL

Revised plans have been submitted for an integrated ATM machine, 4 concrete bollards and air conditioning equipment.

The proposed ATM machine would be positioned on the principal elevation of the shop unit which is the western elevation. The machine would measure approximately 0.6 metres in width, 0.6 metres in height and would be positioned approximately 0.9 metres above ground floor level.

The proposed concrete bollards would be inserted into the pavement in front of the shop in 2 sets of 2. The first set of 2 would be set either side of the main entrance door of the shop and the second set of 2 would be positioned either side of the proposed ATM machine. Each bollard would be constructed from concrete and would measure approximately 0.9 metres in height and 0.2 metres in width.

The proposed air conditioning units would be positioned on the roof of the shop on the southern elevation. 3 units would be positioned adjacent to each other and combined would measure approximately 2.6 metres in width, 0.3 metres in depth, 1.7 metres in height would be positioned approximately 3.2 metres above ground floor level.

RELEVANT HISTORY

P01/1032 – Proposed alterations to shop entrances to create disabled access – Approved 5th December 2001

P94/0510 – COU ex workshops/shops to form 6 residential flats –Refused 25th August 1994 (Appeal allowed January 1995)

P94/0942 – COU of existing workshops/shops and subdivision of existing residences to form 6 residential flats (amended scheme) – Approved 15th December 1994

P93/0327 – Extension and re-modeling – Refused 24th June 1993

P92/0867 – Extension and re-modeling – Refused 18th December 1992

P92/0214 – Provision of car parking area – Refused 21st May 1992

7/20027 – Formation of car parking area – Refused 26th September 1991

7/16196 – COU from Class A2 to Class A1 – Approved 15th November 1988

7/14195 – Illuminated sign – Approved 24th June 1987

7/13997 – COU from shop to office – Approved 19th March 1987

7/11045 – COU to office accommodation – Approved 7th June 1984

7/08884 – Alterations to shops, first floor made into flats – Approved 10th June 1982

7/07871 – 1 illuminated projecting sign – Approved 6th April 1981

7/07698 – COU butchers shop to fried fish and chip shop – Refused 26th February 1981

POLICIES

National policy

PPS1 – Sustainable Development

Local Plan Policy

BE.1 – Amenity

BE.2 – Design Standards

BE.18 - Shop fronts and advertisements

CONSULTATIONS (External to Planning)

Highways – No objections

Environmental Health – Concerns regarding the potential noise pollution that would be generated from the air conditioning units. As such, a condition is proposed to limit the level of noise generated from the units to 5 dB below the existing background noise.

It is advised that 'In the 1997 method for rating industrial noise affecting mixed residential and industrial areas, the assessment method states that you assess the likelihood of complaints by subtracting the measured background noise level from the rating level, the greater the difference the greater the likelihood of complaints. A difference of around +10dB or more indicates that complaints are likely; a difference of around +5dB is of marginal significance and if the rating level is more than 10dB below the measured background noise level then this is a positive indication that complaints are unlikely. Hence 5dB below the measured background would also be that complaints are unlikely, especially as 5dB above background is of marginal significance.'

VIEWS OF THE PARISH COUNCIL

Shavington-cum-Gresty Parish Council – Object to the proposal due to concerns regarding the potential noise that would be generated by the air conditioning units and its impact on nearby residents. They also recommend that the hours of operation should be set to 7am to 10pm as per other convenience stores in the village.

OTHER REPRESENTATIONS

Grove House, 91 Crewe Road, Shavington – Object to the Change of Use of this store because of parking issues, threats to local residents, the proposed hours of operation, deliveries causing highway's issues and general use of the unit as a convenience store.

4 Weston Lane, Shavington – Object to the new cash machine because of potential highway's issues, the lack of parking at the site, and the noise that would be created by the air conditioning units.

APPLICANT'S SUPPORTING INFORMATION

Details of the air conditioning units

OFFICER APPRAISAL

Amenity

Policy BE.1 of the Local Plan advises that development will be permitted provided that it would not impact adjacent properties by reason of '*overshadowing, overlooking, visual intrusion, noise and disturbance, odour or in any other way.*'

With regards to all aspects of this proposal, none of these developments would impact neighbours by way of overshadowing or overlooking.

In relation to the ATM machine, due to its small size (0.81 metres squared), it is not considered that the proposal would have a detrimental impact upon the visual amenity of the site and Environmental Health have raised no objections with regards to noise.

With reference to the proposed bollards, none of these issues apply.

With regards to the proposed air conditioning units, Environmental Health have raised concerns regarding the potential noise they may generate and how this could potentially impact nearby neighbours. This issue has also been raised by local residents and is one of the main reasons this application has been called in to committee.

Environmental Health have requested a condition be added to the decision notice, should the application be approved, requesting that the noise of the units be limited to no more than 5 decibels below the existing background noise. The applicant would need to measure this existing noise level prior to the commencement of the development.

Also within Policy BE.1 of the Local Plan, it is advised that development will be permitted provided that it does not generate such traffic levels that the development would prejudice the safe movement of traffic on surrounding roads. This is one of the other main reasons of objection raised by local residents.

Highways have been consulted on this application and they raise no objections to the development suggesting that they are satisfied with the proposal from a highway safety perspective. Furthermore, there is an existing parking bay positioned outside of the proposed ATM machine. With regards to the bollards, it has been negotiated between the Council and the applicant that these should be sited closer to the shop than originally proposed, reducing their level of obstruction on the pavement. The bollards would be positioned just 0.2 metres from the shop front.

As a result of the above, it is considered that the proposal fails to adhere with policy BE.1 of the Local Plan.

Design

The designs of all 3 aspects of this application are deemed to be appropriate to the purpose they would serve.

With regards to the ATM machine and the bollards, these developments would be relatively small in nature and as a result, it is not considered that they would have a detrimental impact upon the streetscene by reason of its scale, height, proportions or materials used, which would be typical for such developments.

In relation to the proposed air conditioning units, because they would not be positioned on the principal elevation, but to the side of the dwelling, it is not considered that they would have a detrimental impact upon the streetscene by reason of its scale, height, proportions or materials used, which again, would be typical for such a development.

As a result, it is considered that the proposal would adhere with policy BE.2 of the Local Plan.

Shop Fronts

Policy BE.18 of the Local Plan advises that proposals for the replacement or the rebuilding of shop fronts shall be permitted providing that; existing traditional shop features are retained, the design of the developments are in harmony with the character of the building and streetscene in general, it would not result in a loss of important design features and would be constructed from materials that are compatible with the visual character of the locality.

In response to this policy, due to the small scale of the proposals, it is not considered that any traditional shop features would be lost and the general shop front design would be generally maintained. In addition, the materials used in the development of these features would be appropriate to the purpose they would serve.

As such, it is considered that the proposal adheres with policy BE.18 of the Local Plan.

Other Matters

In response to the issues raised by local residents and the reasons for the committee 'call in', I shall address each of these issues in turn.

One of the main concerns raised were in relation to the potential noise created by the air conditioning units. As discussed, the level of noise emitted from these units would be limited by condition to a figure lower than the existing background noise. As such, once conditioned, it is considered that the level of noise emitted would be reasonable.

With regards to the new ATM machine giving rise to loitering and robbery, the machine would be located on an open main road in a generally quiet suburban area, which is well lit and not secluded in any particular way. As such, it is not considered that the proposal would have such a significant impact by way of crime and disorder to warrant refusal of this application.

In relation to the bollards obstructing the public right of way, highways have no objection to the positioning of these bollards from a highway safety perspective. Furthermore, these bollards have been moved closer to the shop than originally proposed further reducing their obstructiveness.

With reference to the parking and highways issues and the concerns surrounding the hours of opening, these have been primarily raised due to the proposed use of the shop which is not considered as part of this application.

CONCLUSIONS

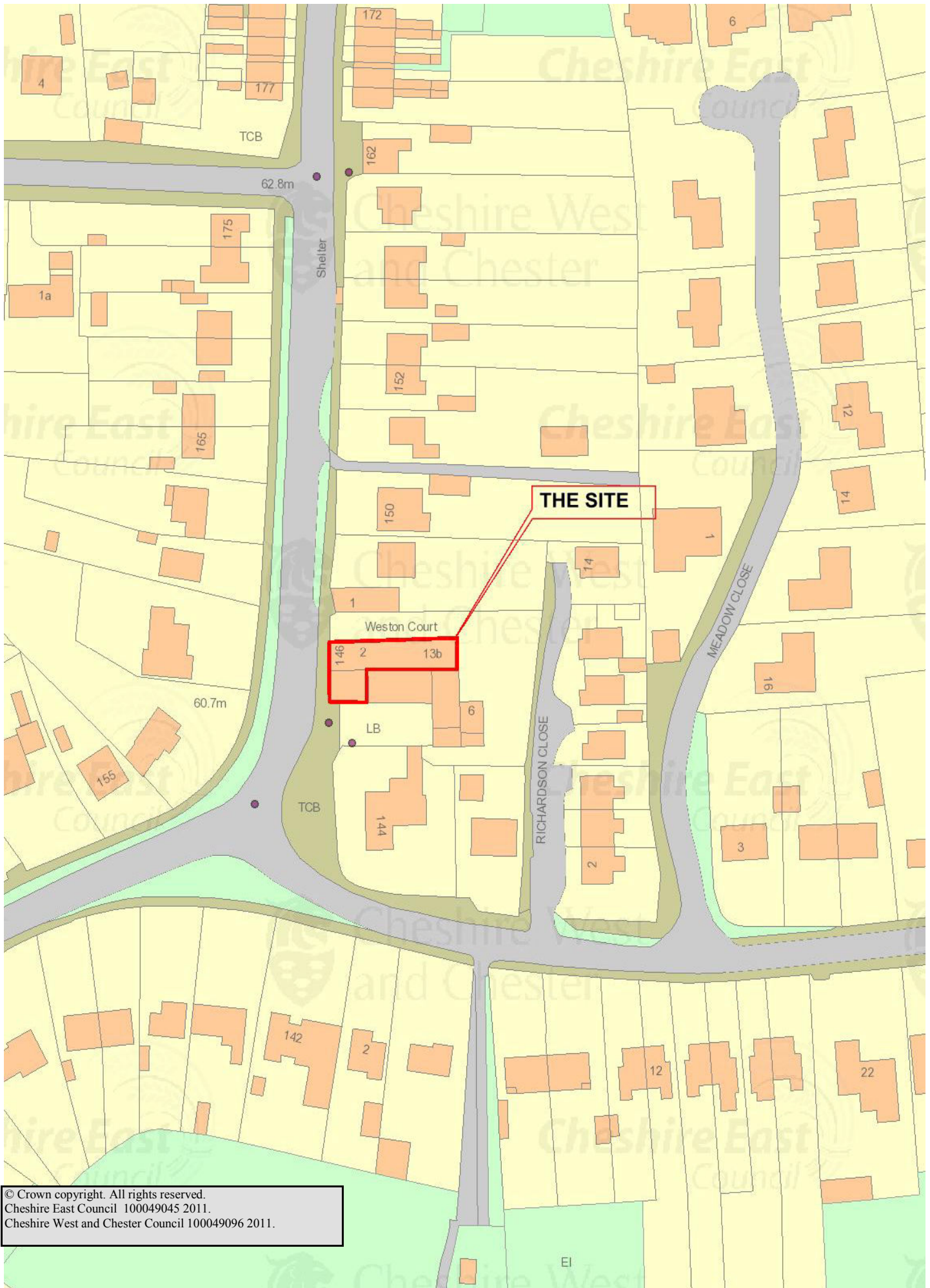
The proposed developments would be appropriately designed and would not have a detrimental impact upon neighboring amenity or the existing shop front.

As a result, it is considered that the proposal complies with Policies BE.1 (Amenity), BE.2 (Design Standards) and BE.18 (Shop Fronts and Advertisements) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

RECOMMENDATIONS

APPROVE subject to the following conditions

- 1. Standard**
- 2. Plans**
- 3. Materials**
- 4. Noise restriction of air conditioning units to 5 db(A) below existing background noise**



This page is intentionally left blank

Application No: 11/2241N

Location: LAND SOUTH OF THE ROYAL OAK, MAIN ROAD, WORLESTON

Proposal: Outline Application for Residential Development, Associated Access and Landscaping Works

Applicant: Mr R Hollinshead

Expiry Date: 07-Jul-2011

Date Report Prepared: 8th August 2011

SUMMARY RECOMMENDATION

Approve with Conditions and subject to the completion of a section 106 agreement for the provision of affordable housing on site

MAIN ISSUES

- Principle of Development
- Impact on Character and Appearance of Streetscene
- Impact on the Amenity of Neighbouring properties
- Impact on Highway Safety
- Other Matters – Community Facilities, Drainage

REASON FOR REFERRAL

This application was to be dealt with under the Council's scheme of delegation. However, the application has been called in by Councillor M Jones to consider the environmental impact, design and whether the proposal is within current Crewe and Nantwich Regulations.

PREVIOUS MEETING

At the Planning Committee meeting held on 24th August 2011, Members resolved to defer this application in order allow further information to be provided with regard to the loss of car parking spaces and further consideration of the noise impact from the public house in respect of those comments raised by Environmental Health.

With regard to the impact of noise on the proposed development further comments have been received from Environmental Health. Environmental Health have reiterated that the Royal Oak Public House currently has a premises licence which includes the provision of live music until

11.30pm and recorded music until 12am every night of the week. However, currently the licensee does not utilise this licence to the full extent as there is no live or recorded music at the premises. Therefore it is not possible to ask the applicant to undertake a noise assessment to ensure the occupants of the proposed dwellings are not affected by the noise, as there is no music for the applicant to assess.

The premises licence for the Royal Oak was granted under the Licensing Act 2003 and the licence remains in force until it is surrendered. However, should the Environmental Health Department receive and substantiate complaints of noise nuisance arising from the pub playing music, they have the option to request a review of the licence, under the above legislation, and the option is there to remove or reduce the music element of the licence.

Local residents also have the same power to request a review of the licence, under the Licensing Act 2003. Furthermore the Environmental Protection Act 1990 is also available to the Environmental Health Department, should the Council wish to pursue action for a Statutory Nuisance in relation to music from the pub. Consequently the issue of potential noise nuisance arising from the pub, should they decide to change the way they operate, can be dealt with adequately by legislation outside the Town and Country Planning Act 1990.

At the time of writing the report no comments have been received with regard to the parking situation however a full update will be provided prior to Committee.

DESCRIPTION OF SITE AND CONTEXT

The application site forms land attached to the existing Royal Oak Public House within the settlement boundary for Worleston. The site comprises part of the existing beer garden and parking area to the south of the public house, and also land between the public house beer garden and residential properties to the south which is grazing land. Fronting Main Road is a hedgerow whilst the rear boundary is also vegetated. There is a pond located in the south eastern corner of the site.

DETAILS OF PROPOSAL

This is an outline application with all matters reserved. The application proposes the construction of five dwellings. Whilst all matters have been reserved an indicative layout has been submitted to demonstrate how the site could be developed. The indicative layout shows three detached dwellings and a pair of semi detached dwellings. Two dwellings would be accessed from individual driveways whilst a further access is proposed which would serve the remaining three dwellings. All properties would be two storey in height.

RELEVANT HISTORY

10/2597N – Outline Planning application withdrawn for Residential Development, Associated Access and Landscaping Works on 25th October 2010

P03/1168 – Outline planning application refused for Residential Development (8 Dwellings) on 17th October 2003.

P95/0420 – Outline application for residential development refused on 24th August 1995.

7/15544 – Planning permission approved for Extension to beer garden and new boundary fence on 5th October 1988.

7/15358 – Planning permission approved for extension to public lounge on 9th June 1988.

POLICIES

Local Plan Policy

- NE.5 (Nature Conservation and Habitats)
- NE.9 (Protected Species)
- BE.1 (Amenity)
- BE.2 (Design Standards)
- BE.3 (Access and Parking)
- BE.4 (Drainage, Utilities and Resources)
- BE.5 (Infrastructure)
- BE.6 (Development on Potentially Contaminated Land)
- RES.2 (Unallocated Housing Sites)
- RES.4 (Housing in Villages with Settlement Boundaries)
- TRAN.9 (Car Parking Standards)
- CF.3 (Retention of Community Facilities)

Other Considerations

PPS1 – Delivering Sustainable Development

PPS3 – Housing

PPS7 – Sustainable Development in Rural Areas

PPS9 – Biodiversity and Geological Conservation

PPG13 – Transport

CONSULTATIONS (External to Planning)

Strategic Highways Manager – Main Road has a 30mph speed limit with good forward visibility. The proposed accesses will be able to meet the correct visibility. The shared surface access is over designed and should be constructed as a vehicular crossing only. An amended plan will be required for Highways approval.

United Utilities – No objection. Should be drained on a separate system with only foul drainage connected to foul sewer.

Environmental Health – Royal Oak has a license for live music until 11:30pm and recorded music to 12am every night of the week. There are currently no live bands or DJ's performing at these premises. Consequently no noise assessment is required. Suggest conditions relating to external lighting, hours of construction, pile driving, and bin storage.

With regard to land contamination it is noted that residential properties are a sensitive end use. As such an informative has been suggested that the developer inform the LPA of any land contamination if encountered during construction.

Campaign for the Protection of Rural England – The proposed development could undermine the viability of an important village amenity. The land classification of the field has not been disclosed.

VIEWS OF THE PARISH COUNCIL

Object to proposed development. The Royal Oak is an integral part of the village, the loss of the beer garden would remove the one area in the village where people in the village can socialise and relax. The loss of parking facilities which is used by passing trade and local residents would result in considerably more on road parking.

The two storey dwellings are not in keeping with the existing bungalows on that side of the road and not in keeping with the character of the village. Concern that this is the first stage of a larger development for the site (pub marketed on web). Development should be geared towards providing affordable housing,

OTHER REPRESENTATIONS

Fourteen letters of objection received from Hillcrest, Aston Grove Farm, Station House, and 59, 80, 85, 87, 89, 91, 95, 97, 103 and 116 (x2) Main Road, the salient points being:

- Insufficient infrastructure in village would not sustain development
- Flooding, United utilities admit system is inadequate
- Accesses would cause strain on already busy road
- Speed limit often ignored
- Opposite very busy shop
- Some residents use pub car park, if lost they will be forced to park on road
- Loss of beer garden/village amenity
- Access road gives impression of future development
- Development not in keeping with village/bungalows
- Should be providing affordable housing
- First phase of a larger development
- Internet advert for the sale of the pub
- Ponds in village contain eggs of Great Crested Newts
- Visually overbearing and overlook cottages, loss of privacy
- Excessive development for site
- Pair of semi detached bear no resemblance to other three
- Angled building line will cause car parking problems
- Loss of trees and hedgerows
- Noise and traffic nuisance caused from pub to proposed dwellings
- Governments presumption in favour of sustainable development – promotes economic activity and allow communities to have a greater say in the way their immediate environment is planned – proposal at odds with this
- Contrary to national planning guidance
- Little prospect of young people being able to afford these houses

APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement

Tree Survey

Protected Species Survey

OFFICER APPRAISAL

Principle of development

This is an outline planning application with all matters reserved. The main consideration is therefore whether the construction of 5 dwellings would be acceptable in principle. The site is located within the settlement boundary for Worleston. Policy RES.4 allows for residential developments in such locations provided that they are of an appropriate scale for the village. It is considered that the construction of 5 dwellings would be a proportionate addition to the village and is of a scale in numeric terms which would not appear out of context. It is therefore considered that the proposed development would be acceptable in principle. However there are other considerations which need to be considered at this stage relating to the provision of affordable housing,

Affordable Housing

Policy RES.7 of the Local Plan states that in settlements with a population of 3,000 or less affordable housing will be required to be provided on proposals of 5 units or more, and exceptionally for proposals of more than one unit where there is a proven need. The Affordable Housing Interim Planning Statement which has been adopted indicates at 3.7 that for all sites in rural areas which have a population of less than 3,000 the Council will negotiate for the provision of an element of affordable housing on all sites of 3 dwellings or more, and the general minimum proportion of affordable housing required will be 30%. There is a need for affordable housing in Worleston. The Strategic Housing Market Assessment 2010 shows that there is a requirement for 25 additional affordable homes in the Minshull area which Worleston is included in for the purposes of the SHMA 2010 located with the biggest shortfall being for 3 bed units. There has been very little affordable housing delivery in the Minshull area since 2005. There is a proven need for affordable housing in the area and therefore the scheme will require the provision of affordable housing. As the proposal is for 5 units it is considered that this can be secured through on-site provision for 30% of the dwellings to be affordable, this equates to 2 dwellings. The applicant has confirmed that there are agreeable to providing affordable housing and this can be secured through a section 106 agreement.

Impact on character and appearance of the streetscene

Whilst the application is in outline with all matters reserved an indicative layout has been submitted. The proposed layout demonstrates that 5 dwellings could comfortably be sited on this land without appearing out of place or context with the village.

Worleston has a mixture of house types and ages ranging from two storey terraced properties, detached properties and semi detached bungalows. The latter would be sited

immediately to the south of the proposed development. Whilst those properties are single storey, there are two storey properties directly opposite and the Royal Oak PH is also a two storey property. It is therefore considered that two storey dwellings would be appropriate on this site and would not appear out of character with the village. A condition to ensure that the dwellings are no higher than two-storey is considered to be appropriate.

The indicative layout demonstrates a staggered building line. The southern property would be in line with No.80 whilst the northernmost property would be in line with the public house. This is considered to be an acceptable building line.

Concern has been raised that the scale of the dwellings would be out of character with the village which is noted. This is an outline application and the design and appearance of the dwellings could be subject to change as part of any reserved matters application.

Impact on the amenity of neighbouring properties

The indicative plan shows a relationship between proposed dwellings and those on the opposite side of Main Road which would reflect the existing relationship of properties within the village and would be acceptable.

The plan shows that the southernmost dwelling would be over 1m from the boundary of No.80 and 5m from the flank elevation. Given the size of the curtilage of No.80 it is considered that the proposed dwelling would not be overbearing, again a condition to restrict the height would be appropriate.

Again the submitted plans are indicative and could be subject to change. The layout does however demonstrate that the proposed development could be accommodated on the site without causing any detrimental harm to the amenities of nearby properties or between the proposed dwellings.

As the site is located adjacent to a public house there is potential for nuisance to be caused to the occupants of the proposed dwellings. Environmental Health have considered that no noise assessment would be required and as the pub is not utilising its license there would be no disturbance to the properties from noise.

Environmental Health have requested conditions be attached to any approval for details of external lighting to be submitted, restriction of construction hours, details of pile driving and refuge details. These can be secured by condition.

Impact on Highway Safety

The indicative plan shows two accesses serving the two southernmost dwellings and a further shared access to serve the three northernmost dwellings. The Strategic Highways Manager has confirmed that the site has good visibility and that the proposed accesses shown on the indicative plan would achieve the required visibility splays for this 30mph road. The indicative plan also shows that all vehicles could enter and exit the site in a forward gear. Concern was however made that the access serving the proposed three dwellings is overdesigned. Access is a reserved matter and amended details can be secured as part of a reserved matters application.

An adequate number of parking spaces can be secured for each dwelling.

Whilst access is a reserved matter it is clear that the dwellings can be satisfactorily accessed.

Impact on Protected Species

The application has been supported by a Phase One habitat survey for Great Crested Newts. The survey identifies that no Great Crested Newts were recorded as being present and therefore would not pose a constraint to development.

The Councils ecologist identifies that bats could be present within the trees within/adjoining the site. The indicative layout demonstrates that the trees would be retained, however this is an indicative layout which could be subject to change. A condition has therefore been suggested that these trees be retained and if they are required to be removed then a detailed bat survey be submitted.

The site has the potential to support breeding birds, including House Sparrow, and conditions are therefore suggested for surveys to be carried out if works commence during the breeding season. The House Sparrow is a biodiversity action plan priority species and therefore details should be submitted to incorporate features into the scheme.

Within the application site is a pond which is a Biodiversity Action Plan priority habitat and is shown to be retained. A condition is suggested for details of the enhancement of the pond.

Hedgerows are also priority habitats. The scheme would require the removal of the roadside hedgerow. Notwithstanding this a landscaping scheme could secure hedgerow planting to mitigate for its loss and a condition to this end is suggested.

Other matters

Concern has been raised with regard to the loss of the beer garden and parking. There is adequate additional parking to the north of the public house and there has been no concern raised by the Strategic Highways Manager. With regard to the loss of the beer garden whilst this is regrettable the public house itself would be retained and there is no policy objection as the community facility would be retained.

It is considered that the site can be satisfactorily drained and there has been no objection raised from United Utilities.

CONCLUSIONS AND REASON(S) FOR THE DECISION

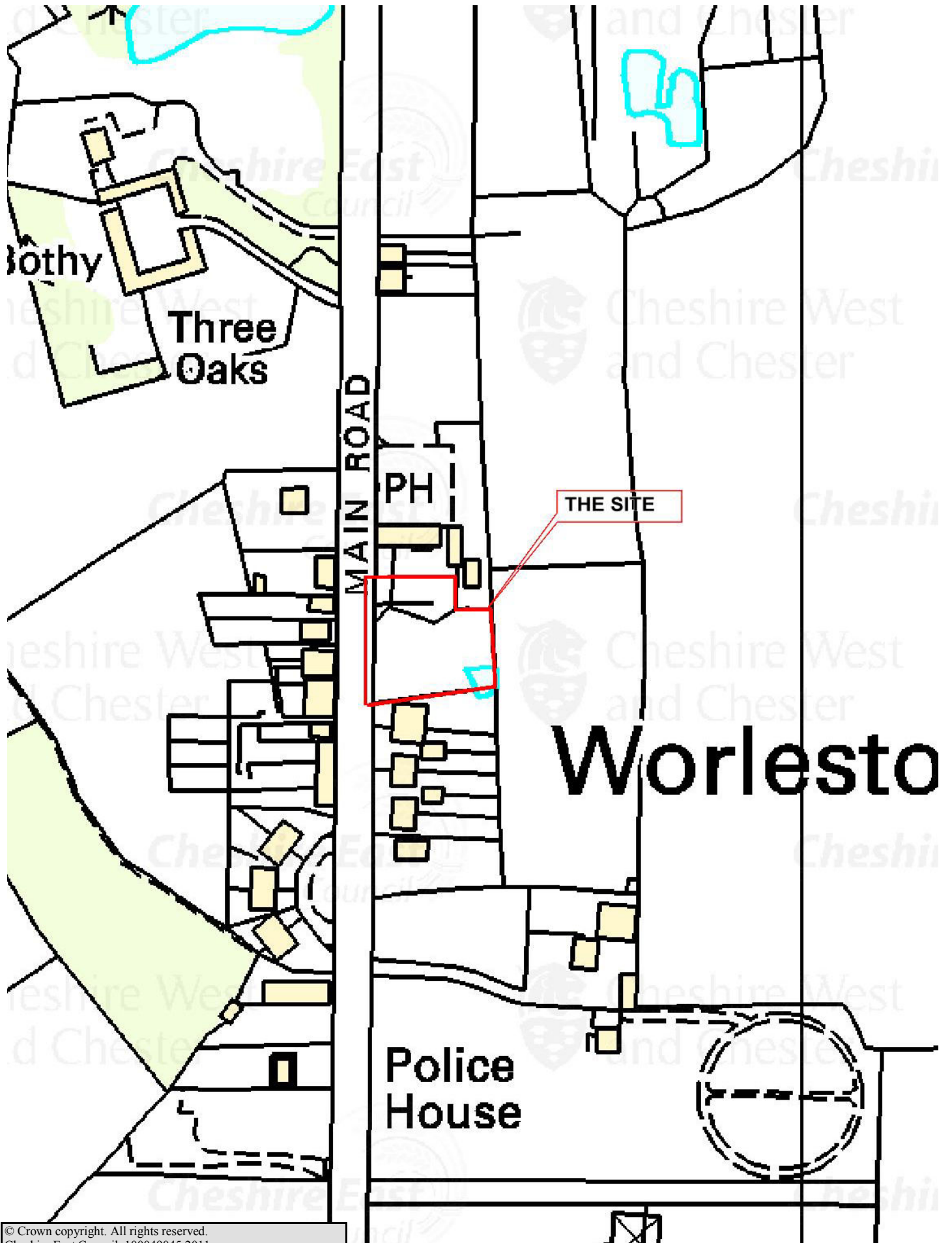
The proposed dwellings would be sited within the settlement boundary for Worleston which is acceptable in principle. It is considered that the proposed development can be carried out on the site without causing harm to the character and appearance of the streetscene, the amenity of neighbouring properties or highway safety, through the submission of a satisfactory reserved matters application. The proposal is therefore in compliance with Policies NE.2 (Open Countryside), NE.5 (Nature Conservation and Habitats), NE.9 (Protected Species), BE.1 (Amenity), BE.2 (Design Standards), BE.3 (Access and Parking), BE.4

(Drainage, Utilities and Resources), BE.5 (Infrastructure), BE.6 (Development on Potentially Contaminated Land), RES.2 (Unallocated Housing Sites), RES.4 (Housing in Villages with Settlement Boundaries), TRAN.9 (Car Parking Standards), RT.1 (Protection of Open Spaces with Recreational or Amenity Value), RT.2 (Equipped Childrens Playspace), CF.2 (Community Facilities) and CF.3 (Retention of Community Facilities) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

RECOMMENDATIONS

Approve subjection to the completion of a s.106 agreement to secure on-site provision of affordable housing and subject to the following conditions:

- 1) Commencement of Development (Outline)**
- 2) Submission of Reserved Matters**
- 3) Time Limit of Submission of Reserved Matters**
- 4) Materials to be submitted and approved**
- 5) Surfacing Materials to be submitted**
- 6) Boundary treatment**
- 7) Removal of PD for extensions**
- 8) Drainage to be submitted and approved**
- 9) Height limitation – no greater than two storeys**
- 10) Landscaping scheme to show a replacement hedgerow to Main Road Boundary**
- 11) Pond to be retained details of its enhancement to be submitted with landscaping reserved matters application**
- 12) If works carried out during bird breeding season, survey to be carried out and submitted**
- 13) Details of enhancement features for House Sparrow to be submitted prior to commencement of development**
- 14) Landscaping scheme to demonstrate the retention of trees, if removed detailed bat survey required**
- 15) details of external lighting to be submitted and approved**
- 16) Construction Hours**
- 17) Details of Pile Driving**
- 18) Details of the storage of bins/refuge to be submitted and approved.**



This page is intentionally left blank

Application No: 11/0573N

Location: LAND ADJACENT, 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

The application was originally included on the agenda as the proposed floor area of the building exceeds 1000m² and therefore constitutes a major proposal. Members may recall that this application was discussed at a previous committee meeting (3rd August 2011). However, it was deferred for a site visit in order to assess what impact the proposal may have on neighbouring amenity and the character and nature of the open countryside. In addition, clarification was sought to whether the use of the building could reasonably be regarded as being agriculture. To this extent officers have sought legal opinion which is incorporated into the report accordingly.

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 – 1st December 2004

P05/0133 – Erection of Stables, Menage, Hard Surfaces and Associated Facilities – Refused – 29th March 2005. APP/KO615/A/05/1185252 - Dismissed

P09/0080 – To Rebuild 11Kv Overhead Lines Supported by Wood Poles – No Objection – 10th 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

Planning for Growth

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. In addition conditions relating to the gates opening inwards and being set back 13m from the edge of the highway.

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 vale 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, Paradise 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 24th 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.

Email from Glynn Bridge (Agent) acting on behalf of residents of Rosalie Farm, Willow Grange, Willow Tree Farmhouse and The Old Barn.

- An application was refused in 2005 for a lambing shed on the same length of Minshull Lane in order *'to avoid a proliferation of buildings in the landscape'* and because *'the proposed building by virtue of its size and height would prove to be an unnecessary and incongruous feature in the open countryside'*. That proposal was less than 20% of the size of the proposal that is currently being proposed. If the current application is approved there is a significant level of inconsistency;

R. (On the Application of Winchester City Council) v Secretary of State for Communities and Local Government submitted by Glyn Bridge

- The above decision related to a Certificate of Lawfulness which was decided by a Judicial Review;
- The proposal related to a large poultry unit at Torbay Farm which was producing specific pathogen free (SPF) eggs for vaccine production at another site;
- The Council refused to grant a Certificate of Lawful Use or Development. However, the application was allowed at Appeal;
- This case considered whether the production of eggs was incidental to Vaccine production which occurred elsewhere and whether the Inspector has erred in law;
- The main issue raised in this Judgment was whether the production of disease free fertile poultry eggs to be used in the production of human and animal live vaccines amounted to an industrial process;
- It was accepted by all parties that the proposal did not constitute an agricultural use and it was confirmed that the primary use should be described as the production of SPF eggs through the breeding, hatching, rearing and keeping of poultry within a controlled environment;
- The primary purpose of the site was the production of SPF eggs and it was concluded that the proposal amounted to an industrial process.

Email from Glyn Bridge (dated 2nd August 2011)

I have taken advice from a senior planning barrister and his clear and unequivocal views are:

- Treating the proposal as an agricultural development is wrong;
- The Council are therefore applying the wrong policies; and
- If the Council continue in this way, they would be open to challenge.

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)

Various Emails from Mr. Hocknell (Applicant) and Mr. Ludlam (Agent)

- 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;
- 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;
- The eggs which are to be produced are not SPF eggs

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

According to Planning Policy Statement 4 – Planning for Sustainable Economic Development, Policy EC10.1 requires Local Planning Authorities to adopt a positive and constructive approach towards planning applications for economic development. Paragraph 4 of the document states that ‘economic development’ includes not only Class B employment uses but all uses which provide employment and generate wealth. Planning applications that encourage sustainable economic development should be treated favourably. Furthermore, recent Government guidance states that there should be a presumption in sustainable development and LPA’s should take a positive approach to development.

Torbay Farm (*Winchester City Council v SSCLG 2006*)

There has been much debate about whether the proposed use of the building and land for the keeping of poultry where the eggs are to be used for vaccine production is an agricultural process. The objectors claim that the proposal is an industrial process and have made reference to the above Judicial review case. Furthermore, the objectors claim that if the Council determine that the use of the land/building to be an industrial process then the proposal is contrary to Local Plan policy.

The Torbay Farm decision was based on the poultry units producing SPF eggs, which are defined as *‘hatching eggs, which are used for diagnostic procedures in laboratories, for the production and testing of vaccines and for research and pharmaceutical purposes and have to be marked with a stamp. SPF eggs are not fit for human consumption and must be produced in accordance with the valid European Pharmacopoeia, in which the requirements are defined’*.

It was agreed by both parties at the start of proceedings that the production of SPF eggs was not ‘agricultural’. The eggs which were produced at Torbay Farm were produced under sterile and clinical conditions. For example, a number of the units at the Farm were converted into sealed isolator units for the production of fertile SPF eggs. The flocks were housed in a fully microbiological environment, with pressured air supply, and a regular temperature was maintained. All materials entering/leaving the site passed through fumigation cells or two way chemical dumps. Poultry food was specially compounded vacuum packed and irradiated or gassed with methyl bromide. Staff entry to the units was via a complete shower and change procedure.

To ensure continuing status as a SPF flock 5% were blood tested each month in accord with the relevant protocol and each sample was tested for 22 different pathogens. Further clinical examination was carried out at least once a week to verify that the birds were free from fowl pox and signs of other infections. Any positive findings of disease meant the entire flock could no longer be designated as an SPF flock.

The applicant has stated that the design and management of the proposed poultry shed would be typical of many commercial poultry breeding farms and the eggs produced would not be SPF eggs. The applicant acknowledges that the majority of the eggs produced will be used for vaccine production but a small proportion will enter the human food chain. Furthermore, the applicant claims that his birds have free access to nests, litter area, feed and water in the same way as in any other commercial barn egg production and as such the unit and birds would not meet the stringent requirements needed for a SPF flock.

It is noted that the SPF flocks are kept in a very strictly controlled environment, they are not vaccinated and are very intensively monitored, and whilst the conditions in which the applicant proposes to keep his flock is entirely different.

The argument in this case focused on whether the production was an 'industrial process' for the purpose of the Use Classes Order and to that extent the case is not analogous to the present one. The Judge held 'The Inspector looked at the circumstances as a matter of fact and degree, as he was fully entitled to do. The circumstances that he took into account are all clearly set and the judgment he made was entirely open to him. It is not suggested that the decision was an irrational one that no inspector properly directing himself could reach'.

Overall, it is considered that the way the birds are managed is no different to any other poultry shed, whilst it is acknowledged that the end user is different. It is considered that the way that the flock and eggs are produced/maintained is not the same as the Torbay Farm decision, therefore the parallels which can be drawn are limited.

Agricultural Use

The term 'agriculture' as it is used in planning policy and legislative provisions is that set out in Section 336 of the Town and Country Planning Act 1990:

'agricultural' includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of woodlands where that use is ancillary to the farming of land for other agricultural purposes, and 'agricultural' shall be construed accordingly'.

It is accepted that the keeping of livestock for agriculture does not include the keeping of any animal for any purpose. Animals found not to be livestock in this context include cats and dogs (*MAFF v Appleton*) and horses (*Belmont Farms Ltd v Minister of Housing and Local Government 1962*).

In deciding whether the keeping of animals is agricultural in circumstances beyond those mentioned in brackets in the definition (production of food, wool, skins or fur or for the use of farming) it must still be in circumstances which can properly be brought within the general meaning of 'agriculture' (*Belmont Farms Ltd v Minister of Housing and Local Government 1962*).

It is a matter of fact and degree for the decision maker in each case to decide whether the keeping of particular animals in particular circumstances is agriculture. For example, keeping

bulls for the production of semen (*Fenchurch Residential Ltd v FSS 2005*) was an example in which a decision maker was entitled to conclude that the use of the land was agricultural. The collection of semen from bulls had all the hallmarks of agriculture. The production of semen was 'what bulls do, so far as their use for human beings' purposes are concerned'.

By analogy in the present case it would be open for the Council as decision maker:

- To accept that hens are ordinarily capable of being described as 'livestock';
- To note that the production of eggs for the manufacture of vaccine is not to keep hens for the purpose of the production of food, wool, skins or fur, or for the purpose of its use in the farming of land. To note also that this is not conclusive so far as reaching a decision on whether the proposed use of the building is agricultural;
- Producing eggs is 'what hens do, so far as their use for human beings' purposes are concerned'
- The way that the hens in this case are to be kept and fed has 'all the hallmarks of agriculture'
- This proposal is different from the Winchester case on the basis that the way the hens were kept and fed in that case had 'all the hallmarks of an industrial process' and, indeed, a very special process of which there remains but one example in the UK.

It is considered given all the factors cited above that the development as described in the submitted application can reasonably be regarded as being agriculture.

In addition to the above, 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. The case officer considers it prudent to attach a condition stipulating that no SPF eggs shall be produced at the site. Therefore, there are no objections in principle to the proposed use at this site.

Siting and 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 chickens 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. The agent has stated that in this position there is an approximate 2m change in level across the footprint of the building. 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. Furthermore, the objectors are concerned that if the application is approved there is a significant level of inconsistency as a much smaller lambing shed was refused planning permission in 2005, in a similar location. 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.

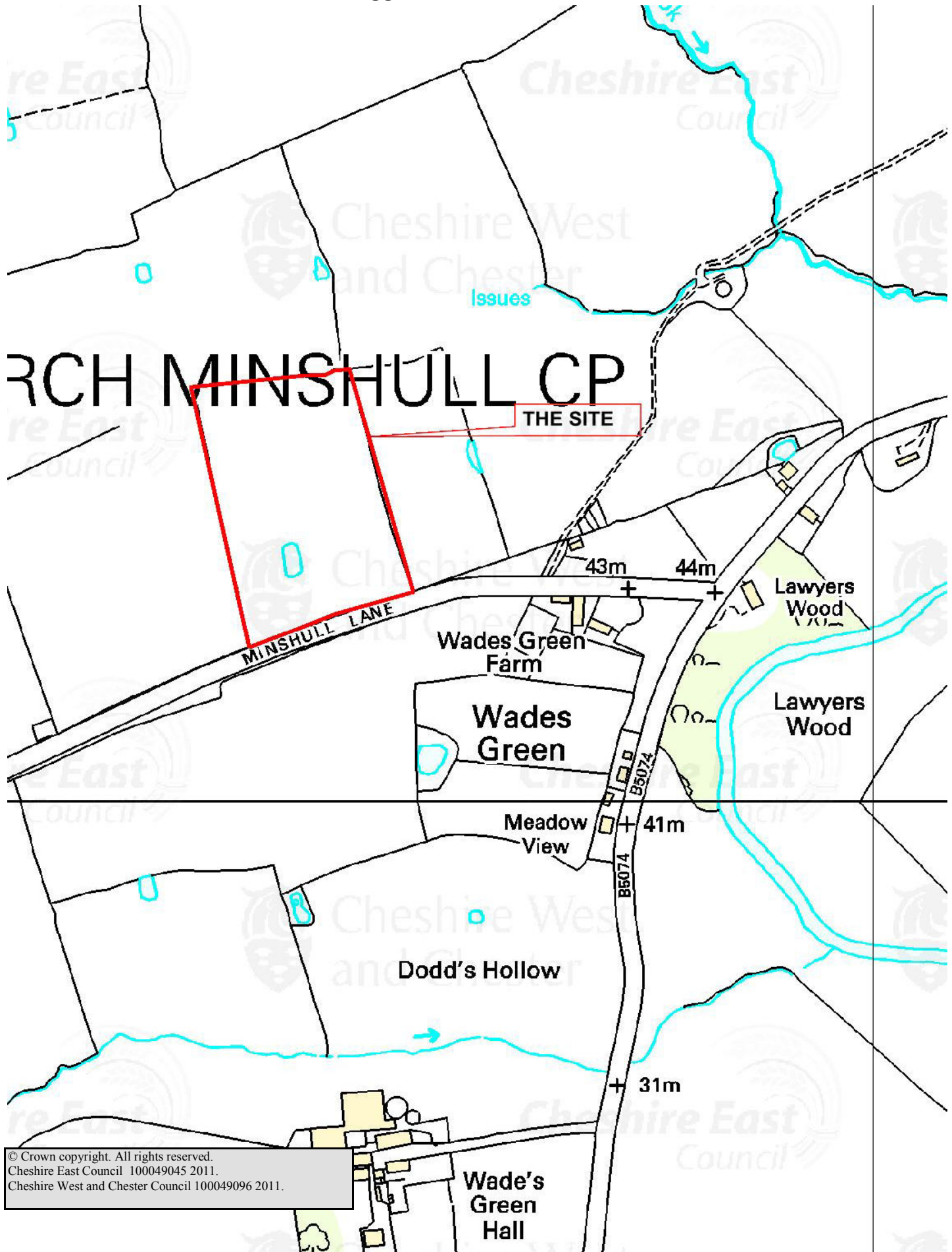
CONCLUSIONS AND REASON(S) FOR THE DECISION

The proposed poultry house will provide an agricultural building of appropriate size and design for the proposed use. The proposed use of the building for the production of eggs that will predominately be for the manufacture of human influenza vaccine is, as a matter of fact and degree in this case, an agricultural 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**

- 16. Gates Set Back 13m from Edge of Highway and Open Inwards
- 17. No SPF Eggs to be Produced



Application No: 11/2520C

Location: THE SANDPIPER, 62 THE HILL, SANDBACH, CHESHIRE, CW11 1HT

Proposal: A 1200 Wide Hardwood External Staircase From The Yard At The Rear Of The Licensed Premises With A New Timber 850x1600 Exit Gate Faced One Side To Match Existing Fence To Give Access To Booth Avenue (Retrospective)

Applicant: Unicorn Brewery

Expiry Date: 29-Sep-2011

Date report Prepared: 1st September 2011

SUMMARY RECOMMENDATION: Approve with conditions

MAIN ISSUES:

- Principle of the Development
- Design
- Amenity

REASON FOR REFERRAL

This application has been called in by Councillor S Corcoran on the grounds that: *“The steps emerge at the end of a driveway, with the sight line blocked by a hedge. The new steps will have an adverse impact on the neighbourhood increasing disturbance, anti social behaviour and crime.”*

DESCRIPTION AND SITE CONTEXT

The application site comprises the rear yard and fence at the Sandpiper public house. The fence to the rear faces on to the turning head of Booth Avenue, a residential road.

DETAILS OF PROPOSAL

This application seeks retrospective approval for the erection of an external staircase to the rear of the public house and a gate to provide access from Booth Avenue. The staircase is a substantial timber structure and the gate would be sited adjacent to the drive of number 61 Booth Avenue. This development was reported to the Enforcement Section and they informed the applicants that it required planning permission and that they should submit an application.

RELEVANT HISTORY

07/0744/FUL 2007 Approval for decking and smoking shelter

POLICIES

National Guidance

PPS1	Delivering Sustainable Development
PPS4	Planning for Sustainable Economic Growth
PPG24	Planning and Noise

Regional Spatial Strategy

DP3	Promote Sustainable Economic Development
DP7	Promote Environmental Quality
RT9	Walking and Cycling

Congleton Local Plan 2005

PS5	Towns
GR1	General Criteria for Development
GR2	Design
GR6	Amenity
GR9	Accessibility, Servicing and Parking Provision

OTHER MATERIAL CONSIDERATIONS

The Draft National Planning Policy Framework (July 2011), advises that Local Planning Authorities should *'support existing business sectors, taking account of whether they are expanding or contracting'*. In addition it states that *'In considering applications for planning permission, Local Planning Authorities should apply the presumption in favour of sustainable development and seek to find solutions to overcome any substantial planning objections where practical and consistent with the Framework.'*

OBSERVATIONS OF CONSULTEES

Highways:

None received at the time of report writing.

Environmental Protection:

This Division has taken the opportunity to have a look at the proposed application and wish to query the benefit that such a development would provide. Providing an additional access and egress to the premises will require the management of the premises to ensure that such an access and egress is managed correctly. In doing so, management would be required to ensure that there is appropriate signage to the customers requesting that they leave the premises in an appropriate manner that does not give rise to causing a possible nuisance to neighbouring premises.

There are no specific conditions that can be applied by Environmental Health for such a development but is something that also may be addressed through the Licensing Division of the Authority.

VIEWS OF TOWN/PARISH COUNCIL

Members strongly OBJECT to this retrospective application due to the adverse impact on neighbours through loss of privacy and increased traffic on this small cul-de-sac to an unacceptable level; thus contravening policies GR6 and GR18 of the CB Local Plan.

Concern was also raised for residents' safety and security following un-authorised installation of this direct access to the public house and, consequently, the likelihood of increased reports of disorder and crime.

OTHER REPRESENTATIONS

Residents of three properties on Booth Avenue and one from The Hill have expressed the following concerns about the development:

- The change in nature of Booth Avenue from residential to commercial
- The safety and security of residents
- Risk caused by pedestrians in conflict with residents reversing out of drives
- Increased pedestrian traffic
- Noise and disturbance

KEY ISSUES

Principle of the Development

The site is contained within the settlement zone line of Sandbach where there is a presumption in favour of development. The staircase and gate would give an additional access to the public house from the rear, making it more accessible on foot from the properties to the north of the public house. The proposal is therefore considered to be acceptable in principle.

Design

The staircase is a substantial timber structure that does not have any significant adverse impact on the character and appearance of the public house or the surrounding area. The gate would be formed in the existing fence and would also not adversely affect the character and appearance of the area.

The proposal is therefore considered to be acceptable in design terms and in compliance with Policy GR2 of the adopted local plan.

Amenity

The stairs and gate would give pedestrian access to the public house from Booth Avenue, which is a residential area. Residents of Booth Avenue and Sandbach Town Council have expressed concerns relating to noise and disturbance and the potential for an increase in crime and disorder, which could result from the additional access to the premises. Environmental Protection have stated that there are no specific conditions that they could impose on the public house, but that this could be dealt with by the Licensing Division.

The access would be sited in close proximity to the residential properties on Booth Avenue and careful consideration should be given to the impact on their residential amenities, in particular disturbance from noise generated from customers leaving the premises.

In the past there was a low fence in a poor state of repair to the rear of the premises which some people used for access. The residents have stated that this led to frequent instances of noise and disturbance at night and that since the higher fencing was erected, this has ceased. Whilst the concerns of the residents are accepted, it is considered that if the gate was kept

locked between the hours of 10pm and 11am, disturbance could be limited to acceptable levels. It is therefore recommended that if members resolve to approve this application, a condition should be imposed to require that the gate is locked between the hours of 10pm and 11am.

With the imposition of a condition requiring the gate to be locked between 10pm and 11am, the development would not have a significant impact on the residential amenities of nearby properties. The proposal is therefore considered to be in compliance with Policy GR6 of the adopted local plan.

Highways

The Strategic Highways Manager has not commented on this application. However as it is for a pedestrian access, albeit adjacent to the driveway of number 61 Booth Avenue, it is not considered that the opening of the access on to this cul-de-sac would lead to any significant impact in terms of vehicular or pedestrian safety. The proposal is therefore considered to be in compliance with Policy GR9 of the adopted local plan.

Other Matters

The objectors and Sandbach Town Council have expressed concerns that the opening of the access would lead to an increased risk of crime and disorder in this residential area. It is not considered that this risk would be increased to a level that would warrant refusal of the application. The Cheshire Police Architectural Liaison Officer has been consulted on the application, but had not responded at the time of report writing. Members will be updated should comments that contradict this view be received, and the recommendation may be amended accordingly.

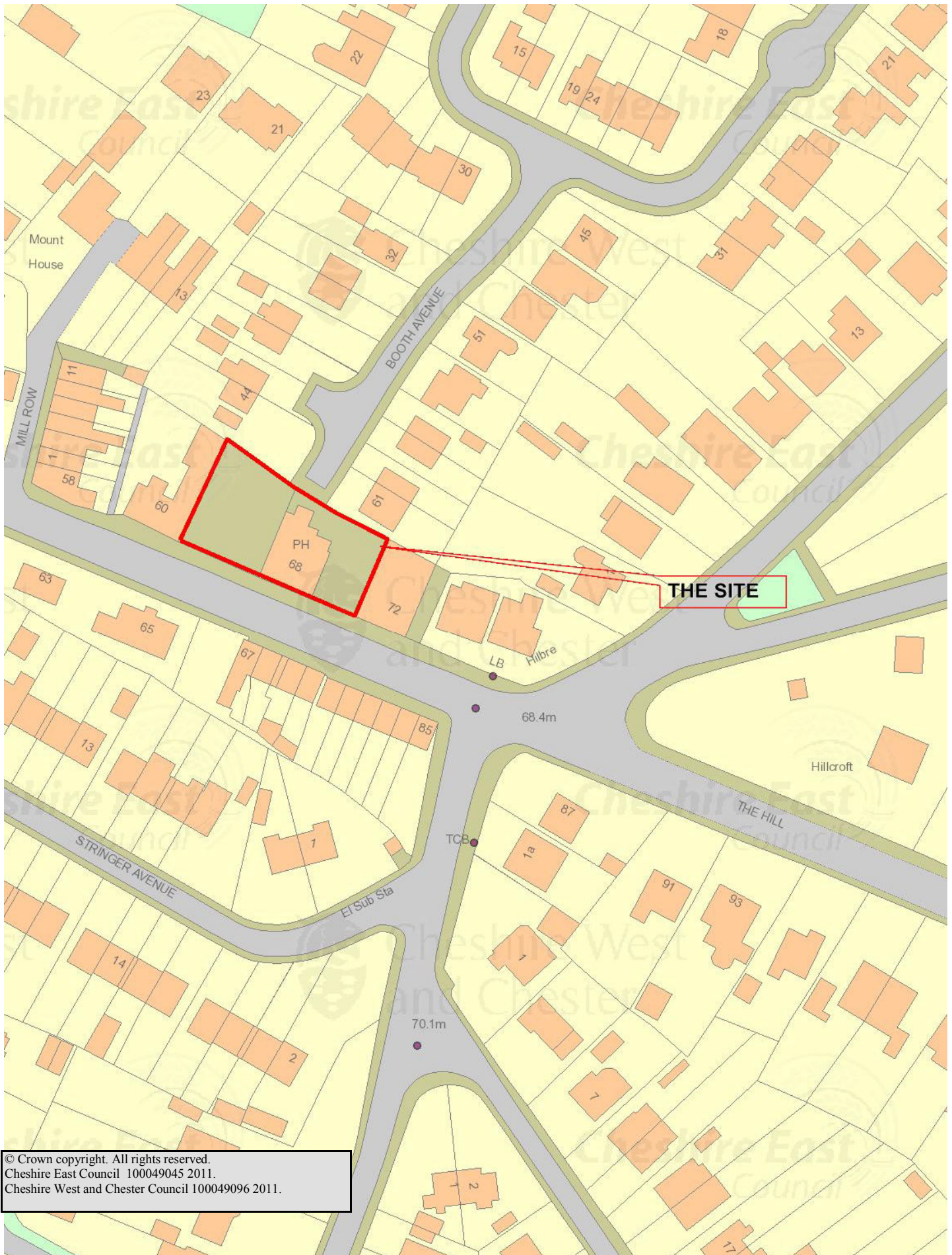
CONCLUSIONS

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

RECOMMENDATION:

Approve subject to the following conditions:

- 1. Development completed in accordance with the approved plans**
- 2. The access gate should be kept locked between the hours of 10pm and 11am**



This page is intentionally left blank

Application No: 11/2370N

Location: 44 MARSH LANE, NANTWICH, CHESHIRE, CW5 5LH

Proposal: New Detached House, Garage, Driveway

Applicant: E. Leetham N. Cleave

Expiry Date: 17-Aug-2011

SUMMARY RECOMMENDATION:

Approve (with conditions) subject to receipt of amended plans
or
Refuse

MAIN ISSUES:

- Principle of development
- Impact on the character and appearance of the site/surroundings
- Impact of the development on residential amenity
- Drainage
- Impact of the development on trees
- Nature Conservation
- Impact of the development on highway safety

1. REASON FOR REFERRAL

This application has been called in to Southern Planning Committee by Councillor A Moran for the following reasons:

- *Over development of the site, cramming;*
- *Highways impact on Marsh Lane;*
- *Neighbours concerns.*

2. DESCRIPTION OF SITE AND CONTEXT

The application site consists of a large two storey detached dwelling with a substantial surrounding garden. The site is located in the Nantwich settlement boundary to the south west of the town centre. The site is bounded to the north and east by residential properties and an area of open space and naturally vegetated land lies to the south west. The Shropshire Union canal runs in close proximity to the rear of the site. The area is predominantly residential in character although there is no predominant uniform house type.

3. DETAILS OF PROPOSAL

This application seeks permission for a new detached house in the rear garden of 44 Marsh Lane. Access would be via the existing access for 44 Marsh Lane. The house would be 1 and half storeys 7.2 metres high to the ridge, designed in an L-shape. This application is a resubmission of 10/4632N. That application was withdrawn due to concerns relating to the size and scale of the proposal. This application differs in that the overall height has been reduced 600mm and the eaves have been reduced by 1 metre. The design and shape of the dwelling have also been amended.

4. RELEVANT HISTORY

- 10/4632N: New House and Alteration to existing driveway, Withdrawn 25th January 2011.
- 7/17033: Change of use to garden, displacement of topsoil to alter ground levels from new vehicular access and two storey extension, approved 3rd August 1989.

5. POLICIES

North West of England Regional Spatial Strategy

- DP1 Spatial Principles
- DP2 Promote Sustainable Communities
- DP4 Making the Best Use of Existing Resources and Infrastructure
- DP7 Promote Environmental Quality
- RDF1 Spatial Priorities
- L2 Understanding Housing Markets
- L4 Regional Housing Provision

Local Plan Policy

- BE.1 (Amenity)
- BE.2 (Design Standards)
- BE.3 (Access and Parking)
- BE.4 (Drainage, Utilities and Resources)
- RES.2 (Unallocated Housing Sites)
- NE.5 (Nature Conservation and Habitats)
- NE.9 (Protected Species)

Other Material Considerations

- PPS1: Delivering Sustainable Development
- Planning Policy Statement: Planning and Climate Change Supplement to PPS1
- PPS3: Housing
- PPS9: Biodiversity and Geological Conservation
- PPS23: Planning and Pollution Control
- Crewe and Nantwich Borough Council Supplementary Planning Document Development on Backland and Gardens

6. CONSULTATIONS (External to Planning)

United Utilities: United Utilities originally expressed no objections. Subsequently they amended their comments objecting on the basis of increase wastewater run-off exacerbating flooding within the immediate area. However after discussions with the applicant's agent they have submitted further amended comments as follows:

United Utilities would be happy to remove the "objection" previously imposed on the proviso that, the applicant can provide complete assurance that no surface water run-off generated from the development what so ever will be discharged in to the public sewerage system.

Strategic Highways and Transportation Manager: No highways objections.

Environmental Health: Do not object subject to the following comments:

Contaminated Land Comments:

The application is for a new residential property which is a sensitive end use and could be affected by any contamination present.

As such, and in accordance with PPS23, this section recommends that the following conditions, reasons and notes be attached should planning permission be granted:

CONDITION

Prior to the development commencing:

(a) A contaminated land Phase I report to assess the actual/potential contamination risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority (LPA).

(b) Should the Phase 1 report recommend that a Phase II investigation is required, a Phase II investigation shall be carried out and the results submitted to, and approved in writing by, the LPA.

(b) Should the Phase II investigations indicate that remediation is necessary, a Remediation Statement shall be submitted to, and approved in writing, by the LPA. The remedial scheme in the approved Remediation Statement shall then be carried out.

(c) Should remediation be required, a Site Completion Report detailing the conclusions and actions taken at each stage of the works, including validation works, shall be submitted to, and approved in writing by, the LPA prior to the first use or occupation of any part of the development hereby approved.

REASON

To ensure the development is suitable for its end use and the wider environment and does not create undue risks to site users or neighbours during the course of the development and having regard to policy BE.6 of the Cheshire East Local Plan.

REASON

The actions are considered necessary as a result of a proposed change of use to a more sensitive land use.

NOTE

The applicant is advised that they have a duty to adhere to the regulations of Part IIA of the Environmental Protection Act 1990, the Town and Country Planning Act 1990 and the current Building Control Regulations with regards to contaminated land. If any unforeseen contamination is encountered during the development, the Local Planning Authority (LPA) should be informed immediately. Any investigation / remedial / protective works carried out in relation to this application shall be carried out to agreed timescales and approved by the LPA in writing. The responsibility to ensure the safe development of land affected by contamination rests primarily with the developer.

This section has used all reasonable endeavours to recommend the most appropriate measures regarding potential contamination risks. However, this recommendation should not be taken to imply that the land is safe or otherwise suitable for this or any other development.

Environmental Health Advisory Comments:

The hours of construction (and associated deliveries to the site) of the development shall be restricted to 08:00 to 18:00 hours on Monday to Friday, 09:00 to 14:00 hours on Saturday, with no work at any other time including Sundays and Public Holidays. To protect the amenities of nearby residents and the occupiers of nearby property.

British Waterways: No objection. If the Council is minded to grant permission, request the following informative:

“The applicant/developer is advised to contact third party works engineer, Alan Daines (0113 2816800) in order to ensure that any necessary consents are obtained and the works are compliant with the current British Waterways’ “Code of Practice for Works affecting British Waterways”.

Public Right of Way Team: The development does not appear to affect a public right of way.

7. VIEWS OF THE TOWN COUNCIL:

The Town Council object to yet more garden development in Nantwich.

8. OTHER REPRESENTATIONS:

Letters of objection have been received from the occupiers of 40, 42 and 73 Marsh Lane, Nantwich. The objections can be summarised as:

- Marsh Lane has been subject to very bad sewer flooding during heavy rain. The drain is both surface water and foul and consequently after each flood event United Utilities have attended to clean and disinfect the carriage way.
- The additional dwelling would increase in water run off and reduce permeable surfaces making existing flooding worse.
- The applicant does not refer to any wildlife that could be affected by the development.
- The plot cannot support 2 dwellings.

- The OS map submitted suggests the property is bigger than it is as shown on the Land Registry Plan.
- The proposal would result in loss of light, loss of privacy and increase in noise at 42 Marsh Lane.
- Mains water pressure could be affected.
- The proposal would transform the local environment.
- The government stated in June that planning rules will be changed to prevent unwanted garden grabbing by taking gardens out of definition of brownfield.

9. APPLICANT'S SUPPORTING INFORMATION:

Design and Access Statement submitted, the salient points being:

- The existing dwelling is positioned within a substantial plot therefore there is opportunity for an additional dwelling without causing loss of amenity.
- There would be ample private amenity space around the dwelling.
- The scheme allows for retention of existing trees on the front and rear boundaries.
- Existing hedge/trees/shrubs on the side boundaries would be retained.
- The site is well located with access to Nantwich railway station less than a mile away and the town centre is less than a mile away.
- There is a bus stop on Marsh Lane with regular services.
- There would be a minimum of 2 no. vehicular parking spaces per dwelling, there is adequate turning provision.
- The dwelling would be subservient to the larger 44 Marsh Lane.
- Habitable room windows have been carefully considered to ensure privacy.
- The rare times of flooding is caused by a defect to the sewer and should be repaired by United Utilities, it is out of the control of the applicant.
- The property will have full rainwater and sink water harvesting so additional load on the sewer would be very minimal.

Arboricultural Impact Assessment submitted, the salient points being:

- There are significant established trees on site providing screening, and amenity.
- The most significant trees are along the Marsh Lane boundary and the rear boundary.
- Proximity of the development to trees along the rear boundary should be considered carefully.
- Root protection areas to trees 21, 22, 25 and 26 should be left untouched.
- A 20% offset of the root protection areas would be possible.
- Most trees do not present an issue with shading a new development as shading is to the north west which would be mostly off site.

10. OFFICER APPRAISAL

Principle of Development

The development would be on garden land and the Government has stated in the amended PPS3 that this is no longer classified as brownfield land. However the development should still be determined against the criteria set out in the adopted Borough of Crewe and Nantwich Replacement Local Plan. The site is within the settlement boundary where new housing is permitted subject to compliance with policies BE.1-BE.5.

Some form of development on the site is therefore considered to be acceptable in principle.

Character and Appearance of the Site and Surroundings

The proposed dwelling would be one and a half storeys, lower in height than 44 Marsh Lane. It would therefore appear subservient to what is a large two storey dwelling. The design and appearance of the dwelling would not be inappropriate to the site and would create a legible dwelling fronting on to Marsh Lane, although not readily visible being to the rear of 44 Marsh Lane. However the size and scale of the dwelling is on the large side in what is a constrained site which is exacerbated by the trees around the site which are considered important features, providing natural screening of the proposed development. It is considered that a dwelling of the size proposed could not be accommodated within the site comfortably. However, amended plans have been requested seeking a reduction in size of the rear projection to bring the development out of the root protection zone. This would also help to balance the appearance of the dwelling and make it more appropriate in size to the site.

Amenity

The proposed dwelling, being sited within the existing garden of 44 Marsh Lane would be positioned in close proximity to that dwelling. The front elevation of the proposed dwelling would be approximately 19 metres from the rear elevation of 44 Marsh Lane according to the location plan. It is noted that the block plan indicates that the distance is 21 metres. The *SPD Development on Backland and gardens* states that there should ideally be a distance of 21 metres between principal elevations. Whilst this proposal falls short of that provision when read on the location plan, the proposed dwelling would only contain one principal window (serving the lounge) in that elevation and that would be positioned at ground floor level. There would be no first floor windows. The main concern would therefore be overlooking of this window from the first floor windows in the rear elevation of 44 Marsh Lane. However given the shortfall in meeting the requirement is not significant, it is not considered this alone could justify a refusal on amenity grounds.

The size, scale and position of the proposed dwelling is such that it would not result in significant harm to amenities at 44 Marsh Lane in terms of loss of light or visual intrusion. Whilst it would inevitably be visible from 44 Marsh Lane the proposed dwellings proximity and relationship with 44 Marsh Lane is such that it would not prejudice amenity.

Objections have been received from the occupiers of 42 Marsh Lane regarding loss of light, loss of privacy and noise disturbance. The dwelling would be approximately 13 metres from the boundary with 42 Marsh Lane at its nearest point. It would be approximately 20 metres away from the dwelling at 42 Marsh Lane at its nearest point. Given the layout of the dwelling in relation to 42 Marsh Lane and the distances state above it is not considered there would be significant harm to residential amenity at that property in terms of loss of light or visual intrusion. With regard to potential loss of privacy, whilst first floor dormer windows would be installed they would be on the inside of the 'L' and would not directly overlook any windows at 42 Marsh Lane. There would potentially be some opportunity for overlooking the garden area however any direct views would be of the furthest extent of the garden which is relatively long. The window in the side elevation to bedroom 3 would be in close proximity to the boundary and could result in the loss of privacy to the private amenity space at the rear of 42 Marsh

Lane. A condition should therefore be attached to any approval requiring this to be obscure glazed.

There is significant and tree and vegetation screening along the rear boundary which would screen the development from properties on Cartlake Close.

Drainage

Neighbours have drawn attention to past incidents of flooding in the immediate locality due to heavy rain events. The objections raised relate to the loss of permeable surfaces and increase in run-off as a result of the development, which would exacerbate the existing flooding problem. The application states in the Design and Access Statement that rainwater and sinkwater harvesting would be utilised. United Utilities have expressed the view that provided surface water run-off from the development does not discharge into the public sewer, it would have no objections. They have not raised any objections with foul sewage connecting to the public sewer.

Due to the expressed intentions of the applicant to provide sustainable drainage solutions for surface water run-off it is considered that provided a condition is imposed on any approval for full details of surface water drainage systems, the development would not result in a significant increase in run-off which could overload the existing system.

Trees

There are a number of mature trees on the site both on the boundary and within the site itself. The applicant has provided a tree survey and Arboricultural Impact Assessment. It is accepted trees 18, 19 and 20 are Category C graded trees which are of low quality and value. The loss of these trees is therefore accepted. The most important trees on the site are the group that form the rear boundary. These trees provide important screening from properties to the north and wider views. They therefore help reduce the overall impact of the development within the landscape. However the proposed development is positioned such that it would impinge on the root protection zone of a number of important and high quality trees. Whilst the submitted Arboricultural Impact Assessment states a 20% offset would be acceptable this is not accepted. Any offset in development encroaching into root protection zones is normally where isolated trees are present. These trees form a dense group and therefore development should be outside the root protection zone. Amended plans have been requested which reduce the rear projection so the dwelling does not encroach on the root protection zone, however at the time of writing the report they have not been received.

With regards to shading from the trees the rear elevation would be in close proximity to the retained trees. However the windows in that elevation would either not serve habitable rooms or would be secondary to other windows.

Nature Conservation

The site has a number of mature trees and shrubs/bushes to the rear of the site. The submitted details show that some vegetation and trees would be removed to allow for the development (tree matters are discussed in more detail above). Therefore a condition pertaining to protection of breeding birds is necessary to ensure they are not adversely affected. It is not considered a designated wildlife site or legally protected or biodiversity target species would be adversely impacted by the proposed development as conditioned.

Highways

The proposal is for the existing access to 44 Marsh Lane to be used for the new dwelling. Traffic calming measures are in place on Marsh Lane and it is restricted to 30mph. The increase in traffic from a single dwelling would not be significant. The proposals provide sufficient room for off street parking both at the application dwelling and 44 Marsh Lane. Additionally the Strategic Highways and Transportation Manager has not raised any objections to the scheme. The existing access is sufficient to serve two dwellings. The proposed development is therefore considered acceptable in terms of its impact of highway safety.

Other Matters

An objection has been received disputing the site boundaries shown on the submitted plans, particularly the southern boundary line. However at the time of the site visit it appeared the boundaries were correct and although

11. CONCLUSIONS

The principle of the development is acceptable however the current design and layout raises concerns and as presently submitted it is considered the application should be refused. The development would have an adverse impact on trees at the rear of the site which provide important natural screening of the development from long views and properties to the north. The size of the dwelling is also inappropriate for the site which is constrained. Amended plans have been requested however at the time of writing the report the plans had not been received and confirmation is awaited on the intention of the applicant. A split recommendation is therefore made depending on receipt of amended plans. An update will be provided before the committee to confirm the recommendation.

12. RECOMMENDATIONS

APPROVE subject to the receipt of amended plans showing:-

- The proposed dwelling in relation to the crown spread and root protection zones as shown on submitted tree constraints plan.
- A reduction in the rear projection to bring the development out of the root protection zones for trees 21, 22, 24, and 26 and sufficiently sited away from the crown spread of those trees.

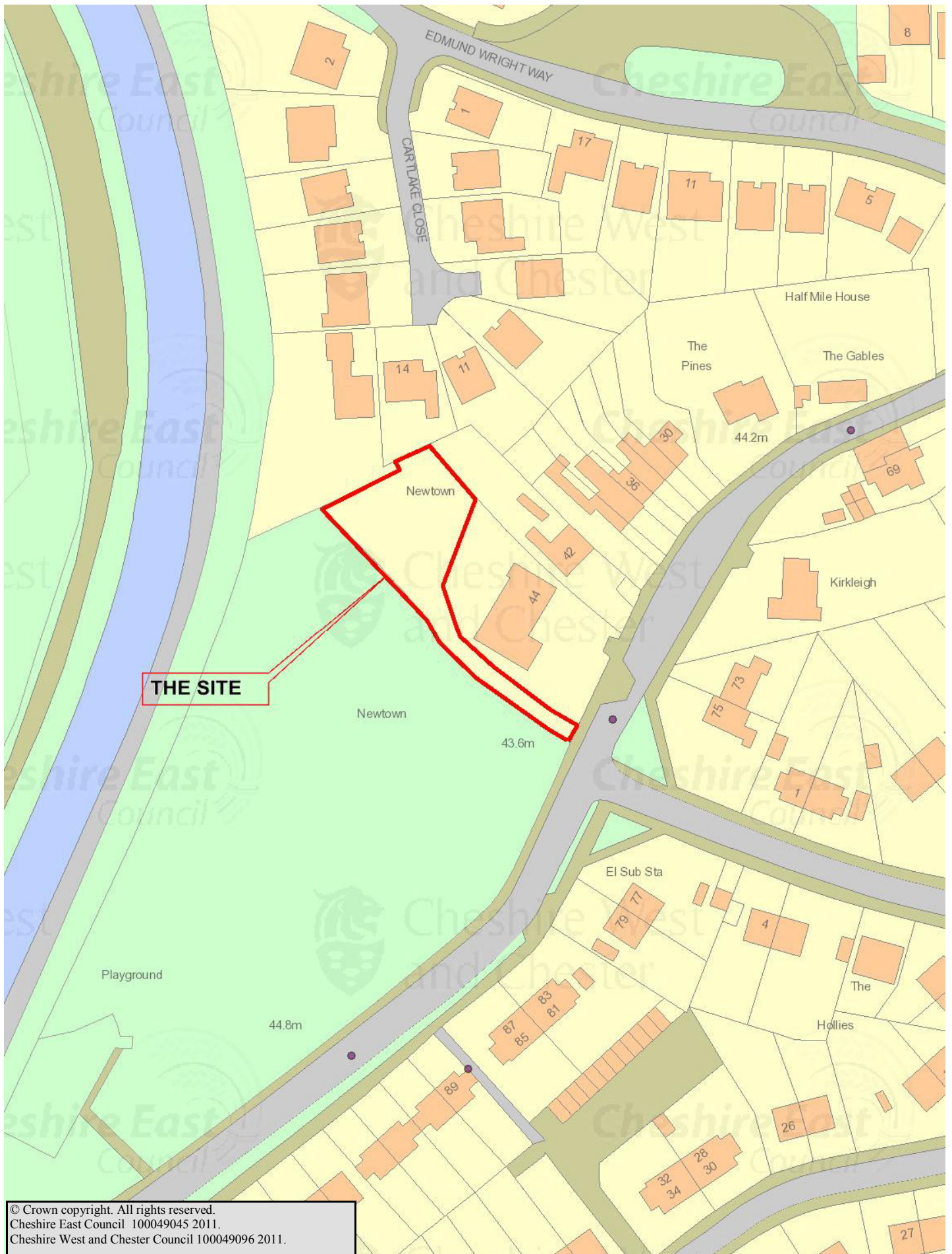
And subject to the following conditions:-

1. Standard Time.
2. Prior to commencement of development details of Materials to be submitted and approved.
3. Prior to commencement of development details of the surface water drainage systems to be submitted and approved.
4. Prior to commencement of development a scheme for protection of trees during construction to be submitted and approved
5. Prior to commencement of development a landscaping scheme including all trees to be retained to be submitted and approved.

6. Landscaping implementation
7. Prior to commencement of development details of boundary treatment to be submitted and approved.
8. Prior to commencement of development details of surfacing materials to be submitted and approved.
9. First floor window in side elevation serving bedroom 3 to be obscure glazed.
10. Approved plans

If satisfactory amended plans are not received REFUSE for the following reasons:-

1. The proposed development, by virtue of its siting would have an adverse impact on a group of important and high value trees along the rear boundary of the site which would be to the detriment of the character and appearance, and visual amenity of the area and a wildlife habitat. This is contrary to Policy NE.5 (Nature Conservation and Habitats) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.
2. The proposed dwelling would be of a size and scale which is inappropriate to the site resulting in a cramped form of development to the detriment of the character and appearance of the locality and would fail to achieve a high standard of design. This is contrary to Policy BE.2 (Design Standards) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and advice contained in PPS1: Delivering Sustainable Development.



Application No: 11/2156N

Location: BRIDGEMERE NURSERIES, LONDON ROAD, BRIDGEMERE,
NANTWICH, CHESHIRE, CW5 7QB

Proposal: Demolition of Buildings and Erection of Two Storey Garden Centre
Sales/Restaurant Building

Applicant: Bridgemere Nursery & Garden World

Expiry Date: 14-Sep-2011

Date Report Prepared: 31st August 2011

SUMMARY RECOMMENDATION

Approve with Conditions

MAIN ISSUES

- Principle of Development
- Impact on Character and Appearance of Streetscene/Open Countryside
- Impact on the Amenity of Neighbouring properties
- Impact on Highway Safety

REASON FOR REFERRAL

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

DESCRIPTION OF SITE AND CONTEXT

The application site is a garden centre and gardens site located within the Open Countryside as defined by the Borough of Crewe and Nantwich Replacement Local Plan Proposals Map. The site is located to the south of the Borough and straddles the administrative boundary with Shropshire Council. The complex comprises a number of large buildings and large areas of external retail sales, gardens and car parking. The site is accessed from the A51 via separate in and out points of access.

DETAILS OF PROPOSAL

This application proposes the construction of a two storey structure within the complex of the garden centre. The building would comprise a ground floor retail sales area and first floor restaurant. The scheme proposes 620sqm of retail floorspace, 620sqm as restaurant and areas for toilets, kitchens and servicing. The footprint of the building would be 797.5sqm. The height of the structure would be 8.3m at its highest point and 5.3m to eaves. The proposed structure would be sited largely on the footprint of the existing “bulb market” and Ice Cream Parlour which have a footprint of 1,121sqm.

RELEVANT HISTORY

Extensive Planning History on the site, the most appropriate applications being:

P06/0288 – Planning permission approved for Erection of Polytunnel on 5th May 2006.

P04/1244 – Planning permission approved for Creation of Additional General Retail Sales Area and Storage Facilities and Improvements to Loading Area on 16th November 2004.

P04/1243 – Planning permission approved for Porch Extension to Existing Retail Area and Polytunnel Nursery Stock Protection to Replace Existing Shaded Plant Area in 2004.

P02/1078 – Planning permission approved for demolition of Glass Houses and Erection of New Structure on 20th December 2002.

P01/1034 – Planning permission for new glass house and covered walkway on 5th March 2002.

7/17179 – Planning permission approved for erection of sales building on 6th July 1989.

7/15525 – Planning permission approved for retail sales building and canopy on 9th June 1988.

7/13744 – Planning permission approved for covered area to be used for additional retail sales on 18th December 1986.

7/13743 – Planning permission approved for new detached glazed building for additional retail sales on 18th December 1986.

7/12991 – Planning permission approved for erection of building for display and sale of power machinery for use in gardens on 12th May 1986.

POLICIES

Local Plan Policy

- NE.2 (Open Countryside)
- BE.1 (Amenity)
- BE.2 (Design Standards)

- BE.3 (Access and Parking)
- BE.4 (Drainage, Utilities and Resources)
- BE.5 (Infrastructure)
- BE.6 (Development on Potentially Contaminated Land)
- E.6 (Employment Development within the Open Countryside)
- TRAN.9 (Car Parking Standards)
- RT.6 (Recreational Uses in the Open Countryside)
- S.10 (Major Shopping Proposals)

Other Material Considerations

PPS1 – Delivering Sustainable Development
PPS4 - Planning for Sustainable Economic Growth
PPS7 – Sustainable Development in Rural Areas
PPG13 – Transport

Draft National Planning Policy Framework

CONSULTATIONS (External to Planning)

Shropshire Council – Do not wish to comment

Strategic Highways Manager – Main Road has a 30mph speed limit with good forward visibility. The proposed accesses will be able to meet the correct visibility. The shared surface access is over designed and should be constructed as a vehicular crossing only. An amended plan will be required for Highways approval.

United Utilities – No objection. Should be drained on a separate system with only foul drainage connected to foul sewer.

Environmental Health – No objection subject to contaminated land conditions and conditions relating to construction hours.

VIEWS OF THE PARISH COUNCIL

Doddington and District – No objection, agree with comments made by Environmental Health and Cllr Clowes.

Wybunbury Parish Council – No objection in principle. However suggest restriction of opening hours due to sound travelling from first floor restaurant at unsociable hours, people leaving by car at the same time.

OTHER REPRESENTATIONS

Comments received from Cllr Clowes stating no objection in principle to the proposed development subject to relevant conditions being attached to the permission relating to noise resulting from opening hours/late night opening.

APPLICANT'S SUPPORTING INFORMATION

Planning, Design and Access Statement (Prepared by Gregory Gray Associates dated June 2011)

Retail Statement

Retail Statement Addendum (prepared by Gregory Gray Associates dated 25th August 2011)

OFFICER APPRAISAL

Principle of development

The application proposes the removal of existing structures and the construction of a new building for retail at groundfloor level and a restaurant at first floor level. Policy EC.10 of PPS4 states that a positive and constructive approach should be taken for applications for economic development. Policy EC.12, with reference to economic development in Rural Areas states that support should be given to small scale economic development where, if remote from service centres, the site may be an acceptable location for development even if not readily available by public transport.

The Draft National Planning Policy Framework identifies that there is a presumption in favour of sustainable development and that significant weight should be attached to proposals of economic growth and proposals which enable the delivery of sustainable development proposals. With regard to the rural economy the Framework identifies that the support should be given to the sustainable growth of a rural business, and to support the expansion of tourist and visitor facilities in appropriate locations where identified needs are not met.

Policy S.10 of the Local Plan refers to Major Shopping Proposals which are outside the town centres for Crewe and Nantwich. That policy refers to proposals which have a gross retail floorspace of over 2,500sqm. The proposed net retail floorspace proposed as part of this application would be 620sqm in a footprint of 798sqm. Therefore the proposed development would not be required to satisfy the requirements of that policy and is not in conflict with the policy. It should be noted that the proposed development would replace existing retail floorspace in the form of the bulb market. Notwithstanding that cumulatively with existing development the proposal would exceed the 2,500sqm threshold. However the policy is not clear on the requirements for cumulative considerations.

Policy EC.14 of PPS4 states that an assessment of impacts may be necessary for retail developments below the threshold of 2,500sqm when they are not in an existing centre, in accordance with an up to date Local Plan and would be likely to have a significant impact on other centres. The proposed retail expansion of Bridgemere Garden World has the potential to cause an impact on other centres and it is therefore considered necessary to assess this. As such an Impact Assessment has been submitted by the applicant. The Impact Assessment has been carried out in accordance with the requirements outlined within PPS4 and identifies that, with the nature of the goods proposed to be sold associated with garden centres that there would be little demonstrable harm cause to the vitality and viability of nearby town centres.

In light of the above, the proposed development for unrestricted/controlled retail could lead to the retail element of the scheme being used for retail purposes which would not be appropriate to the site. Therefore a condition restricting the type of goods sold would be considered relevant in this instance. Furthermore, the change of use from a restaurant to shop can be carried out without planning permission under the Use Classes Order. A condition to ensure that the shop is not converted without the consent of the Local Planning Authority is also considered to be necessary as further retail development could have an impact on the vitality and viability of nearby town centres.

Furthermore, the site is identified in Policy RT.6 of the Local Plan as being an important visitor attraction in the Borough. The proposed development would help to increase the draw and attractiveness of the site for tourism purposes.

Impact on character and appearance of the streetscene/open countryside

The proposed development would be sited within the existing complex of Bridgemere Garden World. The proposals would replace existing structures within the complex including the “Bulb Market” which is a high roofed polytunnel structure. As the proposals are set deep within the complex, some 120m away from the A51. Whilst the proposed development is a taller structure than existing development, its siting away from the public highway, with structures and screening in between, it is considered that there would be no significant harm caused to the character and appearance of the streetscene.

To the rear (east) is a strong established line of vegetation which would screen the proposed development from open fields to the east. The siting within the complex would mean that there would be little harm caused to the character and appearance of the open countryside.

The proposed development would require the removal of some trees and would be in close proximity to a mature willow tree next to the women’s institute garden. It is recommended that a condition be attached to ensure that the tree is fully protected during construction.

Impact on the amenity of neighbouring properties

There are no residential properties within the immediate area outside of the ownership of the applicant. There will therefore be no harm caused to the amenities of neighbouring properties through loss of daylight, privacy or overlooking.

Some concern has been raised with regard to the potential noise impact that the proposed first floor restaurant could have on properties which are sited further afield through noise and disturbance. No opening hours have been specified within the application. The site is relatively isolated from nearby residential properties and as such the impact from the proposed development is unlikely to cause any detrimental harm, even from its first floor level. Furthermore, Environmental Health have not suggested any conditions to restrict the use or mitigate noise in any way from the first floor restaurant. It would appear from the planning history that there is no restriction in opening hours at the site as a whole and to restrict the opening hours of a small part of the overall complex would therefore be unreasonable.

Impact on Highway Safety

The application site benefits from a large customer car park. It is considered that the size of the car park is adequate to accommodate the proposed increase in retail and restaurant floorspace resulting from the proposed development.

Other matters

Environmental Health have stated that given the historic nursery use, as the scheme includes an area of landscaping, which is a sensitive end use, a contaminated land survey would be required. There is other legislation external to Planning which controls contaminated land and such a condition is considered to be unreasonable in this instance.

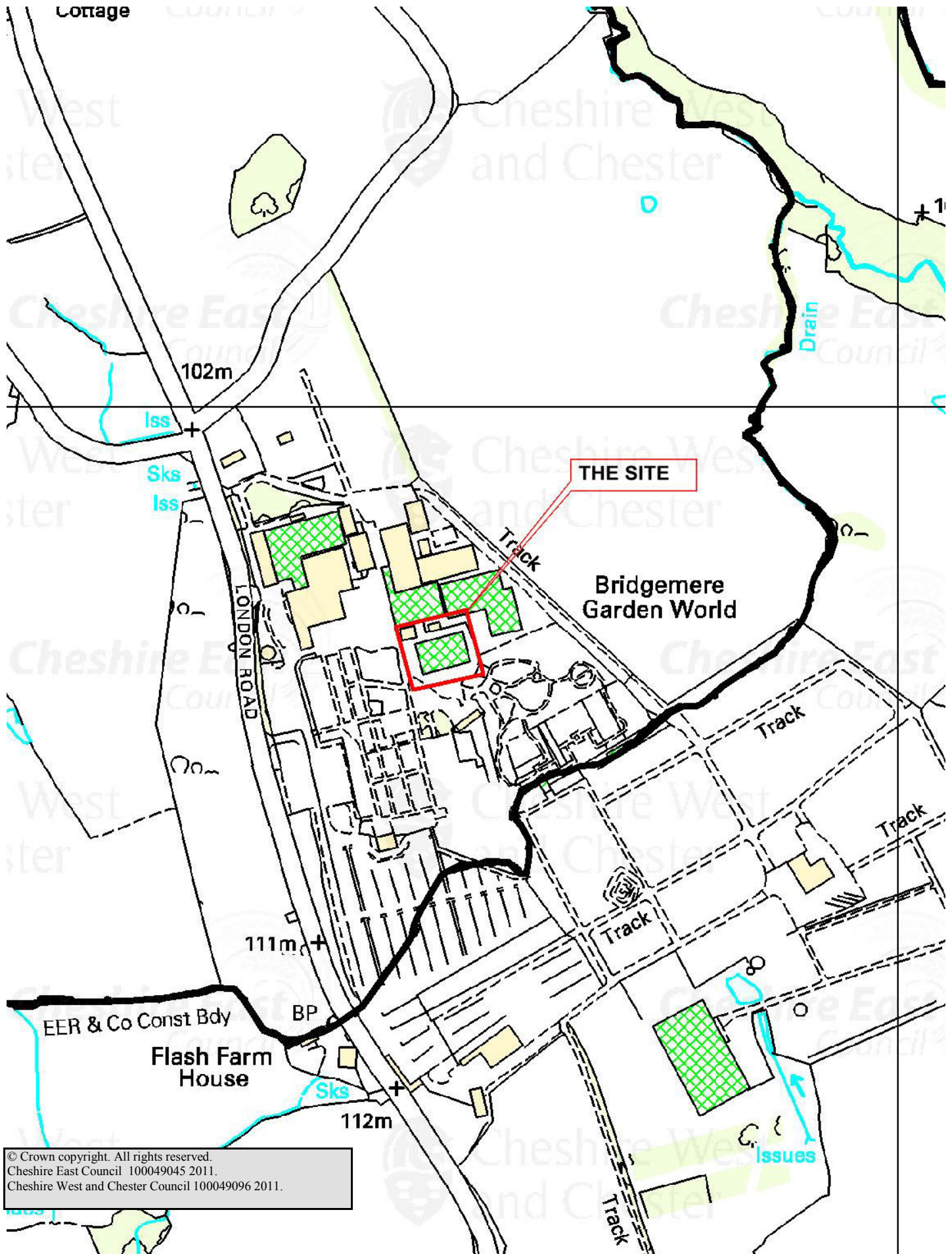
CONCLUSIONS AND REASON(S) FOR THE DECISION

The proposed development includes economic development in a rural location within an established garden centre/tourist attraction site. The proposed development for increased retail space and a restaurant would be acceptable in principle as conditioned. The proposals would not result in any significant harm on the character and appearance of the open countryside, the amenity of nearby properties or highway safety. The proposal is therefore in compliance with Policies NE.2 (Open Countryside), BE.1 (Amenity), BE.2 (Design Standards), BE.3 (Access and Parking), BE.4 (Drainage, Utilities and Resources), BE.5 (Infrastructure), BE.6 (Development on Potentially Contaminated Land), E.6 (Employment Development within the Open Countryside), TRAN.9 (Car Parking Standards), RT.6 (Recreational Uses in the Open Countryside) and S.10 (Major Shopping Proposals) of the Borough of Crewe and Nantwich Replacement Local Plan 2011, and guidance contained within PPS1 – Delivering Sustainable Development, PPS4 – Planning for Sustainable Economic Growth, PPS7 – Sustainable Development in Rural Areas, PPG13 – Transport and the Draft National Planning Policy Framework.

RECOMMENDATIONS

Approve subjection to conditions:

- 1) Commencement of Development**
- 2) Plans**
- 3) Materials to be submitted and approved**
- 4) Tree Protection Measures to be submitted**
- 5) Restaurant to remain in A3 use, no retail sales**
- 6) Restriction of sale of goods to non food, associated to garden centre**
- 7) Construction Hours**



This page is intentionally left blank

Ref Number	Address	Description	Level of Decision Del/Cttee	Over turn Y/N	Rec and Decision	Appeal Decision
10/4283M	Holford House, Mossways Park, Mobberley, SK9 5PA	DEMOLITION OF HOLFORD HOUSE AND THE ERECTION OF A REPLACEMENT DWELLING, ALONG WITH THE RELOCATION OF TWO EXISTING PARK HOMES	Northern Committee	n/a	Refuse	Allowed 30/06/2011 Partial Costs awarded against Council
10/4213M	1- 3, ALBERT ROAD, BOLLINGTON, SK10 5HS	1 NO INTERNALLY ILLUMINATED FREE-STANDING DOUBLE-SIDED DISPLAY UNIT	delegated	n/a	refuse	Dismissed 1/7/11
10/2206M	CLARENCE MILL, CLARENCE ROAD, BOLLINGTON, SK10 5JZ	CHANGE OF USE TO CHURCH (D1)-LBC		n/a	Not determined	Allowed 13/7/11
10/3535M	CLARENCE MILL, CLARENCE ROAD, BOLLINGTON, SK10 5JZ	CHANGE OF USE OF PART BUILDING FROM B2 INDUSTRIAL USE TO 19 RESIDENTIAL APARTMENTS	Northern Committee	n/a	refuse	Allowed 13/7/11
10/1776N	WRENBURY FISHERY, HOLLYHURST, MARBURY, CW5 8HE	USE OF LAND FOR THE SITING OF 34 TIMBER CLAD TWIN UNIT CARAVANS, ACCESS WORKS, CAR PARKING, ADMINISTRATION BUILDING, CYCLE STORE AND LANDSCAPING	Strategic Planning Board	y	Grant conditional permission	Dismissed 24/6/11
10/4610N	WRENBURY FISHERY, HOLLYHURST, MARBURY, CW5 8HE	USE OF LAND FOR THE SITING OF 20 TIMBER CLAD TWIN UNIT CARAVANS, ACCESS	Strategic Planning Board	Y	Grant conditional permission	Allowed Partial Costs awarded against the Council

		WORKS, CAR PARKING, ADMINISTRATION BUILDING, CYCLE STORE AND LANDSCAPING				
10/4622C	105, BRADWALL ROAD, SANDBACH, CW11 1GN	Alterations And Ground Floor Extension Of Dwelling	Delegated	n/a	Refuse	Dismissed 9 th June 2011
10/1408N	ALDELYME COURT, AUDLEM, CHESHIRE	Installation of Metal Gates to Housing Complex (1-7 Aldelyme Court and 3&5 Cheshire Street) called Aldelyme Court. Gates are Electronically controlled via 'Zappers' and Pedestrian Digital Coded Box. Gates are Galvanised then Finished in Black Polyester with Gold Finials and Complex Name.	Delegated	n/a	Approved with conditions	Allowed 14 th June 2011
10/3797C	25, CHELFORD ROAD, SOMERFORD, CONGLETON, CW12 4QD	RE-BUILDING AND EXTENDING EXISTING STABLES AND FORMATION OF TRACTOR AND MACHINERY STORE, DISABLED TOILETS AND SHOWER, WITH HAY STORE OVER AND PROVISION OF FOODSTORE IN ADJOINING BUILDING	Delegated	n/a	Refused	Dismissed 16 th June 2011
10/4682N	LAND SOUTH WEST OF GREYSTONE PARK, CREWE	4no. Apartments : Ground Floor 2 Apartments, First Floor 2 Apartments. Landscaping/Turning Heads. Car Parking for 9 Vehicles	Southern Planning Committee	N	Refused	Dismissed 21 st June 2011

		Including for Existing Flats				
10/4539N	416, NEWCASTLE ROAD, SHAVINGTON, CW2 5EB	Construction of a Single Storey Building to be Used for B1 (Office/Light Industrial) and B8 (Storage and Distribution) Purposes	Southern Planning Committee	N	Refused	Appeal allowed and cost awarded 5 th July 2011
10/2608C	LAND EAST OF MARRIOTT ROAD/ANVIL CLOSE/FORGE FIELDS AND SOUTH OF HIND HEATH ROAD, SANDBACH	Erection of upto 269 Dwellings, Provision of Public Open Space, Highway Works and Associated Works	Strategic Planning Board	N	Refused	Dismissed 4 th July 2011
10/2609C	LAND ALONG THE SOUTHERN BOUNDARY OF, HIND HEATH ROAD, SANDBACH	Shared Footpath and Cycleway and Associated Works	Strategic Planning Board	N	Refused	Dismissed 4 th July 2011
10/2653C	LAND AT CANAL ROAD, CONGLETON	Residential Development with Access off Wolstanholme Close	Southern Planning Committee	N	Approve subject to a S106 Agreement	Dismissed 4 th July 2011
11/0018N	BRADFIELD GREEN FARM, MIDDLEWICH ROAD, MINSHULL VERNON, CW1 4QX	Demolition of Existing Outbuilding and Pig Pens and Construction of the Outbuilding	Delegated	N/A	Refused	Allowed 22 nd July 2011
11/0455N	4, WILLIAMSON DRIVE, NANTWICH, CW5 5GJ	Single Storey Side Extension	Delegated	n/a	Refused	Dismissed 4 th august 2011
10/2006C	ELWORTH HALL FARM, DEAN CLOSE, SANDBACH, CW11 1YG	THE DEMOLITION OF THE EXISTING BUILDINGS (INCLUDING AGRICULTURAL BUILDINGS AND EXISTING DWELLING) AND THE REDEVELOPMENT OF THE SITE WITH 26 DWELLINGS AND ASSOCIATED	Southern Planning Committee	N	Refused	Allowed 1 st August 2011

		WORKS.				
10/4143N	3, CHURCH LANE, WISTASTON, CW2 8HB	New Dormer Bungalow on Rear Garden Land and Associated Access at No 3 Church Lane.	Southern Planning Committee	N	Refused	Dismissed 9 th August 2011
10/1005N	WHITTAKERS GREEN FARM, PEWIT LANE, BRIDGEMERE, CW5 7PP	Application to Vary Planning Conditions 5 and 6 on Planning Permission 7/2009/CCC/1	Strategic Planning Board	Y	Rec -Part Approved Part Refused Refused at committee	Allowed 12 th August 2011
11/0429C	BROOKBANK FARM, BRIDGE LANE, GOOSTREY, CW4 8BX	Demolition of Attached Existing Garage and Construction of Replacement Garage with Pitched Roof as amendment to Approval Ref: 10/4158C dated 14 December 2010	Delegated	n/a	Refused	Allowed 2 nd August 2011
10/4646N	THE GABLES, PECKFORTON HALL LANE, PECKFORTON, NANTWICH, CW6 9TG	Erection of Stables in New Position and Change of detail of that Granted in Planning Permission P06/1017	Delegated	n/a	Refused	Dismissed 3 rd August 2011
11/0549N	2, RIDLEY HILL FARM, WREXHAM ROAD, RIDLEY, CW6 9RX	Single Storey Rear Extension	Delegated	n/a	Refused	Dismissed 11 th August 2011
10/4497N	LITTLE ISLAND NURSERIES, HAYMOOR GREEN ROAD, WYBUNBURY, CW5 7HG	Change of Use for the Land From Horticultural to Equestrian, The Provision of a 60x30m Manege and 60x12m Stable Block, a Muck Midden and Hay Store, a Horse Walker and the Request for Variation of Occupancy of the Site to Include Equestrian Manager	Southern Planning Committee	Y	Rec – Approve subject to conditions Refused by Committee	Allowed 15 th August 2011 Cost appeal allowed 15 th August 2011

10/4935N	27, ROSE COTTAGES, BARRACKS LANE, BURLAND, NANTWICH, CW5 8PR	Single Three Bedroom Detached House	Delegated	n/a	Refused	Dismissed 17 th August 2011
11/0247C	ORCHARD FARM, BROOKHOUSE GREEN, SMALLWOOD, CW11 2XE	Erection of Agricultural Workers Dwelling for Free Range Egg Production Unit (Re Sub 10/2638C)	Delegated	n/a	Refused	Dismissed 19 th August 2011
10/3867C	LAND BETWEEN ALLOTMENT VIEW & LEAWARD, OAK TREE LANE, CRANAGE, CW10 9LU	Resubmission of Application for Outline Planning Permission for an Agricultural Worker's Dwelling on In-fill Site between Dwellings "Allotment View and Leaward" Oak Tree Lane. Dwelling to be Occupied by Applicant's Son who is Employed Full-Time in Agriculture	Delegated	n/a	Refused	Dismissed 16 th August 2011 Costs awarded to the Council 16 th August 2011

This page is intentionally left blank