

# Southern Planning Committee

## Agenda

---

<b>Date:</b>	<b>Wednesday, 3rd July, 2019</b>
<b>Time:</b>	<b>10.00 am</b>
<b>Venue:</b>	<b>Council Chamber, Municipal Buildings, Earle Street, Crewe CW1 2BJ</b>

---

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

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

It should be noted that Part 1 items of Cheshire East Council decision making meetings are audio recorded and the recordings are uploaded to the Council's website

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

1. **Apologies for Absence**

To receive apologies for absence.

2. **Declarations of Interest/Pre Determination**

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests and for Members to declare if they have pre-determined any item on the agenda.

3. **Minutes of Previous Meeting** (Pages 3 - 10)

To approve the minutes of the meeting held on 29 May 2019.

---

Please contact Julie Zientek on 01270 686466

E-Mail: [julie.zientek@cheshireeast.gov.uk](mailto:julie.zientek@cheshireeast.gov.uk) with any apologies or requests for further information  
[Speakingatplanning@cheshireeast.gov.uk](mailto:Speakingatplanning@cheshireeast.gov.uk) to arrange to speak at the meeting

#### 4. **Public Speaking**

A total period of 5 minutes is allocated for each of the planning applications for the following:

- Ward Councillors who are not members of the Planning Committee
- The relevant Town/Parish Council

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

- Members who are not members of the planning committee and are not the Ward Member
- Objectors
- Supporters
- Applicants

5. **19/2223C Horseshoe Farm, Warmingham Lane, Moston, Middlewich, Cheshire CW10 0HJ: Construction of three timber stables, a tack room and associated hardstanding. Provision of fencing and resurfacing / realignment of track. Change of use of barn and existing hard-standing to commercial for Oliver Boswell (Pages 11 - 20)**

To consider the above planning application.

6. **19/1923N Elephant and Castle Inn, 289 Newcastle Road, Shavington, CW2 5DZ: Variation of condition 24 (concerning Traffic regulation Order) on approval 17/2483N - Affordable Housing Development Comprising 45 no. dwellings & Ancillary Works for Magenta Living & MCI Developments (Pages 21 - 36)**

To consider the above planning application.

7. **19/0819N Basford Old Creamery, Newcastle Road, Chorlton CW2 5NQ: Amendments to site layout and building designs covered under approvals 15/4224N AND 16/1987N. Proposals include provision of new office space and sub-division within approved industrial units and creation of additional B1,B2 and B8 floor space to area formally used as external work area for Mr J Beeson, Total Concrete Products Ltd/Pioneer Design & Build Ltd (Pages 37 - 46)**

To consider the above planning application.

8. **19/1532N Meridian Canal, Waybutt Lane, Chorlton CW2 5QA: Change of use from welfare facilities for members of border fisheries to domestic for maintenance/security staff family for Michael Glover (Pages 47 - 56)**

To consider the above planning application.

9. **19/2230M 72, Fence Avenue, Macclesfield SK10 1LT: Proposed replacement and enlargement of single storey rear extension for Dr Gavin Reynolds (Pages 57 - 62)**

To consider the above planning application.

**THERE ARE NO PART 2 ITEMS**

**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Southern Planning Committee**  
held on Wednesday, 29th May, 2019 at Council Chamber, Municipal  
Buildings, Earle Street, Crewe CW1 2BJ

**PRESENT**

Councillor J Wray (Chairman)  
Councillor S Akers Smith (Vice-Chairman)

Councillors M Benson, J Bratherton, P Butterill, A Critchley, S Davies,  
K Flavell, A Gage, A Kolker, D Murphy and J Rhodes

**NON-COMMITTEE MEMBERS IN ATTENDANCE**

Councillor B Roberts

**OFFICERS PRESENT**

Daniel Evans (Principal Planning Officer)  
Paul Hurdus (Highways Development Manager)  
Susan Orrell (Principal Planning Officer)  
James Thomas (Senior Lawyer)  
Julie Zientek (Democratic Services Officer)

**1 DECLARATIONS OF INTEREST/PRE DETERMINATION**

The following declarations were made in the interests of openness:

All Members of the Committee declared that they had received a booklet with regard to application numbers 18/2111N and 18/2112N.

With regard to application numbers 18/2111N and 18/2112N, Councillor J Rhodes declared that she was a member of Crewe Town Council, but was not a member of the planning committee. She had attended a pre-application meeting a couple of years ago, but had not attended anything since then with respect to these applications.

Councillor J Wray declared that he had made up his mind with regard to application number 18/2413C, which was in his Ward. He would vacate the Chair in favour of the Vice-Chairman, exercise his separate speaking rights as a Ward Councillor and not take part in the debate or vote.

**2 MINUTES OF PREVIOUS MEETING**

RESOLVED – That the minutes of the meeting held on 3 April 2019 be approved as a correct record and signed by the Chairman.

### 3 TERMS OF REFERENCE

RESOLVED – That the Committee’s Terms of Reference be noted.

- 4 **18/2111N WEBB HOUSE, VICTORIA AVENUE, CREWE, CHESHIRE CW2 7SQ: PROPOSED CHANGE OF USE AND ALTERATIONS OF WEBB HOUSE TO FORM 18 CLASS 'C2' EXTRA CARE APARTMENTS, PROPOSED ERECTION OF A NEW THREE STOREY BLOCK TO THE REAR COMPRISING 36 CLASS 'C2' APARTMENTS, TOGETHER WITH ASSOCIATED DEMOLITIONS AND EXTENSIONS TO PROVIDE A 'WELLBEING' HUB LINKING THE TWO DEVELOPMENTS, NEW PAVILION/GARDEN STORE, TWO BIN/MOBILITY STORES TOGETHER WITH ASSOCIATED LANDSCAPING AND CAR PARKING. (TOTAL 54 UNITS) FOR ARCAM DEVELOPMENT MANAGEMENT 1 LTD**

Note: Councillor B Roberts (Ward Councillor) and Mr R Tkaczyk (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

- (a) That, for the reasons set out in the report, authority be DELEGATED to the Head of Development Management to APPROVE the application, following consultation with the Chairman of Southern Planning Committee, subject to:
- the resolution of outstanding matters relating to the refinement in the design of new extensions to Webb House
  - the completion of a S106 Agreement to secure:

<b>S106</b>	<b>Amount</b>	<b>Triggers</b>
<b>Health</b>	£ 35,856	50% paid prior to first occupation and the further 50% paid at occupation of the 51st dwelling.
<b>Private Management scheme for all POS on site.</b>		1 <sup>st</sup> occupation of the development
<b>Occupiers' to be over 65 years of age and to complete a written assessment to identify their care and support needs.</b>		1 <sup>st</sup> occupation of the development

and the following conditions:

1. Standard Time
2. Development in accordance with approved plans
3. Details of materials, finishes and specification of cladding
4. Sample panel of materials on site
5. Method of repointing and use of lime mortar
4. Surfacing materials for car parking
5. Large scale constructional details of new windows, internal and external doors for existing buildings
6. A schedule of doors and windows to be repaired, altered, or replaced
7. Cast iron, rainwater goods painted black
8. Structural Engineers report to ensure stability of historic fabric to be retained during demolition and reconstruction
9. Method statement for connecting extensions to the existing building
10. Proposed and Finished Floor Levels
11. Tree Protection
12. Tree Pruning/Felling Specification
13. Arboricultural Method Statement
14. Engineer designed no dig hard surface construction specification for any area of hard surfacing within the root protection area of retained trees
15. Arboricultural Scheme of Supervision
16. Levels Survey
17. Prior to the use of any facing or roofing materials details/ samples shall be submitted and approved
18. Mitigation implemented in accordance with the acoustic report prepared by Peak Acoustics dated 4<sup>th</sup> February 2019 Ref LH1101181NR rev.1
19. Specification of mitigation measures for glazing and ventilation
20. Provision of Electric Vehicle infrastructure
21. Provision of Ultra Low Emission Boilers
22. Contaminated land – submission of a phase 2 report - prior to commencement
23. Contaminated land – submission of a verification report
24. Contaminated land – works to stop if any unexpected contamination is discovered on site
25. Contaminated land imported soil
26. Piling
27. Dust control
28. Notwithstanding submitted plans, details of the hard and soft landscaping and car parking layouts to be submitted and approved
29. Implementation of the landscaping scheme
30. The car-parking layout approved as part of condition 28 shall be implemented prior to first occupation
31. Development to be undertaken in accordance with the submitted Ecological Impact Assessment prepared by Whitcher Wildlife Ltd

dated 10<sup>th</sup> April 2018 unless varied by a subsequent Natural England license

32. Breeding Birds – timing of works
  33. Details of surface water drainage scheme
  34. Submission, approval and implementation of a Construction Management Plan
  35. Covered cycle parking provision
- (b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Head of Development Management, following consultation with the Chairman (or in his absence the Vice Chairman) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, before issue of the decision notice.
- (c) That, should this application be subject to an appeal, approval be given to enter into a S106 Agreement to secure the following:

<b>S106</b>	<b>Amount</b>	<b>Triggers</b>
<b>Health</b>	£ 35,856	50% paid prior to first occupation and the further 50% paid at occupation of the 51st dwelling.
<b>Private Management scheme for all POS on site.</b>		1 <sup>st</sup> occupation of the development
<b>Occupiers' to be over 65 years of age and to complete a written assessment to identify their care and support needs. Retention of extra care facilities</b>		1 <sup>st</sup> occupation of the development

- 5 **18/2112N WEBB HOUSE, VICTORIA AVENUE, CREWE, CHESHIRE CW2 7SQ: LISTED BUILDING CONSENT FOR PROPOSED CHANGE OF USE AND ALTERATIONS OF WEBB HOUSE TO FORM 18 CLASS 'C2' EXTRA CARE APARTMENTS, PROPOSED ERECTION OF A NEW THREE STOREY BLOCK TO THE REAR COMPRISING 36 CLASS 'C2' APARTMENTS, TOGETHER WITH ASSOCIATED DEMOLITIONS AND EXTENSIONS TO PROVIDE A 'WELLBEING' HUB LINKING THE TWO DEVELOPMENTS (TOTAL 54 UNITS) FOR ARCAM DEVELOPMENT MANAGEMENT 1 LTD**

Note: Mr C Cunio attended the meeting and addressed the Committee on behalf of the applicant.

The Committee considered a report regarding the above planning application.

### RESOLVED

- (a) That, for the reasons set out in the report, authority be DELEGATED to the Head of Development Management to APPROVE the application, following consultation with the Chairman of Southern Planning Committee, subject to the resolution of outstanding matters relating to the refinement in the design of new extensions to Webb House and the following conditions:
1. Commencement within 3 years
  2. Development in accordance with approved plans
  3. Details of material, finishes and specification of cladding
  4. Sample panel of materials on site
  5. Method of repointing and use of lime mortar
  6. Constructional details of new windows, internal and external doors for existing buildings
  7. A schedule of doors and windows to be repaired, altered, or replaced
  8. Cast iron, painted black rainwater goods
  9. Structural Engineers report to ensure stability of fabric to be retained during demolition and reconstruction
  10. Method statement for connecting extensions to the existing building
  11. Large scale drawings for construction of new stairs or balustrades within the existing buildings
  12. Retention of fireplaces and surrounds
  13. Scheme for installation of sound proofing and fire prevention measures within existing building
  14. Details of partitions to exercise studio/swimming pool and of new screen to stairs
  15. Details for repairing panelling in communal lounge once new openings have been formed
  16. Method statement for bricking up of openings and existing fenestration to existing buildings
  17. Details of new ramp access to existing building
  18. Scheme for the retention of the flooring within Webb House
- (b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Head of Development Management, in consultation with the Chairman (or in his absence the Vice Chairman) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, before issue of the decision notice.

**6 18/2481N LAND OFF BROWNING STREET, CREWE: PROPOSED 8 HOUSES AND ASSOCIATED INFRASTRUCTURE, PLUS REMODEL OF CAR PARK FOR MR M THOMPSON, ENGINE OF THE NORTH**

The Chairman reported that this application had been withdrawn prior to the meeting.

**7 18/2413C LAND ADJOINING MEADOWVIEW PARK, DRAGONS LANE, MOSTON: CHANGE OF USE OF LAND FROM AGRICULTURAL LAND FOR STATIONING OF CARAVANS FOR RESIDENTIAL PUROPOSES BY 1 GYPSY-TRAVELLER FAMILY INCLUDING UTILITY BUILDING, HARD STANDING, SEPTIC TANK, FENCING & GATES, AND SHED/DOG KENNEL, PART RETROSPECTIVE FOR MS D S SMITH**

Note: Having made a declaration, Councillor J Wray vacated the Chair in favour of the Vice-Chairman.

Note: Having exercised his separate speaking rights as a Ward Councillor, Councillor J Wray withdrew from the meeting for the duration of the Committee's consideration of this item.

Note: Parish Councillor A Holder (on behalf of Moston Parish Council) and Mr A Roscoe (objector) attended the meeting and addressed the Committee on this matter.

Note: Miss D Smith (applicant) had not registered her 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 Miss Smith to speak.

The Committee considered a report regarding the above planning application.

**RESOLVED**

- (a) That, for the reasons set out in the report, the application be REFUSED for the following reason:

The proposed development sites adjacent to National Grid's High-Pressure Gas Pipeline – Feeder 21 Elworth to Mickle Trafford and Warburton to Audley. A holding objection remains in place from National Grid in relation to the potential risks to people in the vicinity of the hazardous installation. The proposal is therefore contrary to policy GR7 of the Congleton Borough Local Plan First Review 2005, and SD1 of the Cheshire East Local Plan Strategy.

- (b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Head of Development Management, in consultation with the Chairman (or in his absence the Vice Chairman) of Southern



Planning Committee, to correct any technical slip or omission in the wording of the resolution, before issue of the decision notice.

The meeting commenced at 10.00 am and concluded at 11.50 am

Councillor J Wray (Chairman)

**This page is intentionally left blank**

Application No: 19/2223C

Location: HORSESHOE FARM, WARMINGHAM LANE, MOSTON, MIDDLEWICH, CHESHIRE, CW10 0HJ

Proposal: Construction of three timber stables, a tack room and associated hardstanding. Provision of fencing and resurfacing / realignment of track. Change of use of barn and existing hard-standing to commercial.

Applicant: Oliver Boswell

Expiry Date: 03-Jul-2019

**SUMMARY**

The proposal seeks permission for a stable, an access and the change of use of an existing 'barn' to a commercial B8 use. The proposed uses are considered to be acceptable within the open countryside and meet the policy criteria of PG 6 and EG 2 of the Cheshire East Local Plan Strategy and the National Planning Policy Framework, which encourages sustainable economic development in rural areas, and policies REC 3 and LE1 of the Moston Neighbourhood Plan.

It is therefore considered that the proposed development is acceptable and appropriate uses within the Open Countryside, as conditioned; the proposal will not have a detrimental impact on neighbouring amenity, highway safety, or protected species. The proposal is therefore considered to be acceptable and is recommended for approval.

**SUMMARY RECOMMENDATION**

**Approval subject to conditions**

**REASON FOR REFERRAL**

This application is referred to Southern Planning Committee at the request of Cllr John Wray for the following reason;

*'At the request of Moston PC. The track mentioned is a new Access road, not a realignment of an existing access track off Warmingham Lane which is a busy classified road. The laying of an area of hard standing is subject to an enforcement order no 18/0014e. The applicant was informed on 15-19 April to discontinue further works, but the tipping of unsorted building waste continued over the Easter weekend, creating a 12mx75m area adjacent to a water course. The change of use of the barn to an unspecified commercial use in this location is contrary to the local plan and the neighbourhood plan. The newly applied for stables, tack room etc, is to replace the barn mentioned above. This application is wholly misleading, inaccurate, and confusing and contrary to planning principles and so would be best fully discussed by the planning committee'.*

## PROPOSAL

Planning permission is sought for the construction of timber stable building with 3 bays for horses, a tack room and associated hardstanding, a new access (partly retrospective), and the change of use of an existing barn and existing hard-standing to commercial use, specified as B8 Storage and Distribution.

## SITE DESCRIPTION

The application site is known as Horseshoe Farm, on Warmingham Lane, Moston. The application site sits to the north and adjacent to an authorised Travellers site. There is an existing agricultural building on the site which the application seeks to change the use of to a commercial use for the storage of motor vehicles.

The application site is situated within the open countryside largely within a field which is used for the grazing of horses.

At the time of the planning officers site visit, the new access off Warmingham Lane, into the site had already been formed with building rubble.

## RELEVANT HISTORY

17/2398N - Change of use of land to use as a transit caravan site for gypsies, including the stationing of no more than 8 caravans, laying of hardstanding and erection of amenity building – Refused 12<sup>th</sup> December 2017; Allowed at appeal 17<sup>th</sup> December 2018

15/4290C – Construction of brick utility shed – Approved with conditions 14<sup>th</sup> December 2015

15/3801C - Construction of three timber stables, a tack room and associated hardstanding. Provision of children's play area. – approved with conditions 24<sup>th</sup> September 2015

14/2688C - Change of use of land to extend existing traveller caravan site and erection of day room/amenity building – Refused 28<sup>th</sup> July 2014

10/4977C - Extension of Existing Gypsy Caravan Site, Including Laying of Hardstandings, Stationing of 9 Caravans & Erection of 6 Utility Buildings – Refused 21<sup>st</sup> April 2011. Appeal Lodged. Appeal Withdrawn

09/3918C - Extension of Existing Gypsy Caravan Site Including Laying of Hardstanding, Stationing of 9 Caravans for Residential Purposes (Including 3 Static Caravans) Storage of 2 Touring Caravans, Erection of 9 Utility Buildings and Installation of Lighting – Refused 7<sup>th</sup> September 2010

07/0647/FUL - Proposed gypsy caravan site for 3 gypsy families together with 2 transit pitches, including the laying of a hard standing and erection of toilet blocks – Refused 6<sup>th</sup> February 2008. Appeal Lodged. Appeal Allowed

05/0235/FUL – Static Caravan for Security – Refused 19<sup>th</sup> May 2005

36153/3 Replace existing timber stables and barn with steel frame and block to include tack room, fodder and implement store, and toilet – Approved 1<sup>st</sup> September 2003

34471/3 - Removal of temporary conditions from applications 30970/6 & 30971/6 to make permanent – Approved 1<sup>st</sup> July 2002

31265/3 - Exercising of horses – approved with conditions 27<sup>th</sup> September 1999

30970/6 - Continued use of wooden sectional building providing two loose boxes – Approved 14<sup>th</sup> June 1999

26099/6 - Renewal of permission no 22907/3 for wooden sectional building providing two loose boxes – Approved 19<sup>th</sup> April 1994

22907/3 - Wooden sectional building providing two loose boxes – Approved 2<sup>nd</sup> January 1991

### **NATIONAL & LOCAL POLICY**

#### **National Policy**

National Planning Policy Framework  
National Planning Practice Guidance

#### **Cheshire East Local Plan Strategy (CELPS)**

MP1 – Presumption in favour of Sustainable Development

SD1 - Sustainable Development in Cheshire East

SD2 - Sustainable Development Principles

PG6 - Open Countryside

SE1 – Design

SE2 - Efficient Use of Land

SE3 – Biodiversity and Geodiversity

SE4 – Landscape

SE6 – Green Infrastructure

EG2 – Rural Economy

SC1 – Leisure and Recreation

#### **Saved policies of the Congleton Local Plan**

GR6 (Amenity and Health)

GR9 (Accessibility, Servicing and Parking Provision)

GR17 (Car Parking)

GR20 (Public Utilities)

PS8 (Open Countryside)

RC4 (Countryside Recreation Facilities)

RC5 (Equestrian Facilities)

#### **Moston Neighbourhood Plan**

*(The Moston Neighbourhood Plan was made on 14<sup>th</sup> February 2019)*

LCD1 Design and Landscape setting  
LE1 Rural Employment,  
LE2 Non Rural Employment  
ENV2 Trees, Hedgerows and Watercourses.  
REC3 Leisure and Countryside Pursuits

## CONSULTATIONS

**Environmental Health** – No objections suggest consultation with the Environment Agency, subject to an informative for contaminated land

**Environment Agency** – No objections in principle to the development

**Strategic Highways Officer** – No objection subject an informative for a S184 licence

**Health and Safety Executive** – Does not cross any consultation zones

**Cheshire Brine Subsidence Compensation Board** - No comment to make

**Moston Parish Council** – Summary of Moston Parish Councils response. (Full comments available to view on the website).

- The application is partly retrospective,
- There was no existing access into the site or track through the site
- The access proposed is a new access onto the road and has been carried out without permission from CEC and included the removal of a section of hedgerow
- The creation of the access road was carried out after the Enforcement Team had required the applicant to stop works
- Additional stables are not required – permission was given under 15/3801C and not implemented
- Agricultural building (the barn) has permission under 8/36153/3 which consists of a stable, tack room, implement store, fodder store and toilet
- The site within the open countryside is unacceptable for commercial use. There is sufficient commercial buildings within the Middlewich area,
- There is no permission that provides for a parking area within the site, consequently 14 extra parking spaces are required including 10 Light Goods Vehicles, 2 Cars and 2 other larger vehicles,
- The site is within 20m of a water course and there is no details of how foul sewage will be disposed of,
- It is acknowledged that the barn is not within the Traveller site but is clearly linked to it, and there have been conditions imposed on the previous permissions restricting the site to have no commercial activity on it
- The building should be retained as a stable and therefore this would negate the need another stable on the site,
- The Moston PC therefore object to the proposal

**Warmingham Parish Council** – Summary of Warmingham Parish Councils response. (Full comments available to view on the website).

- The site is on the edge of Warmingham parish
- Warmingham Parish Council object to the planning application for development in the open countryside
- Work has already commenced in the form of tipping of waste concrete/rubble to create a new entrance from Warmingham Lane,
- Local knowledge suggests that there has never been a former track or gateway in this location
- The hedge was breached 2 years ago, with a mini digger left close by with a fractured hydraulic pipe dripping oil into the nearby ditch
- In March/April this year rubble was used to create the new access
- There is provision for stables within the barn
- Recent permission for a stable and hardstanding were given but only the hardstanding implemented, and then an application for a transit site was proposed – Concerns over a similar precedent being used again
- Commercial development is unsuitable rural area, Middlewich is a Key Service Centre with extensive mixed use or employment centres outlined within the Cheshire East Local Plan Strategy

**REPRESENTATIONS** – No representations received.

### **OFFICER ASSESSMENT**

#### **Principal of Development**

The application site is situated within the Open countryside where, Policy PG6 states that only development that is essential for the purposes of agriculture, forestry, outdoor recreation, public infrastructure and essential works undertaken by public service authorities or statutory undertakers, is permitted, with some exceptions. Furthermore, Policy REC3 of the Moston Neighbourhood plan, states that Leisure and Countryside pursuits will be supported where they are *‘in appropriate locations where there is no significantly harmful impact on the surrounding landscape’*

The construction of a stable and use of the land for grazing horses is an equestrian use which is considered to be an appropriate use within a rural area and would fall under the accepted leisure and countryside pursuit policy of the MNP. Equestrian uses are a form of outdoor recreational use and therefore this element is in principle acceptable within the open countryside.

The proposed change of use of the existing agricultural building, ‘the Barn’ to a commercial use in the open countryside is also considered to be acceptable in principle under Policy PG6 (ii) which allows for the re-use of a existing rural building where the building is permanent, substantial and would not require extensive alteration, rebuilding or extension. Furthermore, the NPPF (para 83) supports employment uses in the rural area, with the aim of creating a prosperous rural economy. Policy EG2 also allows for business uses outside the Principal Towns, Key Service Centres and Local Service Centres, where appropriate. The proposed development seeks the change of use of a substantial building with no external works, to Class B8 Storage and Distribution use, and is therefore permitted.

Furthermore, Policy LE1 of the Moston Neighbourhood Plan supports the development of small businesses where they compliment and enhance the rural landscape. The policy goes on to state support will also be given to businesses that wish to locate / relocate to redundant agricultural

premises or are part of a farm diversification scheme. Given the proposal will retain an existing rural building for re-use, it is considered that the proposal is in compliance with this policy.

The proposed access, although stated as being existing; appears to be a new access onto the highway and through the site; nevertheless, subject to the access being acceptable in Highway safety terms and surfaced appropriately it is considered to be acceptable in principle.

Therefore, it is considered that the proposed development is acceptable in principle subject to compliance with all other relevant policies within the Development Plan.

### **Recreational use within the Open Countryside**

It is generally accepted that recreational uses in the Open Countryside are acceptable provided that they do not harm the character or appearance of the countryside, do not create any additional highways issues and, in relation to new outbuildings, they should be positioned close to other existing buildings and should blend into the surrounding landscape.

The proposed stable block would accommodate a three bay stable and tack room, in an 'L' shape. The building will be constructed in timber with a green mineral felt roof at single storey height. An area of hardstanding has been shown around the building which links to the new access road into the site. There is also an area of pasture land shown where the horses can graze. At the time of the Planning Officers site visit there was evidence of use of the wider field for the grazing of horses.

The proposed stable building and associated hardstanding are of a size and position which are considered to be acceptable for the use they propose and of a typical domestic size. The stable would be positioned adjacent to the existing barn which forms part of the application and is set back slightly from the road frontage. The building will be screened from the adjoining Warmingham Lane by the existing hedgerow, however, notwithstanding the current screening the hedgerow would afford, a stable building of the size proposed, is a typical domestic building within the rural street scene. It is therefore considered to be in a suitable location and would be viewed alongside the existing Horseshoe Farm site and adjoining farm to the north, Home Farm.

The proposed stable is therefore considered to be acceptable and would not have an adverse impact on the wider open countryside.

### **Commercial Use within the Open Countryside**

The existing barn building is currently being used as a stable and storage building; the application seeks to use the building for commercial use, specified as B8 Storage and Distribution within the application form; in association with the applicants van business. The building will be solely used to store the vans before being sold on at a separate premise.

The building lies outside the area of a permitted Traveller Caravan site; and if permission were granted this would allow the applicants currently unauthorised storage of vehicles on the Traveller site to be lawfully stored within the existing building.

The proposal would use the new access from Warmingham Road, and includes an area of hardstanding around the building, which appears to partly exist, albeit currently covered in



vegetation. A B8 use is considered to be acceptable in principle in a rural location; and subject to restrictive conditions which restrict permitted development rights, so any further use would need an application the proposal would have no greater impact on the wider open countryside given the existing agricultural use of the building.

### **Amenity**

Policy GR6 (Amenity and Health) states that development will be permitted provided that the proposal would not have an unduly detrimental effect on amenity due to loss of privacy, loss of sunlight and daylight, visual intrusion, environmental disturbance or pollution, traffic generation, access and parking.

The closest neighbouring dwellinghouse is over 80m from the edge of the site and it is therefore considered unlikely that the development would have a significantly detrimental impact on neighbouring amenity.

With regards to environmental disturbance, the Council's Environmental Protection Officer has reviewed the proposal and advised that they have no objections to the proposal.

### **Highways**

The Strategic Highways Officer notes that the proposal is for a small B8 unit with off-road parking. The development is of small scale and will generate a small amount of vehicle movements.

Although it is unclear if there was an access on to Warmingham Road, or a track that ran through the site, the historic aerial photographs do appear to show a gap in the hedge on the northern boundary, which would have previously linked to the adjacent farmhouse to the north, Home Farm.

Nevertheless, the Strategic Highways Officer considers that the submitted plan shows the grass verge at the access to have a width of a few metres which allow for a suitable level of visibility. There is also sufficient parking and turning within the site. The Strategic Highways officer therefore considers that the proposed access to be acceptable and would not have detrimental impact on Highway safety.

### **Ecology**

The council's ecologist has considered the application and it is not considered likely that the development will have an adverse impact on nature conservation or protected species in the area, subject to a condition for safeguarding nesting birds.

### **Other matters**

It is noted that concerns have been raised regarding the potential contamination of a water course within the objections. The Environment Agency has been consulted on this matter and have raised no objections.

Moston Neighbourhood Plan Policy LCD2 relates to Dark Skies, and ensuring that new development does not have a detrimental impact on night time skies and reduces glare in road

safety terms. A condition will be attached to the permission to ensure that a lighting scheme is submitted for approval prior to its installation which will adhere to this policy and reduce the potential impact on the rural area in terms of light pollution in general.

Planning application 15/3801C has been implemented in the form of the hardstanding placed on the ground and the children's play area created. However the site where the stables were previously granted permission has now been permitted a change of use as part of the extended travellers site and forms the area now permitted for Transit provision of 8 caravans. Therefore, this stables part of the application can no longer be implemented.

The existing 'barn' building was permitted under application 36153/3. The use of the building has and does include use as a stable. However, as noted above, the aim of the application is to change the use of the building to make the storage and distribution of the vans on the site lawful and contained within the existing building, and therefore there is still a requirement to provide a stable building on the site for the existing horses.

### **Conditions**

It is considered that conditions for a proposed landscaping which includes existing and proposed levels and details the proposed surfacing materials should be conditioned to ensure any impact on the countryside is mitigated for. Furthermore, conditions which would restrict the use of the Stables to domestic only will also be proposed.

### **Planning Balance**

The proposal seeks permission for a stable, an access and the change of use of an existing 'barn' to a commercial B8 use. The proposed uses are considered to be acceptable within the open countryside and meet the policy criteria of PG 6 and EG 2 of the Cheshire East Local Plan Strategy and the National Planning Policy Framework, which encourages sustainable economic development in rural areas, and policies REC 3 and LE1 of the Moston Neighbourhood Plan.

It is therefore considered that the proposed development is acceptable and appropriate uses within the Open Countryside, as conditioned; the proposal will not have a detrimental impact on neighbouring amenity, highway safety, or protected species. The proposal is therefore considered to be acceptable and is recommended for approval.

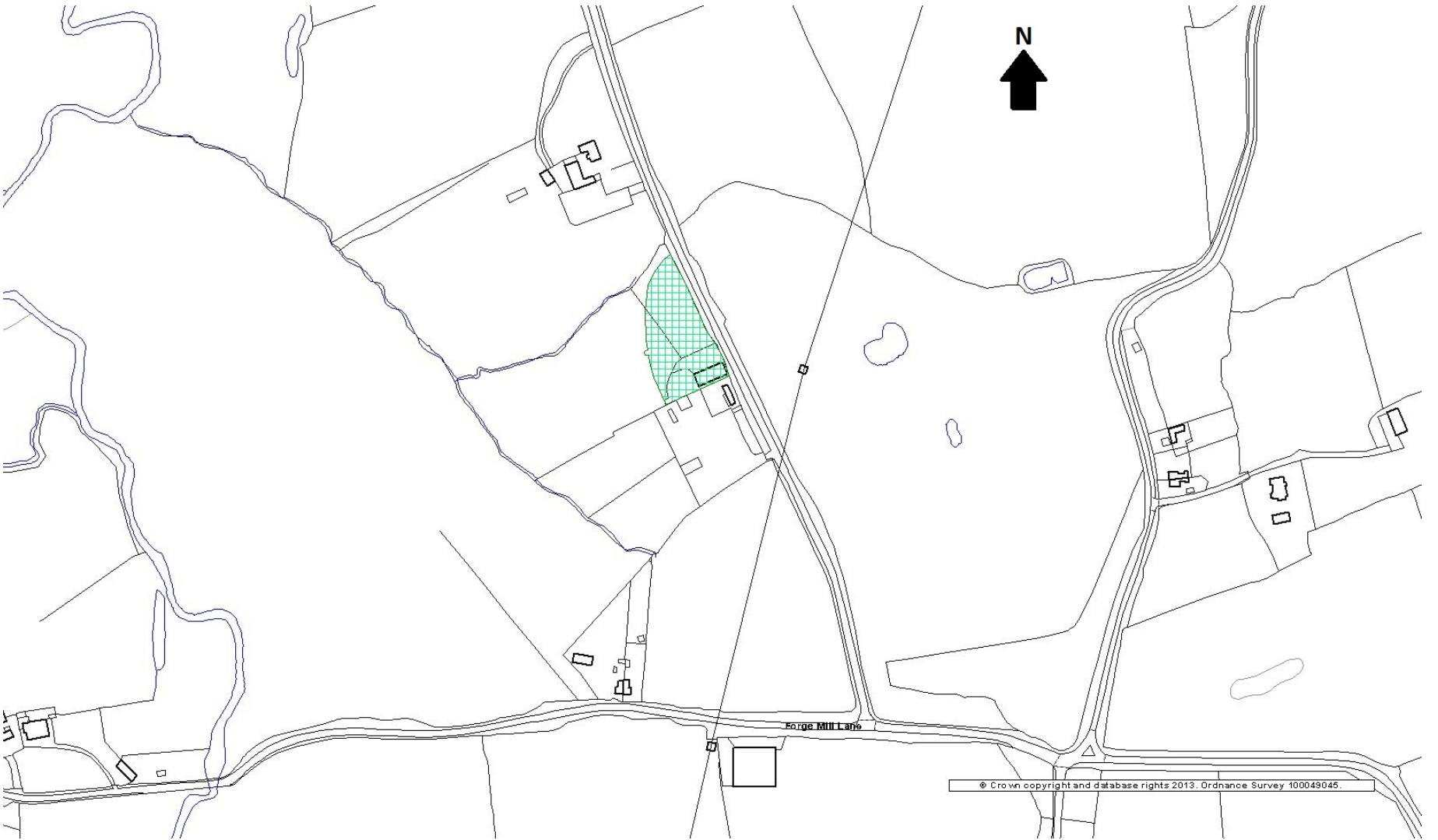
### **RECOMMENDATION**

#### **Approval subject to the following conditions**

- 1) Standard 3 years**
- 2) Approved plans**
- 3) Hardstanding area to be limited to that shown on the approved plans**
- 4) Surfacing materials to be submitted**
- 5) Landscaping Scheme to include levels**
- 6) Landscaping Scheme to be implemented**
- 7) Stable for domestic use only – not commercial**
- 8) Foul Drainage scheme**
- 9) Surface water drainage scheme**

- 10) Breeding Birds
- 11) B8 Storage and Distribution only – PD removed for any other changes
- 12) No cars/vans or materials should be stored outside the curtilage of the B8 commercial building
- 13) Lighting scheme to be submitted

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



Application No: 19/1923N

Location: ELEPHANT AND CASTLE INN, 289, NEWCASTLE ROAD, SHAVINGTON, CW2 5DZ

Proposal: Variation of condition 24 (concerning Traffic regulation Order) on approval 17/2483N - Affordable Housing Development Comprising 45 no. dwellings & Ancilliary Works

Applicant: Magenta Living & MCI Developments

Expiry Date: 30-Jul-2019

### SUMMARY

The principle of development of this site for residential purposes in the form of 45 affordable dwellings as a rural exceptions site (6 x four bed dwellings, 18 x three bed dwellings, 15 x two bed dwellings, 2 x two bed bungalows and 4 x one bed maisonettes) has been accepted. The tenure mix as approved is for 23 units (51%) to be made available for shared ownership and 22 units (49%) will be affordable rented units.

Whilst some trees have been removed and site preparations have occurred including works to the existing pub car park (as approved by 17/2484N) the development has not commenced. The majority of pre-commencement conditions have been discharged, however, this condition relating to the TRO scheme, affordable housing scheme, contamination land and drainage remain to be discharged.

The proposed alternative TRO scheme as amended will have a neutral impact upon the social, economic and environmental strands of sustainability.

As this is a S73 application, the Local Planning Authority, whilst not being able to revisit the principle of the development, can vary, remove or add conditions if it is appropriate to do so in the context of the application seeking to be varied at the time it seeks to be varied.

### SUMMARY RECOMMENDATION

**APPROVE** subject to a deed of variation to append this decision to the Original Unilateral Undertaking attached to 17/2483N and conditions

### REASON FOR REFERRAL

This application is referred to Southern Planning Committee at the request of Cllr Marren for the following reasons;

*'I request that this application be considered by Southern Planning committee as the application appears to be chasing profit over pedestrian safety, traffic flow and good public order.*

*The proposal to develop 45 affordable dwellings on land at the rear of the Elephant Public House, Main Road, Shavington was approved in February 2018. Attached to the approval was Condition 24 requested by the Highway Authority:*

*The development shall not commence unless and until a traffic regulation order changing Main Road to a one way system/provision of pavement widening*

*Whilst there may well have been objections to the TRO proposal, the Highway Authority do not request TROs lightly and presumably share the concerns of the Parish Council and local residents about pedestrian safety and the potential for traffic chaos.*

*The proposed one way order was to be installed on Main Road to the north of the permitted site access onto Main Road and it was designed to prohibit southbound movements along Main Road. The road is named for obvious reasons; it is a road that carries very many vehicles through the village.*

*In relation to the Transport Statement that supports the application I raise the following concerns:*

*The photograph at page 2 of SCPs traffic report shows no parked vehicles and that is particularly unusual as there are often one or two parked cars and it would only take a single parked HGV to prevent traffic passing at all. It is remarkable that by chance SCP should choose a day to take a traffic survey and the road was clear.*

*Paragraph 2.3 (page 3) of the Traffic report admits that the survey was taken two years ago in May 2017 but there has been considerable development growth in the village since then which the report can't possibly have taken account of; It is simply out of date and therefore cannot be relied upon. The fact that the report implies no HGV traffic because none were supposedly recorded doesn't mean there isn't any, for instance there are bound to be delivery vehicles, skips and refuse collection, this is just everyday life.*

*Even if the additional vehicle calculation is correct, it is contended that the baseline figure is wrong because it hasn't been able to reflect the additional traffic flow associated with new development in Shavington.*

*Para 3.4 of SCPs Traffic Statement indicates arrivals/departure flows of pedestrians and they also seem remarkably low. This development is for 45 affordable dwellings and there is bound to be a high incidence of families with children, many of whom will be children at either the local primary school or high school.*

*Para 3.8 assumes the traffic impact associated with the proposals would not lead to a severe cumulative impact upon the section of Main Road between the permitted site access and the junction with Main Road to the north. The additional vehicle calculation is not disputed but the baseline figure is as it is two years old. Two way traffic, with parked vehicles which could include HGVs or other large vehicles in addition to kerb build-outs is a recipe for traffic chaos and calls out for a TRO as was the original intention.*

*There are a number of other real concerns connected with the junction of Main Road with Newcastle Road:*

- If Main Road is congested/stationary it would tempt drivers to reverse back out on to Newcastle Road which is dangerous.*
- If Main Road is congested vehicles could become stationary in the carriageway waiting to turn from Newcastle Road into Main Road which is Dangerous.*
- Drivers may indicate to turn into Main Road and on seeing vehicles queuing, because of the combination of traffic calming measure and stationary vehicles, may decide to continue onwards causing a potential accident.*
- Newcastle Road is 40mph, which has been described by CEC as good for the fast dispersal of traffic from the Shavington park development, however drivers do speed and in doing so will create an additional hazard for vehicles delayed from turning into Main Road.*
- If one side of the triangle has a traffic calming measure it will send more traffic to the Dig Lane junction which has extremely poor visibility and isn't able to deal with two large vehicles at the same time.*

*Para 3.9 is an inadvertent admission that the road will require a TRO. "The width of Main Road is sufficient to allow two cars to pass side by side along the majority of the route", but not all of it. Parked vehicles will aggravate the passing problem. There is the potential for gridlock, exacerbated by the kerb build outs and perhaps only currently avoided by the goodwill of residents removing vehicles off the road. Goodwill cannot be relied upon as the means to allow the development to proceed without the TRO.*

*Paragraph 3.10 shows naivety in that there is an admission that "the western hard margin is too narrow to of any realistic use for pedestrians" but assumes pedestrians with push chairs and children and users of mobility scooters will cross over at the "informal crossing" to walk on a wider pavement with overhanging hedges after Highways have, presumably, enforced the "judicious trimming of hedges along its length".*

*The suggestion that all children (particularly unaccompanied children) will cross over at the informal crossing point is doubly naïve because the children will have to cross back over the road at the junction of Main Road with Main Road to the north of the site. The western hard margin is the natural walking route to and from both schools and children will be tempted to take the easiest route not necessarily the safest route and on their way to school their backs will be to the traffic. The telegraph poles that obstruct the easiest route will force children, pushchair users and mobility users either into the road or forced to undertake to road crossings amidst traffic that could be backed up or coming at speed off Newcastle Road.*

*This proposal has an unacceptable impact on Traffic Safety'*

### **PROPOSAL**

Permission is sought to vary condition 24 on 17/2483N which requires a TRO scheme for making part of Main Road into a one way street to be approved prior to commencement of the approved affordable housing scheme

Condition 24 requires -

*The development shall not commence unless and until a Traffic regulation Order changing Main Road to a one way system/ provision of pavement widening as detailed on SCP drawing SCP/13289/SK Rev C has been Made and any legal challenges concluded.*

*Reason: For the avoidance of doubt and in the interests of highway safety.*

The scheme as originally designed was for a one way TRO on a section of Main Road with a 2m wide footway to the western side of Main Road. A TRO scheme was submitted to the Highways Authority to satisfy the original planning condition but has not been approved.

The Highway Authority has received over 300 objections to the original TRO proposals as put forward in accordance with the scheme of improvements originally detailed on plan SCP/13289/SK Rev C.

The Applicant has therefore sought an alternative design to the TRO works, which requires approval under the Planning Act by virtue of the fact that the explicit wording of the condition references a specific design which requires formal TRO confirmation prior to any development commencing.

The TRO process remains a separate process from the planning process. The TRO process would also need to be satisfied.

The proposed wording of condition 24 is -:

*'The development shall not commence unless and until a Traffic Regulation Order changing Main Road to a one way system/ provision of pavement widening as detailed on SCP drawing SCP/13289/SK11 has been Made and any legal challenges concluded.*

*Reason: For the avoidance of doubt and in the interests of highway safety.'*

The revised proposals seeks permission for the one way TRO which proposes a 1.5m footway along the eastern side of Main Rd from the site access, instead of having a 2m footway along the western side of Main Rd as originally detailed under the approved plan SCP/13289/SK Rev C. These revisions also allow for some on street parking on part of Main Road, whilst also allowing for traffic to pass, whereas in the originally approved plan no such provision was made.

### **SITE DESCRIPTION**

The site is an open field to the rear of the existing Elephant public house, located at the junction of Main Road and Newcastle Road Shavington. To the western boundary lies the Blakelow Business Park, to the southern boundary are dwellings on Newcastle Road and the Elephant public house. To the eastern boundary are dwellings on Main Road. To the northern boundary is Puseydale Farm and a site with extant planning permission for 3 dwellings (16/4767n).

The field is relatively level and is regularly mown. The public house landlord has rented out the field for car boot sales for the last 3 years or so (April to September) and a bi-annual dog show and an annual car show have been temporary uses organised by the publican to generate additional income for the public house. Such uses are temporary and form no part of the lawful



planning history of the site. The field is private land and the publican does not allow dog walkers or children to use it. It is therefore not a community asset in land use terms.

The site is located within the Open Countryside and Green Gap as identified by the Development Plan and covers an area of 1.23 ha.

### **RELEVANT HISTORY**

17/2483N - Affordable Housing Development Comprising 45 no. dwellings & Ancilliary Works – Approved subject to S106 Agreement February 2018

17/2484N - New access to car park, reconfigured car park, new garage (including access) and bin store, new garden area, paths and boundary treatment . Approved November 2017. Development Implemented

### **POLICY**

#### **Cheshire East Local Plan Strategy – Adopted Version (CELPS)**

PG1 - Overall Development Strategy  
PG2 – Settlement Hierarchy  
PG5 - Strategic Green Gap  
PG6 - Open Countryside  
PG7 – Spatial Distribution of Development  
SC4 – Residential Mix  
SC5 – Affordable Homes  
SC6 - Rural Exceptions Housing for Local Needs  
SD1 - Sustainable Development in Cheshire East  
SD2 - Sustainable Development Principles  
SE3 – Biodiversity and Geodiversity  
SE5 – Trees, Hedgerows and Woodland  
SE 1 - Design  
SE 2 - Efficient Use of Land  
SE 3 - Biodiversity and geodiversity  
SE 4 - The Landscape  
SE 5 - Trees, Hedgerows and Woodland  
SE 6 – Green Infrastructure  
SE9 - Energy Efficient Development  
SE12 - Pollution, Land contamination and land instability  
SE13 - Flood risk and water management  
CO1 - Sustainable Travel and Transport  
CO4 - Travel plans and transport assessments  
IN1 – Infrastructure  
IN2 – Developer Contributions

#### **Crewe and Nantwich Local Plan**

NE.5 (Nature Conservation and Habitats)  
NE.8 (Sites of Local Importance for Nature Conservation)

NE.9 (Protected Species)  
NE17 (Pollution control  
NE.20 (Flood Prevention)  
BE.1 (Amenity)  
BE.3 (Access and Parking)  
BE.4 (Drainage, Utilities and Resources)  
BE.6 (Development on Potentially Contaminated Land)  
RES.5 (Housing in the Open Countryside)  
TRAN.3 (Pedestrians)  
RT.3 (Provision of recreational open space and children's play space in new housing developments)

**Shavington Neighbourhood Plan** - This Plan is at Regulation 14 Stage; Accordingly limited weight can be attached to any policy within it at this stage since it is yet to go through examination.

TRA1: Sustainable Transport

### **Other Material Considerations**

National Planning Policy Framework (2012)  
National Planning Practice Guidance  
The EC Habitats Directive 1992  
Conservation of Habitats & Species Regulations 2010  
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System  
Development on Backland and Gardens  
Cheshire East Design Guide

### **CONSULTATIONS**

**Highways Officer** - No objection subject to the revised drawing SCP drawing SCP/13289/SK11 being implemented

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

**Shavington Parish Council** – Object on the following grounds - The footway is too narrow and there is insufficient visibility from the West side of Newcastle Road. There should not be an informal crossing point because all village facilities are on the West side. The kerb-line re-alignment on Newcastle Road does not give adequate access/egress from the Main Road. The assessment of traffic predictions in S3 of the Transport Statement is too low at 11 vehicles an hour (during peak times) and 10 vehicles an hour during evening peak times. The figures do not correlate with the reality of the situation. The potential for a weight limit for HCVs is unlikely to be approved.

**Wybunbury Parish Council** - Wybunbury Parish Council raised the matter of traffic problems in the Main Road Shavington Triangle area in the late 70's early 80's with Cheshire County Council as the highways authority then, traffic calming, one way systems were all looked at the time in consultation with the residents as the area then was in the parish of Wybunbury. The outcome of the consultation was what you see today carried out by CCC and has worked with in the area for the current residents.

The proposed scheme will not help or benefit residents or road users in any shape or form, the proposed 20mph scheme and the police & highway officer's state must be self-policing. Over such a short distance this would be ineffective & not resolve the problem but would create more traffic problems at the Newcastle Rd end & at the Shavington village end of the triangle as you can find standing traffic now waiting to use the western leg of Main Road. It will also put more pressure on the Eastern leg of the Triangle as traffic from Shavington village wishing to go to Nantwich will use this leg to gain access to the Newcastle Road which is already dangerous with the line of sight to the west short & obscured at times by parked cars on the Newcastle Road between the two sections of Main Road.

The Parish Council therefore supports residents in their objection to these proposals.

### **OTHER REPRESENTATIONS**

The initial neighbour consultation period was for the statutory time period. A further 14 days additional consultation period was undertaken for the revised scheme

Approx 100 representations from individual properties and an agent representing local residents received to both rounds of neighbour consultation raising the following points:

- Principle of the housing development
- Impact upon schools, health care etc
- Objections on grounds of Road Traffic Act
- A safety audit and risk assessment should be provided
- Increased traffic in area as a result of new developments already undertaken
- Not enough space left for emergency vehicles
- Travel distances for future residents
- Objection to the alteration to the scheme 'giving residents little time to decipher'
- The recent changes to the Public House car park now have vehicles parking up to the boundary wall with Newcastle Road which reduces visibility even more, the build out of Main Road and centre line realignment of Newcastle Road will not help as the new parking will still impede the view.
- The proposals are unsafe for existing residents
- There were more than 300 objections to it mainly on safety issues including comments on the safety issues from a high ranking police officer from Cheshire Traffic Police.
- To make Main road One way will make residents have to commit traffic offences I consider this to be a breach of duty of care by the Council
- As we see it nothing has changed only that the footpath will be widened on one side only which will help pedestrians.
- The new proposal will still send all the village motorists wishing to exit the village via Main Road to the three way junction with Main Road Digg Lane and Newcastle Road which has very limited

visibility and could cause queuing traffic attempting to join Newcastle Road which has a 40 mph and is a very heavily use road. This will also cause extra pollution and noise for local property.

- There will be no less movement from the planned 45 houses and the Elephant pub than stated previously; in fact it will be worse with the increase in pedestrians, motorists and residents.
- The calming measures on Main Road will create a back-up of traffic causing vehicles to queue back onto Newcastle Road. This will affect traffic turning off Newcastle Road, from Nantwich and Hough to enter the proposed new development and the pub. This will be very dangerous. When vehicles see the hold-up down Main Road they will change direction and pull out to drive onto Dig Lane/Main Road crossing, creating a potential accident.
- Road is a rat run and people will undertake dangerous manoeuvres causing danger to pedestrians
- All traffic turning right from the proposed development and the pub, into Main Road, towards Newcastle Road will still cross moving traffic and as it will be a two way system, join a queue of traffic waiting to join Newcastle Road. Vehicles travelling from the village end of Main Road will also queue at the " V" to turn right into Main Road, again causing holdups. Visibility from this junction is often blocked by parked cars.
- The informal crossing is adjacent to the exit of the pub car park and the proposed development which will be very busy. It also directs pedestrians into a driveway and onto a footpath which is too narrow to accommodate a wheelchair, pram, or a mother holding a child's hand walking to school. Cutting back of hedges will not increase the sub-standard width of the existing pavement, as these hedges are well established and there is a wall at one point.
- The proposed 20mph speed limit for Main Road, will have little effect on cars turning from Newcastle Road by the time they reach the informal crossing. Creating an increased risk of accidents particularly with slow crossing young families.
- The calming measures are only situated on the pub side of Main Road, therefore anyone walking on that side of the road will have to walk on the road, between build outs, stepping into traffic approaching from the rear. Again, very dangerous.
- The proposed build outs of the footpath will be directly in front of some houses, therefore how will residents enter their driveways? Also, visitors to these houses will park either side of the build outs creating a line of stationary cars.
- Recent environmental reports indicate young children who have been subjected to pollution from queueing traffic on a regular basis, have developed asthma and bronchial conditions. This is certainly a situation which families will experience when walking down Main Road at peak times.
- There has been no safety audit
- The footpath will not be wide enough, and the road layout will be dangerous. This does not meet minimum standards and will be a hazard to pedestrians and vehicles. 40 homes generate at least 40 cars, most of which move at peak times. There will be more than 11 movements per hour. This proposal must be rejected.
- The improvements to the easterly footpath will still require pedestrians between the Elephant site and Shavington village direction to have to cross Main Road twice to avoid the blocked westerly pavement , there is no safe crossing here and nothing planned.
- Making Main Road one way forces traffic to enter Newcastle Road at the Dig Lane cross roads , turning right is dangerous as the visibility at this junction is far less than that of the Main Road Junction and cars do not stick to the 40mph limit
- If the council approves this application, and accepts the widening of the easterly footpath as a suitable solution to the permanent blockage of the westerly footpath, the council should consider applying a condition that a safety assessment be carried out in respect of the safety risk to pedestrians walking through Main Road, and that a condition be applied in respect of the installation of a safe crossing point (at least a 'zebra' type) at both the Elephant PH, and Main

Road ends of the pavement. There is a prospect of a parent using a pushchair walking a KS1 child to school, with no control over that child as they move from the new estate crossing Main Road to walk up the easterly footpath, then to cross back to the westerly footpath of Main Road in an easterly direction. To cross the open road twice, particularly with the revised traffic levels at the Main Road 'V' junction having NO recorded assessment under this application, with no safe method is utterly unacceptable.

- 100's of houses built since last Transport assessment. Should be updated to reflect this

### APPRAISAL

#### Principle of development

The principle of development on this site has been established by the previous permission on this site comprising 45 affordable dwellings. Consequently, the principle of the development has already been established and this application does not present an opportunity to re-examine those issues.

The main issues in the consideration of this application is whether the proposed alterations to the proposed TRO works on Main Road will safeguard the highway and pedestrian safety of users.

In considering the application submitted it is necessary that planning conditions satisfy six tests as identified at paragraph 55 of the NPPF (2018) which states that conditions should only be imposed where they are:

1. Necessary;
2. Relevant to planning
3. Relevant to the development to be permitted
4. Enforceable;
5. Reasonable in all other respects.

The Planning Practice Guidance also states that in determining this application the local planning authority must only consider the disputed condition/s that are subject of the application – it is not an opportunity for the complete re-consideration of the original application.

National Planning Guidance advises that planning conditions must serve all 5 clauses and that 'It is important to ensure that conditions are tailored to tackle specific problems, rather than standardised or used to impose broad unnecessary controls'.

Therefore, in order to determine whether the TRO condition applied for to be varied serves a useful purpose it is necessary to examine it in the light of these 5 tests.

The condition sought to be revised is as follows:

Original wording -

24. *The development shall not commence unless and until a Traffic regulation Order changing Main Road to a one way system/ provision of pavement widening as detailed on SCP drawing SCP/13289/SK Rev C has been Made and any legal challenges concluded.*

*Reason: for the avoidance of doubt and in the interests of highway safety*

Proposed wording, as revised,

*24. The development shall not commence unless and until a Traffic Regulation Order changing Main Road to a one way system/ provision of pavement widening as detailed on SCP drawing SCP/13289/SK11 has been Made and any legal challenges concluded.*

*Reason: for the avoidance of doubt and in the interests of highway safety.*

## **Sustainability**

The National Planning Policy Framework definition of sustainable development is:

*“Sustainable means ensuring that better lives for ourselves don’t mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment”*

There are, however, three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

**an environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

**an economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

**a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and These roles should not be undertaken in isolation, because they are mutually dependent.

## **Social Sustainability**

The development of 45 homes on this site as a 100% affordable housing scheme makes a very significant contribution to the social arm of sustainability. The Committee, when granting permission originally, gave significant weight in the planning balance to the proposal given that the local Housing Need Survey demonstrated that local delivery of affordable housing was insufficient.

This proposal was considered to contribute significantly to the social arm of sustainability. The impact is neutral in the case of the current proposals given that the proposals concern a variation to the TRO design of the one way system for Main Road and the affordable housing details are unchanged.

### **Environmental Sustainability**

#### **Highways**

The proposed TRO design as previously approved is unchanged in detailed terms other than the proposed footway widening as now applied for involves a 1.5m footway along the eastern side of Main Rd from the site access is provided, instead of having a 2m footway along the western side of Main Road. Additionally, the revised TRO design allows for some on street parking on parts of Main Road where there was none in the original TRO scheme

There have been many numerous objections raised by neighbouring properties in relation to highway issues and the impact on the surrounding road network and the TRO application itself has been the subject of more than 300 objections.

The TRO process is separate to the planning application and this planning application should only consider the highways issues arising from the change in design in the TRO plan as submitted to vary condition 24.

The wider Shavington area is to the north of the site, including local destinations such as the Co-op, and primary and secondary schools. The pedestrian desire line from the site to these destinations follows along Main Road. The existing footway width along Main Road is sub-standard at no more than 1m on its eastern side and less so along the western side.

Given the existing constraints along Main Road the applicant has proposed a one-way system in order to reduce the carriageway width to allow for footway widening. It has been proposed to begin the one-way just north of the site access to allow for customers of the pub or for residents of the new development to exit onto Newcastle Road if need be.

The width of Main Road varies but is approximately 4.7m and reduces further at the northern end.

The proposed footway widening as now applied for, whilst an alteration from the original, would remain a significant improvement on the existing situation and would be a safety benefit for the current community.

Currently some pedestrians from existing dwellings or from the PH would have to walk along the road. The new footway, as revised in these proposals, will be wide enough for 2 adults to pass or a wheelchair user alongside a pedestrian, without someone having to step onto the carriageway. This will be a benefit for all compared to the current situation where pedestrians walk on the carriageway due to the narrow footway widths.

The proposed one way system still provides sufficient width for HGVs or emergency vehicles to pass down the road. A safe and suitable access can be provided for all users and a development

of this type and size would generate approximately 20 vehicle trips in the peak hour. This is unchanged from the previous permission

Previously submitted highways data has been accepted and is unchanged by this proposal. From peak hour traffic surveys this proposal would therefore result in an additional 50 vehicles using this road during the AM peak and an additional 20 during the PM peak. Spread over an hour the impact would be minimal.

Overall, notwithstanding the objections to the proposed variation to condition 24 from the local community, the Strategic Highways Engineer advises that the proposed revision to the design of the footway to allow for some on street parking on Main Road within the proposed TRO scheme will not be detrimental to highway or pedestrian safety and as such, the proposed variation of the condition can be supported.

### **ECONOMIC SUSTAINABILITY**

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to the local area including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

It is considered that the proposals represent sustainable development in terms of the economic sustainability of the scheme which will provide benefits to the local area through the construction process and the use by residents of local businesses and the economic activity of future residents.

### **Levy (CIL) Regulations**

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The original permission on this site is subject to a Unilateral Undertaking requiring an education contribution which is necessary having regard to the oversubscription of secondary schools and SEN places and the demand that this proposal would add to the local provision. This is considered to be necessary, fair and reasonable in relation to the development.

A S106 Deed of Variation will be required to link this proposal to the original permission 17/2483N to secure the same Heads of Terms as previously approved.

### **PLANNING BALANCE**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that where in making any determination under the planning Acts, regard is to be had to the development plan; the determination shall be made in accordance with the plan unless material consideration indicates otherwise.



The principal of the development of the site for 45 affordable units is already accepted and this application is not an opportunity to revisit that principle.

The proposal will allow an alternative TRO design which will allow the delivery of the much needed affordable housing on this site. Whilst the objections of neighbours are noted, they can not be sustained as a reason to refuse the proposals.

The Council's Strategic Highways Manager has considered the TRO proposals as submitted and considers that the revisions will be safe for pedestrians and road users and will adequately mitigate for the impact of the development.

On this basis, the revised condition is considered to pass the tests of Paragraph 55 of the NPPF and is considered reasonable in planning terms

The balance weighs in favour of the development and there are no material planning considerations which would outweigh that assessment.

### **RECOMMENDATION**

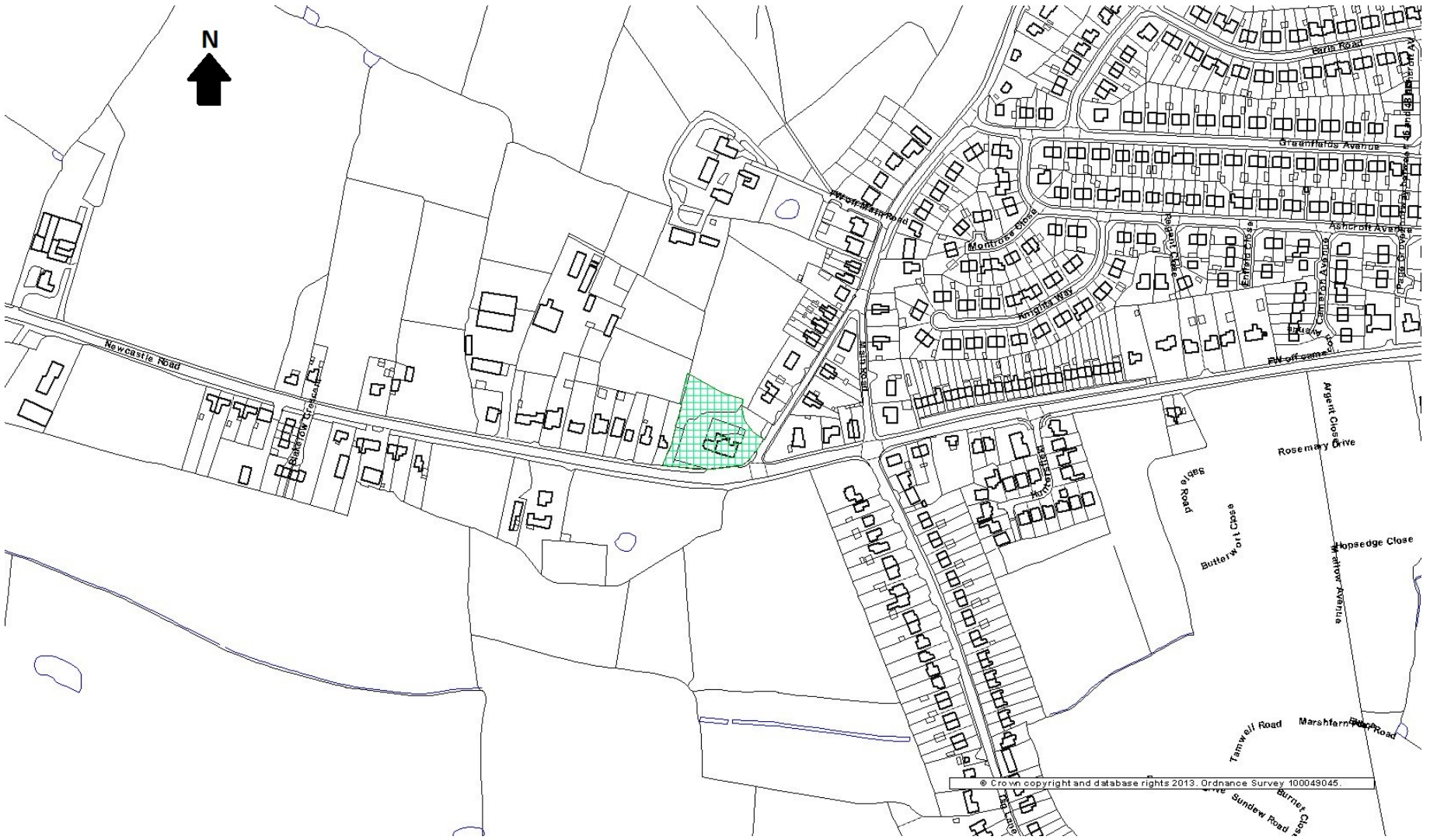
**Approve subject to a Deed of Variation S106 / Unilateral Undertaking to link to the original permission 17/2483N and the following conditions:**

- 1. Commencement of development (3 years)**
- 2. Development in accordance with approved plans on 17/2483N except as varied**
- 3. Materials as application 17/2483N**
- 4. Surfacing materials as approved 18/3014D**
- 5. 100% affordable housing**
- 6. Removal of permitted development rights for extensions classes A- E and means of enclosure/ boundary treatments forward of building line**
- 7. Nesting bird survey to be submitted**
- 8. Provision of features for breeding birds as approved under 18/3014D**
- 9. Compliance with Flood Risk Assessment (FRA) (ref: ES/16365/FRA Prepared by SCP) dated August 2016**
- 10. Implementation of landscaping**
- 11. LEAP (min 5 pieces of equipment) children's play area /POS in accordance with details as approved under 18/3014D**
- 12. Contamination - Phase II investigation to be submitted prior to operational commencement**
- 13. Contamination - Importation of soil**
- 14. Remediation of unexpected contamination**
- 15. All Arboriculture works in accordance with Tree Care Consultancy Arboricultural Implication Assessment (Ref AIA1-CSE-SW) dated 11<sup>th</sup> May 2016**
- 16. Boundary treatments (inc 1.8m high close boarded to rear gardens adj in accordance with Noise Report recommendations) as approved under 18/3014D**
- 17. Levels, existing and proposed as approved under 18/3014D**
- 18. Noise mitigation scheme compliance with recommendations of report**
- 19. Details of construction and highways management plan, inc on site parking for contractors/storage during development as approved under 18/3014D**

20. Electric vehicle charging points to be provided for dwellings as approved under 18/3014D
21. Residents Travel Information Pack
22. Cycle storage details as approved under 18/3014D
23. Bin Storage details as approved under 18/3014D
24. The development shall not commence unless and until a Traffic Regulation Order changing Main Road to a one way system/ provision of pavement widening as detailed on SCP drawing SCP/13289/SK11 has been Made and any legal challenges concluded.
25. Drainage strategy detailing on and off site drainage work to be submitted and implemented as approved
- 26 detailed calculations to support the chosen method of surface water drainage to be submitted and implemented as approved
27. Grampian condition for the one-way system to Main Road (condition 24) be fully implemented/ construction of the footways to Main Road and build-outs on Newcastle Rd should be complete prior to any occupation of the site
28. Compliance with bat report as application 17/2483N
29. Updated badger survey as approved under 18/3014D
30. Submission and implementation of a scheme for the future management and maintenance of all communal open space be submitted and implemented as approved
31. Bungalow/single storey accommodation - priority of occupation for over 55's/ persons reliant upon wheelchair
32. Garden sheds provided as approved under 18/3014D

In order to give proper effect to the Board's/Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Development Management in consultation with the Chair (or in his absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

Should this application be the subject of an appeal, authority is approved to enter into a S106 Agreement/UU to provide a Deed of Variation to link this proposal to the original permission under 17/2483N



**This page is intentionally left blank**

Application No: 19/0819N

Location: Basford Old Creamery, Newcastle Road, Chorlton, CW2 5NQ

Proposal: Amendments to site layout and building designs covered under approvals 15/4224N AND 16/1987N. Proposals include provision of new office space and sub-division within approved industrial units and creation of additional B1,B2 and B8 floor space to area formally used as external work area.

Applicant: Mr J Beeson, Total Concrete Products Ltd/Pioneer Design & Build Ltd

Expiry Date: 16-May-2019

**SUMMARY:**

The site is an existing employment site with B1, B2 and B8 Use Classes allowed. Granting planning permission would have a positive benefit in terms of employment provision and support of a local business.

Additional measures have been put in place to protect neighbouring properties from noise and disturbance and subject to conditions; there would be no significant adverse impact on residential amenity.

The development is considered to be acceptable in terms of design, highway safety and impact on the Listed Building within the complex.

There is policy compliant parking provision and the access and turning areas are acceptable in highway safety terms.

On this basis the application is recommended for approval.

**RECOMMENDATION:**

**Approve subject to conditions.**

**CALL IN**

This application was called in by Cllr Janet Clowes for the following reasons:

*"The Parish Council has considerable reservations about this proposal, (which are compounded by the fact that this site has a long history of noncompliance of conditions) in order to protect the amenity of residents living in the vicinity and disturbance to the surrounding area.*

*Whilst it is acknowledged that this site has an established industrial use the current proposal is far too intensive and is presented with a degree of ambiguity. Whilst the Old Creamery had permissions for B1, B8 and B2 use, (as appropriate for a rural dairy business), over the past 4 years, there has been an inappropriate intensification of B2 use resulting in severe loss of amenity for residents, non-compliance with conditions and enforcement actions. All are contrary to CELP Policy EG2 and EG3*

- The Parish Council considers that the current proposal represents a gross overdevelopment and the proposed circulation within the site to serve the various units is unsatisfactory. The proposed provision of 93 car parking spaces, excluding an unspecified number of long HGVs, feeding out onto a single blind access at the bottom of the humped West Coast Main Line Railway Bridge over Newcastle Road is in our view extremely dangerous.*
- It is considered that the implications of HS2 is a critical factor which will compound the problem. The additional construction traffic and disruption associated with this operation which abuts the application site will make the operation of the proposed use a nightmare affecting nearby residents and the area in general.*
- The applicant's statement that the proposed acoustic screen along the NW boundary to protect Weston Village could be up for discussion, is NON-NEGOTIABLE in so far as Weston & Basford Parish Council is concerned. Should any planning permission eventually be granted this screen is absolutely essential. This is especially important as a further 100 houses are due to be built in fields to the north-west of the site and Weston Village.*
- Despite the submitted noise calculations, given the previous history, the Parish Council cannot accept that roller shutter doors on units 6 and 7 remain open or any of the doors on other units within the site. All operations within the site must be carried out behind closed doors.*
- In addition, the proposed hours of operation are excessive on both weekdays and Saturdays. This once again impacts significantly on residents' amenity. There must be no increase in the operating hours from this site.*
- There are no proposals regarding external lighting which if not handled sensitively can be extremely detrimental to nearby residents and the surrounding rural area in general.*
- All unauthorised uses and structures currently on site must be removed prior to any further development should this application be approved. (This includes the cement mix silos, portacabins on the Network Rail access road and concrete bunkers on site). In this context the two circles shown to the east of Units 6 and 7 are undefined – what they are and their purpose must be clarified before this application is determined.*
- There appear to be no proposals regarding types of surfacing and dust attenuation. The dust and mud generated from the current site extends out onto the highway and surrounding countryside which is totally unacceptable.*
- In summary, the Parish Council is extremely concerned about the Health and Safety aspects of the proposal and compliance therewith – there doesn't appear to be any reference to this in the submission.*
- Finally, the Parish Council is disappointed that the 'listed' cottage prominently located on the site frontage has been excluded from the proposal. This could be renovated and converted into worthwhile office accommodation.*

*The Ward Councillor has been asked to call-in this application and the Parish Council request that a site visit is arranged prior to the Planning Committee meeting.*

*The application as submitted is considered to be totally unacceptable and should be refused."*

## **PROPOSAL**

This application is for amendments to the site layout and building designs covered under approvals 15/4224N AND 16/1987N.

Application 15/4224N approved a B1/B2/B8 unit with a large external work area surrounded by an acoustic screen (western part of the site). The changes include creating a fully enclosed building, split into 2 units, where the external work area was, creating office space in the south west corner of the building and splitting the building which formerly housed the concrete operations into 3 units, with the shutter doors to the south being blocked up.

Application 16/1987N approved a new industrial building replacing existing buildings, retaining B1, B2 and B8 classifications (eastern part of the site). The changes include two floors of office accommodation (mezzanine) at the southern end of the building, splitting the building into 2 units and the reduction in the number of roller shutter doors in the west elevation.

This application would allow the whole site to be controlled by one planning permission and would include acoustic screens at the northern end of the site. The application also seeks changes to the hours of operation and keeping doors closed while work takes place.

### **SITE DESCRIPTION**

The site contains a large industrial building and partially demolished old industrial building that has permission for replacement and offices contained within portacabins. There is also a batching plant on site and this will ultimately be incorporated into the new building.

To the front of the site, adjacent to the access and Newcastle Road is Basford Bridge Cottage a Grade II Listed Building in a very poor state of repair, this does not form part of the application site. A main railway line runs alongside the western boundary of the site.

The site is designated as being within the Open Countryside in the adopted local plan.

### **RELEVANT HISTORY**

P03/0367	2003	Conversion to Office/Light Industrial Use and General Storage / Distribution
P08/0782	2008	Renewal of Previous Consent (P03/0367) for Conversion to Office / Light Industrial Use and General Storage / Distribution.
11/2911N	2011	Extension to Time Limit of Application P08/0782 for Renewal of Previous Consent (P03/0367) for Conversion to Office/Light Industrial Use and General Storage/Distribution
15/0556N	2015	Approval for modular building and change of use of existing B8 unit to B2
15/4224N	2016	Approval for demolition of existing buildings and erection of replacement detached single storey industrial unit for B1, B2 and B8 classifications. Erection of acoustic walling to boundaries.

- 16/1987N 2016 Approval for new industrial building replacing existing buildings, retaining B1, B2 and B8 classifications.
- 17/3850N 2018 Withdrawn application for variation of conditions 4 & 5 on 16/1987N
- 17/3850N 2018 Withdrawn application for variation of condition 9 on 16/1987N

## **NATIONAL & LOCAL POLICY**

### **POLICIES**

#### **Development Plan**

##### **Cheshire East Local Plan Strategy (CELPS)**

The following are considered relevant material considerations:

PG1 – Overall Development Strategy  
PG6 – Open Countryside  
PG7 – Spatial Distribution of Development  
PG2 – Settlement Hierarchy  
EG1 – Economic Prosperity  
EG3 – Rural Economy  
EG3 – Existing and Allocated Employment Sites  
SD1 - Sustainable Development in Cheshire East  
SD2 - Sustainable Development Principles  
SE12 – Pollution, Land Stability and Land Contamination

**It should be noted that the Cheshire East Local Plan Strategy was formally adopted on 27<sup>th</sup> July 2017. There are however policies within the legacy local plans that still apply and have not yet been replaced. These policies are set out below.**

#### **Borough of Crewe and Nantwich Replacement Local Plan 2011 (CNRLP)**

BE.1 – Amenity  
BE.3 - Highways and Parking  
NE.17 – Pollution Control

### **Material Considerations**

The National Planning Policy Framework

### **CONSULTATIONS:**

#### **Environmental Protection:**

No objection, subject to conditions/informatives relating to noise and disturbance, lighting, hours of operation, air quality and contaminated land.

#### **Weston & Basford Parish Council**



Object to the application on the grounds of noise, dust, parking, highway safety, lack of works to the listed cottage and unauthorised development on the site. This objection can be viewed in full on the website.

### **Hough & Chorlton Parish Council:**

Object on the grounds of inappropriate use, noise, dust, highway safety and unauthorised development on the site. This objection can be viewed in full on the website.

### **REPRESENTATIONS:**

At the time of report writing 1 objection has been received relating to this application. This expresses the following concerns:

- Noise pollution if adequate 'screening' is not provided
- Hours of operation
- External Lighting
- Site surface and possible dust implications
- The impact on local residents if the doors to be open whilst work is in operation
- Overall Health and Safety concerns for the residents of the local area

### **APPRAISAL**

The key issues to be considered in the determination of this application are set out below.

#### **Background**

The site has an extensive history, originally as a dairy/creamery operation followed by approval in 2003 for industrial, storage and office use. This was renewed in 2008 and the time limit for commencement extended in 2011.

In August 2015 Southern Planning Committee approved an application is for the provision of a new modular building (temporary) B1 (Business) and change of use of the existing B8 (Storage or distribution) unit to B2 (General Industrial) (15/0556N). This was followed by the approval of replacement building and acoustic walls to the boundaries in January 2016 (15/4224N). This is the building that is adjacent to the railway line.

In December 2016 Southern Planning Committee approved a new industrial building replacing existing buildings, retaining B1, B2 and B8 classifications on the eastern side of the site (16/1987N).

There have been complaints to enforcement about concrete cutting in the open and non-compliance with approved hours of operation; this is being monitored and dealt with on an ongoing basis. Cutting no longer takes place externally due to the re-configuration of operations at the site. A separate complaint relating to a portacabin and storage on the network rail access was also submitted to enforcement. It was considered not expedient to take enforcement action as the area must be left clear to allow access to the railway compound therefore its use for storage is limited. Batching plant and silos have been installed on the site and form part of this application, being incorporated within the eastern building.

## Principle of Development

The NPPF includes a strong presumption in favour of economic growth and in paragraph 80 states that *'Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.'*

Paragraph 83 states that:

*'Planning policies and decisions should enable:*

- a) The sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;*
- b) The development and diversification of agricultural and other land-based businesses;*
- c) The sustainable rural tourism and leisure developments which respect the character of the countryside; and*
- d) The retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.'*

The site provides purpose built employment units and would thereby feed into the local and national economy. Policy EG2 of the CELPS supports development that gives the opportunity for rural employment and the retention and expansion of existing businesses.

This is an existing industrial site that has an established industrial use and as such the proposal is considered to be acceptable in principle subject to the issues set out below.

## Design

Planning permission was granted in 2015 and 2016 for the redevelopment of the site; however development was not carried out in complete accordance with the approved plans. In particular the external cutting area has been removed and now forms part of what is described as Unit 1 and a batching plant and silos have been installed on the site.

In terms of design, the buildings and other structures within the site are of a typically industrial nature, which is considered to be appropriate in the context of this existing industrial site. The existing portacabins containing office space are to be removed and replaced within the new buildings. This is considered to be an improvement to the appearance of the site and should be secured by condition.

The proposal involves the creation of an acoustic screen, 3 metres in height on the northern boundary of the site and alongside a section of the Network Rail access road. The screen would consist of concrete panels and whilst not an attractive structure, when seen in the context of the new buildings on the site, it would not appear incongruous if painted a suitable colour, to help it blend into the landscape. This should be controlled by condition.

Subject to the proposed conditions, the development is considered to be in compliance with Policies SD2 and SE1 of the CELPS.

## Amenity

The site is located in Open Countryside, with the nearest residential property being on the opposite side of Newcastle Road and other residential properties approximately 270 metres to the west.

Environmental Protection has assessed the submitted Noise Report and is satisfied that the conclusions of the report and methodology used are acceptable. The mitigation measures include:

- Enclosure of the external cutting area
- Roller shutter door to the south elevation of the building adjacent to the railway being closed up
- Reduction in the number of roller shutter doors on the west elevation of the building to occupy the eastern part of the site
- Creation of acoustic screen walls at the northern end of the site

The application states that concrete panel manufacturing and steel fabrication has been removed from the site, but given that there is permission in place for B2 use, this could return without the need for a further planning permission. As such the acoustic screen walls must be provided.

The changes to the approved hours of operation are not considered to be acceptable by Environmental Protection Officers. Therefore the hours of operation of the site (other than office based activities) should be conditioned as follows:

Monday-Friday	08:00 to 18:00 hours
Saturday	09:00 to 14:00 hours
Sunday and Public Holidays	Nil

It is therefore considered that the impact of noise has been addressed, providing a condition is imposed requiring compliance with and maintenance of the recommended mitigation measures.

Having regard to the issue of contaminated land, conditions are required relating to this matter.

Dust and resultant mud on the road has been raised as an issue. Officers have witnessed water bowsers being used within the site to control dust; however there is no information submitted with this application on this matter. As such a scheme for the suppression of dust should be required by condition, this should have a specific timescale for submission, approval and implementation.

## Highways

The site currently serves B1/B2/B8 uses and the proposal is to divide the existing buildings to serve smaller businesses. The existing access will remain and the parking arrangement is to be formalised within the site.

The site access width is adequate and visibility of over 200m is achievable to the east and approximately 150m to the west, and there have also been no recorded accidents within the vicinity of the access over the last 5 years.

Compared to what is already approved on the site, there would be a limited increase in the floor area created. Any uplift in traffic volume would be minimal and there is no reason to believe that the access will not continue to operate safely as it has done so whilst serving existing industrial uses over the last number of years.

The car parking provision is to Cheshire East Council requirements but there doesn't appear to be cycle parking provision. Covered and secure cycle parking provision should be secured by condition.

Subject to the cycle provision condition, the Head of Strategic Infrastructure has no objection to the proposal.

### **HS2**

HS2 had submitted a holding objection to the proposal as some of the parking provision shown was within a Safeguarding Area for HS2. Subsequently this has been removed from the proposal and that objection has now been withdrawn and there is no conflict with HS2.

### **Listed Building**

It is noted that the Listed Building is not within the application site and it was not previously either. The proposed works would have no significant additional impact on the setting of the Listed Building given the existing approved development on the site.

### **Other Matters**

Concerns have been expressed about health and safety issues on the site. These are not something to be dealt with under the Planning Acts and fall under other legislation.

### **Conclusion**

The site is an existing employment site with B1, B2 and B8 Use Classes allowed. Granting planning permission would have a positive benefit in terms of employment provision and support of a local business.

Additional measures have been put in place to protect neighbouring properties from noise and disturbance and subject to conditions; there would be no significant adverse impact on residential amenity.

The development is considered to be acceptable in terms of design, highway safety and impact on the Listed Building within the complex.

There is policy compliant parking provision and the access and turning areas are acceptable in highway safety terms.

## **RECOMMENDATION**

**Approve subject to the following conditions:**

- 1. Approved plans**
- 2. Materials in accordance with the details submitted with the application**
- 3. The acoustic screen, as shown on plan No. PL116 shall be installed within 3 months of the date of this permission**
- 4. Restriction on operational/delivery hours (other than office based operations) to 8am to 6pm Monday to Friday, 8am to 2pm Saturday and no working on Sundays or public holidays**
- 5. Submission of details of any external lighting**
- 6. No cutting operations to take place outside the buildings**
- 7. Submission of a scheme of dust suppression methods within one month, implementation of the measures within one month of approval**
- 8. Provision of an electrical vehicle charging point**
- 9. Submission, approval and implementation of secure, covered cycle parking**
- 10. Contaminated Land Phase II Report**
- 11. Verification Report (contamination)**
- 12. If, during the course of development, contamination not previously identified is found to be present, no further works shall be undertaken in the affected area and the contamination shall be reported to the Local Planning Authority as soon as reasonably practicable (but within a maximum of 5 days from the find). Prior to further works being carried out in the identified area, a further assessment shall be made and appropriate remediation implemented in accordance with a scheme also agreed in writing by the Local Planning Authority.**
- 13. Within 3 months of first occupation of the new office accommodation, the existing office portacabins shall be removed from the site**
- 14. Protection for breeding birds**

**In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Development Management has delegated authority to do so in consultation with the Chairman of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.**



© Crown copyright and database rights 2013. Ordnance Survey 100049045

Application No: 19/1532N

Location: Meridian Canal, WAYBUTT LANE, CHORLTON, CW2 5QA

Proposal: Change of use from welfare facilities for members of border fisheries to domestic for maintenance/security staff family.

Applicant: Michael Glover

Expiry Date: 23-May-2019

**SUMMARY**

The application is a former ancillary building associated with Border Fisheries and located within the Green Belt.

Policy PG.3 of the CELPS refers to development within the Green Belt and permits development that is for the:

- provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- or the re-use of buildings provided that the buildings are of permanent and substantial construction;

The application building was originally used as an ancillary building to serve the existing fisheries business. Over the past few years the business has reduced its number of staff as a result of a fall in membership. The building has since been used as residential accommodation for a family member to provide security and other activities in association with the fisheries, and to reduce staffing costs.

The building is permanent and of a substantial construction, furthermore the proposal will not require extensive alteration to facilitate the conversion.

In terms of the potential impact on the openness of the Green Belt, the proposed development will not lead to any further built form; as such there will not be any visual harm to the openness of the Green Belt.

As the proposed change of use accords with Policy PG.3 there is no requirement for the applicant to demonstrate 'very special circumstances' as stated in the NPPF.

Policy PG.6, which lies below PG.3, allows for development that is essential for the expansion or redevelopment of an existing business. Following on from this Policy EG.2 encourages the retention and expansion of existing business, particularly through the conversion of existing buildings. However, any development has to be well designed to preserve and possibly

enhance the character and quality of the land scape and built form. Further to this, there should not be any conflict with other relevant Local Plan Policies.

With the above in mind, the proposal will not see any significant alterations or extensions to the existing building other than changes to the doors and windows.

Overall, the proposal development meets the criteria of Policies PG.3 and PG.6 and will not lead to any visual harm to the openness of the Green Belt. Furthermore, the proposal will facilitate the retention of the existing business on the site.

### **SUMMARY RECOMMENDATION**

Approve with conditions

### **REASON FOR REFERRAL**

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

I have been asked to call-in this application by the Hough & Chorlton Parish Council for the following material planning concerns:

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

*1) The site is in the green belt and the exception criteria to enable such development in the green belt are not met by this application.*

*2) A security worker is not an essential worker in the context of 'exception criteria' under the CELP. In addition, there is concern about the location of any security residence which is reached via a separate track accessed from Waybutt Lane, some distance away from the main part of the business which is accessed by a second access on Waybutt Lane.*

*3) The application refers to a reduction in the business over the past two years but there is no evidence to support this. Indeed earlier this year a separate application (19/0449N) to convert another office/storage/ WC facilities building into 'fishing holiday accommodation' was permitted as a further development to this business.*

*4) There is concern that by deliberately removing toilet & welfare facilities for this Angling Business at both on-site locations, what is known locally to be a successful business (and angling remains a growth leisure activity in Cheshire East), the fiscal viability of the business will be compromised.*

*5) We note that historic applications a) P02/1153 and (b) 14/2004N identified the need to improve welfare facilities and then extended them to accommodate the predicted growth of the business over the period 2014 - 2024. No current business case/accounts have been presented to suggest that the 2014 business projections have significantly altered.*



6) *It is unclear from the current application whether or not the extension of 14/2004N was ever in fact built and used for that purpose. However it is clear that the same extended footprint of 14/2004N has been used to build the current dwelling for which there is no 'change-of-use' permission and the construction of which is now being retrospectively sought.*

7) *This site is in a highly unsustainable location, in green belt land and if this application for a two-bedroomed bungalow in an isolated, greenbelt site had come to the planning authority in the normal way, it would not have been granted approval.*

*We believe this application is contrary to policies:*

*PG3: Green Belt - It does not satisfy sections 3i, 3ii, 3iv, 3v, PG6: Open Countryside - the use of this building as a dwelling in this location for a 'security guard' fails to meet any of the exception criteria, fails to comply with all other relevant policies in the Local Plan and has "no regard to design and landscape character so the appearance and distinctiveness of the Cheshire East Countryside is preserved and enhanced" (CELP Policy PG6, para 5)*

*SC6: Rural Exceptions for Local Needs - This dwelling is not compliant with rural exception criteria in any regard.*

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

## **DESCRIPTION OF SITE AND CONTEXT**

The application site is a single storey 'L' shaped building situated to the edge of a large car park adjacent to the Meridian Canal which forms part of the wider Border Fisheries.

The building was approved and operated as a welfare building for the patrons and members of the fisheries.

There is a small toilet block building that has been constructed since the conversion of the application building has taken place. This particular building does not benefit from planning permission and discussions have been ongoing between the applicant and the Council's Enforcement Officer. The applicant has indicated that a planning application will be submitted once this current application has been determined. It is considered that this matter will be dealt with separately and does not have a bearing on the consideration of this application.

## **DETAILS OF PROPOSAL**

This application seeks retrospective approval for a change of use to form welfare building to a residential use.

## **RELEVANT HISTORY**

14/2004N - Extension to welfare facilities building - approved with conditions 2014

P02/1153 - Ancillary Building for Angling Facility (Resubmission) - approved with conditions 2002

P02/0523 - Toilet Block - withdrawn 2002

P02/0204 - Additional Angling Pools - approved with conditions 2006

P02/0193 - Extension To Car Park - approved with conditions 2006

P97/0851 - Excavation of channel to create island, improve drainage and form alternative fishing area - approved with conditions 1997

### **POLICIES**

#### **Development Plan**

##### Cheshire East Local Plan Strategy (CELPS)

PG3 – Green Belt

PG.6 - Open Countryside

SD1 - Sustainable Development in Cheshire East

SD2 - Sustainable Development Principles

EG.1 - Economic Prosperity

EG.2 - Rural Economy

EG.4 - Tourism

SE1 – Design

SE2 – Efficient Use of Land

SE4 – The Landscape

##### Crewe & Nantwich Borough Council Local Plan Policy

NE.1 – Green Belt

NE.13 - Rural Diversification

BE.1 – Amenity

BE.3 – Access and Parking

BE.4 – Drainage, Utilities and Resources

RES.11 – Extensions and Alterations to Existing Dwellings

##### Wybunbury Combined Parishes Neighbourhood Plan

The Wybunbury Combined Parishes Neighbourhood Plan is at Regulation 14 stage and is given limited weight.

H1 - Location of New Houses

H4 - Design

H5 - Adapting to Climate Change

E1 - Woodland, Trees, Hedgerows and Boundary Fencing

E3 - Biodiversity

E5 - Landscape Quality, Countryside and Open Views

LE1 - New and Existing Businesses

LE2 - Loss of Employment Sites and Community Facilities

LE3 - Use of Rural Building

TI1 - Traffic Management

TI2 - Parking  
TI3 - Traffic Generation  
TI4 - Drainage

## **Other material policy considerations**

National Planning Policy Framework (NPPF)

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

**Environmental Health – No objections**

## **Parish Council**

Hough and Chorlton Parish Council object to the application for the following reasons:

- The site is in the green belt and the exception criteria to enable such development in the green belt are not met by this application. A security worker is not an essential agricultural worker. In addition, there is concern about the location of any security residence so far away from the main part of the business.
- The application refers to a reduction in the business over the past two years but there is no evidence to support this. As this development has removed the facilities for this business, then this could be considered as undermining its sustainability.
- It is noted that the occupants of the house are related to the owners of the business.
- The Parish Council urges the planning authority to refuse this application on the grounds as set out above

## **OTHER REPRESENTATIONS:**

Two letters of representation have been received both of which support the application.

## **OFFICER APPRAISAL**

### **Principle of Development**

Policy PG.3 of the CELPS refers to development within the Green Belt and permits development that is for the:

- provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- 
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

The application site is an existing building which has operated as part of the wider Border Fisheries. The proposed change of use will mean that the building will still be used as part of the business. An occupancy condition can be attached to any permission requiring the occupier of the building to be employed by Border Fisheries.

In terms of the potential impact on the openness of the Green Belt, the proposed development will not lead to any further built form; as such there will not be any visual harm to the openness of the Green Belt.

As the proposed change of use accords with Policy PG.3 there is no requirement for the applicant to demonstrate 'very special circumstances' as stated in the NPPF.

With the above in mind it is considered that the proposed change of use accords with Policy PG.3.

Policy PG.6, which lies below PG.3, allows for development that is

- For the re-use of existing rural buildings where the building is permanent, substantial and would not require extensive alteration, rebuilding or extension.
- For development that is essential for the expansion or redevelopment of an existing business.

However, any development has to be well designed to preserve and possibly enhance the character and quality of the land scape and built form. Further to this, there should not be any conflict with other relevant Local Plan Policies.

The application building was originally approved (subsequently extended in 2014) and is of a sound and permanent construction. It was initially used as an ancillary welfare building which provided toilets, office, secure equipment store and a match shelter, tackle sales and meeting room. Furthermore, the current use has not required any extensive, rebuilding or alteration.

The proposed change of use will allow the building to be used as a residential dwelling which would house a person operating in association with the existing business.

Paragraph 83 of the NPPF states that planning policies and decisions should enable:

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

The submitted Planning Statement states that the membership of Border Fisheries has declined from a total of 2,046 in 2015 to 1,175 in 2019; this has lead to a reduction in the number of staff with family now fulfilling some of these roles including that of security of the site. The proposed change of use to a residential dwelling allow the existing business to reduce staffing costs

Criterion 3 of Policy EG.2 encourages:

- The retention and expansion of existing businesses, particularly through the conversion of existing buildings and farm diversification.

The conversion of the building will help to reduce staffing and running costs of the business, which in turn will go some way to facilitating its retention.

Overall the proposed development will not require any extensive alteration or extension of the existing building. As such there will not be any visual impact to the openness of the Green Belt

or visual intrusion to the open countryside from this perspective. Furthermore, the end use of the building will be connected with the existing business.

With any residential development come associated uses such as car parking and curtilage. In this case there has been space allocated for the parking of two vehicles to serve the application site. These spaces will be adjacent to the building and will use hardstanding of the existing large car park. With this in mind, it is not considered that this element of the proposal will cause any visual harm to the openness of the wider Green Belt.

An associated residential curtilage for the proposed dwelling also forms part of the application. The area in question covers the proposed car parking spaces as part of a grassed area which would have formed part of the original landscaping of the wider site. Other than the 1 metre high wire fence, there will be no other change to this area, for this reason it is not considered that there will be any significant visual impact or harm to the openness of the Green Belt.

There may be some potential for domestic paraphernalia to appear within the curtilage. This would be limited in nature and in the context of the site would not unduly affect openness; it is not considered to be a reason to refuse permission. Permitted Development Rights could be withdrawn to control further development on the site in the interests of protecting the openness of the Green Belt.

In terms of the overall effect on the openness of the Green Belt it is considered that the proposed development will not lead to any greater visual harm than the existing and surrounding uses. It is accepted that the use of part of the site to serve as a residential use will lead to some domestication; however it is not considered that this will be significant enough to justify or sustain a refusal especially when considered alongside other Policy requirements.

There has been a recent approval (19/0449N) for the conversion of a redundant office/café building to a holiday let. In this submission it was stated that the office part of the building was no longer required as it had been previously and the café was no longer viable or sustainable. The application was submitted as a way of diversifying the existing business and its future viability.

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

### **Design**

Policy PG.3 (Green Belt) allows for

- The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

In terms of design there will be minor changes to the external elevations of the building. These will involve a window in place of a doorway in the east elevation, the removal of a window to the south elevation, an additional pedestrian door to the west elevation and a smaller replacement window and pedestrian door to the north elevation.

The proposed change of use will not involve changes to the existing building that could be considered disproportionate to the original building. As a result, the proposed development will not lead to any greater visual impact on the openness of the Green Belt, the open countryside or the streetscene.

### **Amenity**

There are no nearby residential properties which could be affected by the proposal.

### **Highways and Parking**

There will be no change to the existing highways access or parking arrangements.

### **Summary**

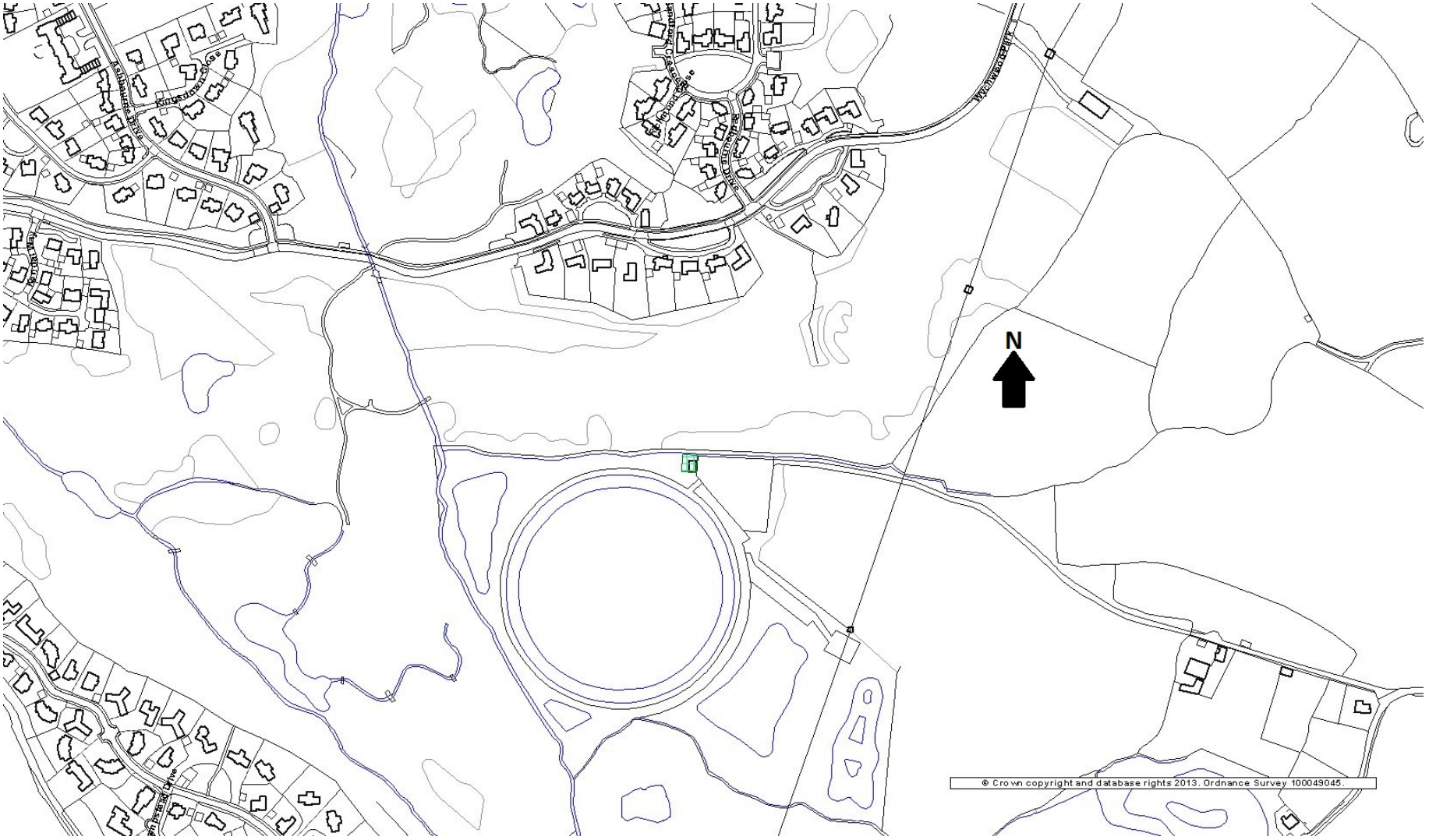
The application proposals are considered to be acceptable in land use planning principle terms. The scheme is of an acceptable design and would not result in any further built form; therefore there will not be any greater impact on the openness of the Green Belt or the character and appearance of the open countryside. There will be no impact on residential amenity or highway safety.

### **RECOMMENDATION:**

#### **Approve with conditions**

- 1. Approved Plans**
- 2. Materials as per application**
- 3. Removal of PD (extensions/alterations, gates, walls, fences, enclosures)**
- 4. Occupancy tied to Border Fisheries**
- 5. Boundary treatments to be submitted and approved by the LPA**

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



**This page is intentionally left blank**



Application No: 19/2230M

Location: 72, FENCE AVENUE, MACCLESFIELD, SK10 1LT

Proposal: Proposed replacement and enlargement of single storey rear extension

Applicant: Dr Gavin Reynolds

Expiry Date: 16-Jul-2019

**SUMMARY:**

The proposal seeks the replacement and enlargement of a single storey rear extension to this semi-detached two storey dwelling house.

The existing 1.9m deep by 5m wide predominantly glazed lean to conservatory would be replaced by a 3m deep by 5m wide living room extension which would be completed in white render and have a flat roof with a height of approximately 3.1m above adjoining ground level. Aluminium or timber sliding and fixed glazed windows/doors in black frames would also be installed in the rear facing elevation towards the remaining back garden of this application property.

The proposal is considered to be compatible with the surrounding area and its scale, massing and form would appear compatible with its surroundings and would not cause any harm to neighbour amenity.

Subject to conditions, the impact on neighbouring residential amenity and the character and appearance of the area would not be significant.

The application is therefore recommended for approval.

**RECOMMENDATION:**

APPROVE subject to conditions

**REASON FOR REFERRAL**

The application is being referred to Southern Planning Committee as the applicant is related to a Council Employee within the Development Management Service.

**DESCRIPTION OF SITE AND CONTEXT**

The application relates to a large two storey semi-detached dwelling house situated within a predominantly residential area of Macclesfield, at an elevated level above the adjoining highway and within the Buxton Road (Macclesfield) Conservation Area.

## **DETAILS OF PROPOSAL**

Planning permission is sought for the proposed replacement and enlargement of a single storey rear extension to this two storey dwelling house.

## **RELEVANT HISTORY**

70789P - Attached garage extension and conservatory – Approved 15-June-1992

## **POLICIES**

### **Development Plan**

#### Cheshire East Local Plan (CELPS 2017)

MP1: Presumption in Favour of Sustainable Development

SE1: Design

SD1: Sustainable Development in Cheshire East

SD2: Sustainable Development Principles

SE7: Historic Environment

#### Macclesfield Borough Local Plan (MBLP 2004)

DC2: Alterations and Extensions

DC3: Amenity

BE2: Conservation Areas

#### Other Material Considerations

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

### **National Policy**

The National Planning Policy Framework (NPPF) establishes a presumption in favour of sustainable development. The relevant paragraphs include;

11 – The presumption in favour of sustainable development,

124-131 – Achieving well-designed places

### **Neighbourhood Plan**

There is no Neighbourhood Plan covering Macclesfield.

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

**Macclesfield Town Council** – No response has been received.

## **OTHER REPRESENTATIONS:**

Consultation letters, a site notice and an advert in the local newspaper were taken out to advertise the application. No letters of objection/concern have been received.

## **OFFICER APPRAISAL**

### **Principle of Development**

The principle of development within the settlement boundary is accepted provided that it accords with CELPS Policies SD1, SD2 and SE1 and Macclesfield Local Plan Policies DC2 and DC3. These policies seek to ensure, amongst other things, that proposals are not detrimental to neighbouring residential amenity and are appropriate in design and highway terms. Furthermore the site is located within the Buxton Road Conservation Area and it is necessary to consider the impact upon the setting of the Conservation Area.

### **Design and Heritage Impact**

Fence Avenue in this location has a suburban character. The application property is a well detailed villa with a projecting two storey bay to the front, balcony, timber infill detailing, finial and decorative ridge tiles. To the rear the property has seen later additions.

The proposed extension is of a modest size and would result in the removal of the later conservatory. The detailed design is modern with a parapet wall and would be finished in render with large patio doors. The design approach is similar to that taken as part of the development approved at the adjoining dwelling (18/5767M).

The scale, massing and height of the proposed rear extension is considered to be acceptable and would not have a harmful impact on the character and appearance of the area. In addition, as the development is situated to the rear of the dwelling and is screened from public view from the front and the public highway. The visual impact from the front public highway side of the dwelling will remain unchanged.

The use of render and contemporary glazing would allow the proposed extension to be read as a later addition to the host dwelling.

Overall, it is considered that the proposal is of an acceptable design and the character and appearance of the Conservation Area is preserved in this case.

### **Impact on Neighbour Amenity**

It is considered that the proposed extension would not have a significantly over-bearing visual or over-shadowing impact on adjoining neighbours. The extension would project beyond the existing rear elevation of No 70 Fence Avenue by just 3m and if the approved extension under application 18/5767M is constructed then both additions would have the same projection.

There would be no significant impact upon No 74 Fence Avenue as the development would be largely screened by the existing garage at the host dwelling.

Furthermore, the positions of the windows and glazed doors would not give rise to any significant over-looking or loss of privacy for neighbours.

The outlook, privacy and living conditions of adjoining neighbours is reasonably protected in this case and the development complies with the Development Plan.

## **CONCLUSION**

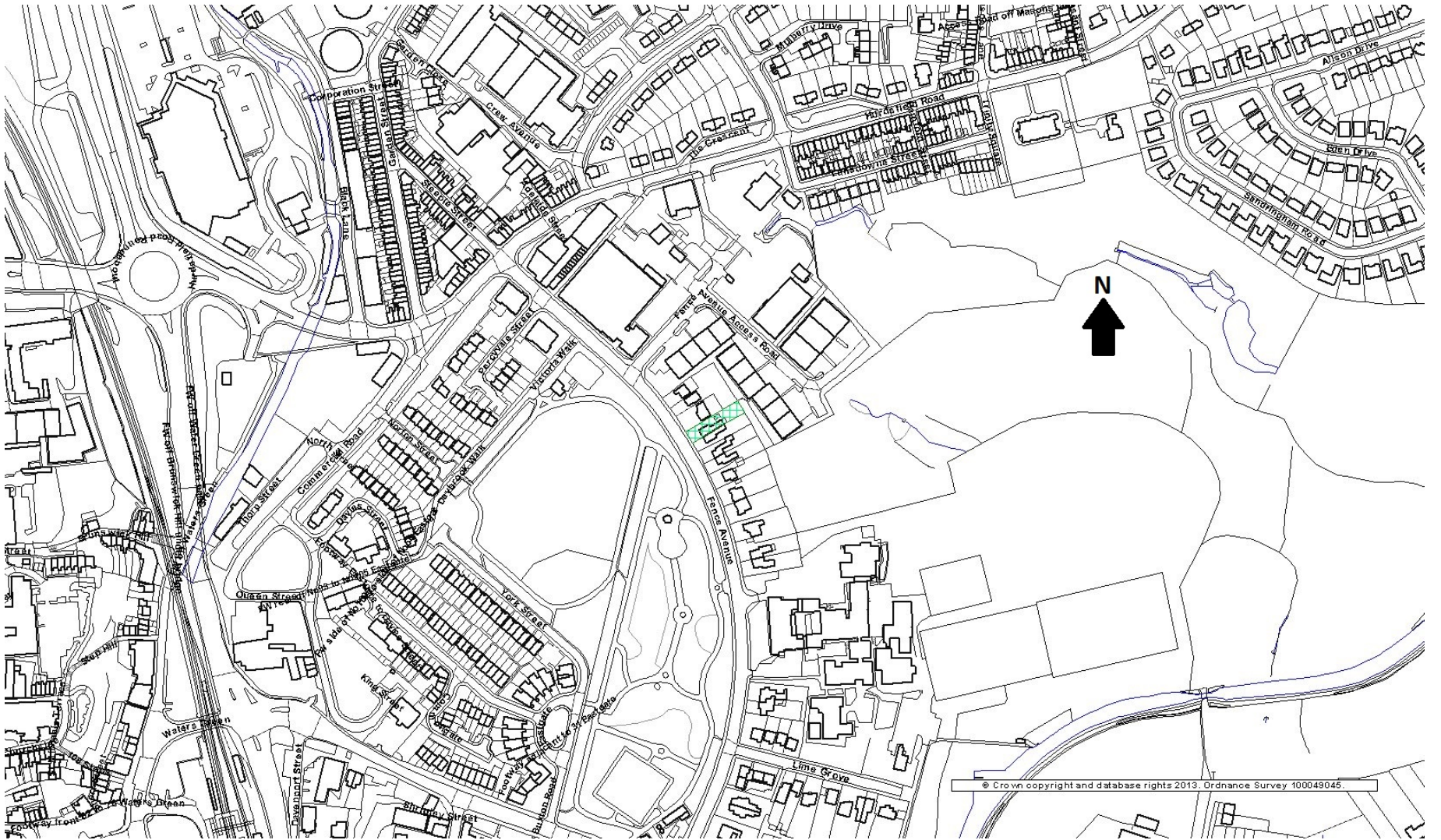
The proposed extension is acceptable in this instance and complies with the Development Plan and the NPPF.

## **RECOMMENDATIONS**

**APPROVE** subject to the following conditions

1.        **Standard (3 years)**
2.        **Approved Plans**
3.        **Materials as per application**

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Development Management in consultation with the Chair (or in there absence the Vice Chair) of the Southern Planning Committee to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.



**This page is intentionally left blank**