

# Southern Planning Committee

## Agenda

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**Date:** Wednesday, 5th January, 2022  
**Time:** 10.00 am  
**Venue:** Council Chamber, Municipal Buildings, Earle Street, Crewe  
CW1 2BJ

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**PLEASE NOTE – This meeting is open to the public and anyone attending this meeting will need to wear a face covering upon entering and leaving the venue. This may only be removed when seated.**

**The importance of undertaking a lateral flow test in advance of attending any committee meeting.** Anyone attending is asked to undertake a lateral flow test on the day of any meeting before embarking upon the journey to the venue. Please note that it can take up to 30 minutes for the true result to show on a lateral flow test. If your test shows a positive result, then you must not attend the meeting, and must follow the advice which can be found here:

[https://www.cheshireeast.gov.uk/council\\_and\\_democracy/council\\_information/coronavirus/testing-for-covid-19.aspx](https://www.cheshireeast.gov.uk/council_and_democracy/council_information/coronavirus/testing-for-covid-19.aspx)

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

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For requests for further information

**Contact:** Helen Davies

**Tel:** 01270 685705

**E-Mail:** [helen.davies@cheshireeast.gov.uk](mailto:helen.davies@cheshireeast.gov.uk) with any apologies

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 5 - 10)

To approve the minutes of the previous meeting held on 24 November 2021.

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. **21/3180C-Repair and alteration of existing farmhouse and construction of garage; conversion and extension of barn and outbuilding to form dwelling and garage/garden room, demolition of garage and construction of dwelling, Dingle Farm, Dingle Lane, Sandbach for Jon Wylson, Mansion House Project Management Ltd** (Pages 11 - 26)

To consider the above application.

6. **21/3181C-Listed building consent for repair and alteration of existing farmhouse and construction of garage; conversion and extension of barn and outbuilding to form dwelling and garage/garden room, demolition of garage and construction of dwelling, Dingle Farm, Dingle Lane, Sandbach for Jon Wylson, Mansion House Project Management Ltd** (Pages 27 - 34)

To consider the above application.

7. **21/4863C-The erection of a logistics depot / yard unit (Use Class B8 with ancillary Class E office) comprising 612 sq.m (GEA) floorspace with access, service yard, car parking, HGV parking, landscaping and associated works, Plot 51, Pochin Way, Middlewich for Tilstone Industrial Ltd** (Pages 35 - 46)

To consider the above application.

**THERE ARE NO PART 2 ITEMS**

**Membership:** Councillors S Akers Smith (Vice-Chair), M Benson, J Bratherton, P Butterill, S Davies, A Gage, S Hogben, A Kolker (Chair), D Marren, C Naismith, L Smith and J Wray

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## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Southern Planning Committee**  
held on Wednesday, 24th November, 2021 in the Council Chamber, Municipal  
Buildings, Earle Street, Crewe CW1 2BJ

### **PRESENT**

Councillor A Kolker (Chair)  
Councillor S Akers Smith (Vice-Chair)

Councillors M Benson, P Butterill, S Davies, A Gage, C Naismith, J Rhodes,  
J Wray, M Hunter and N Mannion

### **OFFICERS IN ATTENDANCE**

Helen Davies- Democratic Services Officer  
Daniel Evans- Principal Planning Officer  
Andrew Goligher- Highways Officer  
James Thomas- Senior Planning and Highways Solicitor  
Andrew Poynton- Planning and Highways Solicitor

### **39 APOLOGIES FOR ABSENCE**

Apologies of absence were received from Councillor Kathryn Flavell (Councillor Nick Mannion substituted), and Councillor Laura Smith (Councillor Mike Hunter substituted).

### **40 DECLARATIONS OF INTEREST/PRE DETERMINATION**

In the interest of openness in respect of application 19/4896N, Councillor Mike Hunter declared that he was a non-Executive Director of ANSA however he had not discussed the application or made any comments on it.

In the interest of openness, Councillor Mike Benson declared that he had received email correspondence that related to application numbers: 20/4978C, 20/4777C; and 20/4779C. Councillor Benson had read them but felt able to keep an open mind and did not feel predetermined in any way.

### **41 MINUTES OF PREVIOUS MEETING**

RESOLVED: That the minutes of the meeting held on 27 October 2021 be accepted as a correct and accurate as a correct and accurate record and be signed by the Chair.

### **42 PUBLIC SPEAKING**

RESOLVED: That the public speaking procedure be noted.

### **43 19/4896N, ERECTION OF 73 DWELLINGS, COMPRISING 42 INDEPENDENT LIVING APARTMENTS AND 31 HOUSES (ALL AFFORDABLE HOMES) WITH ASSOCIATED ACCESS AND**

**LANDSCAPING, AT LAND AT FORMER CREWE L M R SPORTS CLUB, GODDARD STREET CREWE FOR THE GUINNESS PARTNERSHIP LIMITED**

Consideration was given to the above application.

(The Applicant Gaynor Shuker from the Guinness Partnership attended the meeting and spoke in favour of the application.)

Councillor Penny Butterill arrived for the meeting part way through this item and therefore declined to vote due to only hearing part of the item..

RESOLVED:

That, for the reasons set out in the report, the application be delegated to the Head of Planning in consultation with the Chair of the Southern Planning Committee to APPROVE subject to amended Heads of Terms for outdoor sport under recommendation B

<b>S106</b>	<b>Amount</b>	<b>Triggers</b>
Affordable Housing	100% affordable housing provision  31 dwellings- shared ownership 42 independent living apartments affordable rent	All development to accord with Affordable Housing Statement.
Outdoor Sport	Contribution for £80,000 to be secured for the loss of playing pitch;  i) Secured for a maximum of 5 years for a policy compliant scheme to be brought forward in mitigation for the lost football provision within the Crewe area. (Final wording of the Heads of Terms is delegated to the Head of Planning in consultation with the Chair of the Southern Planning Committee).  ii) After 5 years, if a policy compliant scheme is not found, the search area can be widened in stages, to the whole of Cheshire East for the use towards a policy compliant mitigation	Contribution- Prior to commencement of development.

	scheme.	
Highways	£5,000 towards improvements to Goddard Street	Contribution- Prior to first occupation.

In order to give proper effect to the Southern Committee's intent and without changing the substance of its decision, authority is delegated to the Head of Planning (Regulation) 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.

And the following Conditions:

1. Standard Time
2. Approved plans
3. Materials
4. Surfacing materials
5. Landscape Scheme
6. Landscape Implementation
7. Tree Protection scheme
8. AIA to be adhered to
9. Bat and bird boxes and gaps for hedgehog are to be provided on site in accordance with the submitted Bat and Bird Box Scheme prepared by Ascerta plan reference P.736.16.04 dated 26/11/2020
10. Safeguard Nesting Birds
11. Lighting strategy – prior to occupation
12. Secure Cycle parking to be implemented – prior to occupation
13. Prior to commencement – CMP required
14. Detailed strategy/design limiting the surface water runoff generated by the proposal, and associated management /maintenance plan - required prior to commencement
15. Development to adhere to FRA
16. Foul and surface water to be drained separately
17. Contaminated Land – adherence with Remediation scheme / prior to occupation verification report to be submitted
18. Contaminate land – Soil Importation
19. Contaminate land - Unexpected Contamination
20. Noise mitigation to be implemented and retained
21. Travel Information Pack – prior to occupation
22. Prior to occupation – EVI
23. Prior to occupation – Low emission boilers

In order to give proper effect to the Southern Committee's intent and without changing the substance of its decision, authority is delegated to the Head of Planning (Regulation) 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.

If the application is subject to an appeal approval is given to enter into a S106 Agreement with the following Heads of Terms;

<b>S106</b>	<b>Amount</b>	<b>Triggers</b>
Affordable Housing	100% affordable housing provision	All development to accord with Affordable Housing Statement.

	31 dwellings- shared ownership 42 independent living apartments affordable rent	
Outdoor Sport	Contribution for £80,000 to be secured for the loss of playing pitch;  i) Secured for a maximum of 5 years for a policy compliant scheme to be brought forward in mitigation for the lost football provision within the Crewe area. (Final wording of the Heads of Terms is delegated to the Head of Planning in consultation with the Chair of the Southern Planning Committee).  ii) After 5 years, if a policy compliant scheme is not found, the search area can be widened in stages, to the whole of Cheshire East for the use towards a policy compliant mitigation scheme.	Contribution- Prior to commencement of development.
Highways	£5,000 towards improvements to Goddard Street	Contribution- Prior to first occupation.

**44 WITHDRAWN: 21/0306C, PROPOSED SITING OF MINIATURE RAILWAY AND ASSOCIATED STATIONS AT GLEBE FARM AT GLEBE FARM, PEEL LANE, ASTBURY, CHESHIRE, CW12 4RQ FOR MR. ROB LOMAS**

This application was withdrawn by the applicant ahead of the meeting.

**45 20/4978C, CHANGE OF USE LAND AND TO FORMALLY EXTEND THE THE CURTILAGE FOR AN AREA OF LAND THAT IS APPROXIMATELY 6.5M X 16.5M - TOTAL AREA 107.25 SQ METRES, AT 25, TEDDY GRAY AVENUE, SANDBACH CW11 3AR, FOR MR. MICHAEL CORFIELD**

Consideration was given to the above application.

(Ward Councillor Kathryn Flavell, Local Resident Arthur Charmers on behalf of himself and again for Local Resident Andrea Tilbee), Bob Philips (on behalf of



Local Residents Mr. & Mrs. Hall attended the meeting and spoke against the application, Ian Windmill a Local Resident attended and spoke in favour of the application and in addition a statement was read out by the Democratic Services Officer on behalf of the applicant.)

**RESOLVED:**

That, for the reasons set out in the report, the application be APPROVED as recommended subject to the following condition:

- 1) Within 3 months of the date of decision a scheme for the provision of a bird nesting box within the curtilage of the site shall be submitted to the LPA for approval in writing. The approved scheme shall be implemented within 5 months of the date of decision;
- 2) Remove Permitted Development Rights for the erection of outbuildings;
- 3) Within 3 months of the date of decision a scheme of tree planting for at least 4 trees shall be submitted to the LPA for approval in writing; and
- 4) Implementation of the approved tree planting.

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 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.

**46 20/4777C, CHANGE OF USE OF LAND TO RESIDENTIAL GARDEN AT 33, TEDDY GRAY AVENUE, SANDBACH, CW11 3AR FOR PAULA WHITE**

Consideration was given to the above application.

(Local Resident Arthur Charmers on behalf of himself and again for Local Resident Andrea Tilbee), Bob Philips (on behalf of Local Residents Mr. & Mrs. Hall attended the meeting and spoke against the application, Gary Brooks a Local Resident and Paula White the Applicant attended and spoke in favour of the application)

**RESOLVED:**

That, for the reasons set out in the report, the application be APPROVED as recommended subject to the following condition:

- 1) Within 3 months of the date of decision a scheme for the provision of a bird nesting box within the curtilage of the site shall be submitted to the LPA for approval in writing. The approved scheme shall be implemented within 5 months of the date of decision;
- 2) Remove Permitted Development Rights for the erection of outbuildings;
- 3) Within 3 months of the date of decision a scheme of tree planting for at least 4 trees shall be submitted to the LPA for approval in writing; and
- 4) Implementation of the approved tree planting.

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 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.

**47 20/4779C, CHANGE OF USE OF LAND TO RESIDENTIAL GARDEN AT 29, TEDDY GRAY AVENUE, SANDBACH, CW11 3AR FOR MR. IAN WINDMILL.**

Consideration was given to the above application.

(Bob Philips (on behalf of Local Residents Mr. & Mrs. Hall attended the meeting and spoke against the application, Paula White a Local Resident and Ian Windmill the Applicant attended and spoke in favour of the application)

**RESOLVED:**

That, for the reasons set out in the report, the application be APPROVED as recommended subject to the following condition:

- 1) Within 3 months of the date of decision a scheme for the provision of a bird nesting box within the curtilage of the site shall be submitted to the LPA for approval in writing. The approved scheme shall be implemented within 5 months of the date of decision;
- 2) Remove Permitted Development Rights for the erection of outbuildings;
- 3) Within 3 months of the date of decision a scheme of tree planting for at least 4 trees shall be submitted to the LPA for approval in writing; and
- 4) Implementation of the approved tree planting.

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 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.

The meeting commenced at 10.00 am and concluded at 1.06 pm

Councillor A Kolker (Chair)

Application No: 21/3180C

Location: Dingle Farm, DINGLE LANE, SANDBACH, CHESHIRE, CW11 1FY

Proposal: Repair and alteration of existing farmhouse and construction of garage; conversion and extension of barn and outbuilding to form dwelling and garage/garden room, demolition of garage and construction of dwelling

Applicant: Jon Wylson, Mansion House Project Management Ltd

Expiry Date: 30-Aug-2021

### **SUMMARY**

The development would secure the restoration of the Grade II listed farmhouse and associated outbuildings.

Previous applications have been refused and dismissed at appeal for 11, 6 and 4 dwellings. This application only proposes 1 additional dwelling, which is considered to be acceptable in terms of the effect on the setting of Dingle Farm (the less than substantial harm would be outweighed by the public benefits).

The development is considered to be of an acceptable design and would not have a detrimental impact upon residential amenity.

The highways impact, internal road layout and parking provision are considered to be acceptable.

The ecological impacts, tree impacts and landscape impacts of the development are considered to be acceptable.

The application is therefore recommended for approval.

### **RECOMMENDATION**

**Approve subject to Conditions and a Section 106 Agreement to secure offsite habitat enhancement**

### **CALL IN**

The application referred to Southern Planning Committee at the request of Cllr Benson for the following reasons:

*“The land in question falls within the Sandbach Conservation Area. Previous planning applications have been heard by the Southern Planning Committee and resulted in appeals to the Planning Inspectorate. I have been asked by Sandbach Town Council Planning & Consultation Committee to request a Call-in as this application would have an impact within the Conservation Area. It would not be in keeping with the listed building and its setting.*

*It is felt that the design, scale and character of the proposals are planning issues which in this case should be placed before the Southern Planning Committee in the public interest.”*

## **DESCRIPTION OF SITE AND CONTEXT**

The application site comprises a part brownfield, part green field site accessed from Dingle Lane, which is in close proximity to Sandbach town centre. Contained within the site are a Grade II Listed farmhouse, barn and other ancillary buildings. Dingle Lane leads to Waterworks House, which is currently under construction of a residential development.

The List description of the Farmhouse is as follows:

*“Dingle Farmhouse (Formerly listed under Back Street) SJ7660 2/33 11.8.50.II 2. C17. Timber frame with painted brick noggin; C19 alterations and additions; one storey plus attic; 3 C19 gabled dormers with small-paned iron casements; early C19 wood doorcase with hood canopy on shaped brackets, and 6-fielded-panelled door. Later bay on left-hand side sham painted as timber frame. Later additions at rear; tiles.”*

The site is designated as being within the Settlement Zone Line of Sandbach and within the Sandbach Conservation Area. To the west and south of the site is existing residential development.

## **DETAILS OF PROPOSAL**

The application seeks full planning permission for the repair and alteration of existing farmhouse and construction of garage; conversion and extension of barn and outbuilding to form dwelling and garage/garden room, demolition of garage and construction of dwelling.

## **RELEVANT PLANNING HISTORY**

17/2171C - Listed Building Consent for alterations to an existing Grade II Listed farmhouse, barn and boar house, demolition of two outbuildings, conversion of barn into one dwelling, construction of 4 dwellings together with associated garaging, car parking and landscaping works – Refused 21<sup>st</sup> July 2017 – Appeal dismissed 3<sup>rd</sup> July 2018. Reasons for refusal as follows;

*1. The proposed works, namely the removal of the secondary staircase and treatment of damp proofing and creation of cavity walls would adversely affect the special architectural and historic character of the farmhouse. Furthermore, the new build element of the scheme will dominate the landscape, thereby causing harm to the setting of the listed buildings. The application is therefore considered to be contrary to policies BH4 and BH5 (Listed Buildings – Effect of Proposals) of the Congleton Borough Local Plan First Review 2005, Policy HC1 (Historic Environment) of the Sandbach Neighbourhood Development Plan, Policy SE7 (The Historic Environment) of the emerging Cheshire East Local Plan Strategy and the NPPF.*

*2. Insufficient information has been provided to adequately assess the extent of the impact of the proposal upon the special architectural and historic character of the listed buildings. More specifically, there is a lack of information with regards to the reinstatement of the trusses within the shippon and insufficient information has been submitted to effectively demonstrate that the extent of the cracking identified within the farmhouse does not have structural implications. The application is therefore considered to be contrary to policies BH4 and BH5 (Listed Buildings – Effect of Proposals) of the Congleton Borough Local Plan First Review 2005, Policy HC1 (Historic Environment) of the Sandbach Neighbourhood Development Plan, Policy SE7 (The Historic Environment) of the emerging Cheshire East Local Plan Strategy and the NPPF.*

17/2170C - Alterations to an existing Grade II Listed farmhouse, barn and boar house, demolition of two outbuildings, conversion of barn into one dwelling, construction of 4 dwellings together with associated garaging, car parking and landscaping works – Refused 21<sup>st</sup> July 2017 – Appeal dismissed 3<sup>rd</sup> July 2018. Refused for the following reasons;

*1. The proposed development would not respect the open and historic character of the area. Furthermore, the public benefits of the scheme are insufficient to outweigh the loss of significance that would be caused to the designated heritage assets. The proposal is therefore considered to be contrary to policies; PS4 (Towns), H4 (Residential Development in Towns), GR1 (New Development), GR2 (Design), BH4 and BH5 (Listed Buildings – Effect of Proposals), BH9 (Conservation Areas), BH15 (Conversion of Rural Buildings) and BH16 (The Residential Re-use of Rural Buildings) of the Congleton Borough Local Plan First Review 2005, Policies; PC1 (Areas of Separation), H2 (Design & Layout), H5 (Preferred Locations) and HC1 (Historic Environment) of the Sandbach Neighbourhood Development Plan; Policies SD1 (Sustainable Development in Cheshire East), SD2 (Sustainable Development Principles), SE1 (Design) and SE7 (The Historic Environment) of the emerging Cheshire East Local Plan Strategy and the NPPF.*

*2. Insufficient information has been provided to adequately assess the impact of the proposal upon the special architectural and historic character of the listed buildings. More specifically, there is a lack of information with regards to the reinstatement of the trusses within the shippon and insufficient information has been submitted to effectively demonstrate that the extent of the cracking identified within the farmhouse does not have structural implications. The application is therefore considered to be contrary to policies BH4 and BH5 (Listed Buildings – Effect of Proposals) of the Congleton Borough Local Plan First Review 2005, Policy HC1 (Historic Environment) of the Sandbach Neighbourhood Development Plan, Policy SE7 (The Historic Environment) of the emerging Cheshire East Local Plan Strategy and the NPPF.*

16/3609C - Alterations to an existing Grade II Listed farmhouse, barn and boar house, demolition of two outbuildings, conversion of barn into one dwelling, construction of 6 dwellings together with associated garaging, car parking and landscaping works Withdrawn

16/3608C - Listed Building Consent - Alterations to an existing Grade II Listed farmhouse, barn and boar house, demolition of two outbuildings, conversion of barn into one dwelling, construction of 6 dwellings together with associated garaging, car parking and landscaping works - Withdrawn

14/0711C - Listed building consent for alterations to an existing Grade II Listed farmhouse, demolition of 2 outbuildings, conversion of barn into 1 dwelling, construction of 6 dwellings together

with associated garaging, car parking and landscaping works (resubmission of application 12/2552C) – Refused 11<sup>th</sup> June 2014 – Appeal dismissed 9<sup>th</sup> December 2014

14/0710C - Alterations to an existing Grade II Listed farmhouse, demolition of two outbuildings, conversion of barn into one dwelling, construction of 6 dwellings together with associated garaging, car parking and landscaping works (resubmission of application 12/2551C) – Refused 11<sup>th</sup> June 2014 – Appeal dismissed 9<sup>th</sup> December 2014

12/2552C - Alterations to an existing Grade II Listed farmhouse, demolition of two outbuildings, conversion of barn into one dwelling, construction of 11 dwellings together with associated garaging, car parking and landscaping works – Refused 18<sup>th</sup> October 2013 – Appeal dismissed 9<sup>th</sup> December 2014

12/2551C - Alterations to an existing Grade II Listed farmhouse, demolition of two outbuildings, conversion of barn into one dwelling, construction of 11 dwellings together with associated garaging, car parking and landscaping works – Refused 18<sup>th</sup> October 2013 – Appeal dismissed 9<sup>th</sup> December 2014

## **POLICIES**

### **Congleton Borough Local Plan First Review (2005) (CBLPFR)**

PS4 – Towns  
GR6 – Amenity and Health  
GR7 – Amenity and Health  
GR9 - Accessibility, servicing and provision of parking  
GR10 - Accessibility, servicing and provision of parking  
GR13 – Public Transport Measures  
GR14 - Cycling Measures  
GR15 - Pedestrian Measures  
GR16 - Footpaths Bridleway and Cycleway Networks  
GR17 - Car parking  
GR18 - Traffic Generation  
NR3 – Habitats  
NR4 - Non-statutory sites  
NR5 – Non-statutory sites  
BH4-BH5 – Listed Buildings  
BH8-BH10 – Conservation Areas  
BH15-BH16 – Conversion of Rural Buildings

### **Cheshire East Local Plan Strategy March 2016 (CELPS)**

MP1 – Presumption in Favour of Sustainable Development  
PG1 – Overall Development Strategy  
PG2 – Settlement Hierarchy  
PG7 – Spatial Distribution of Development  
SD1 - Sustainable Development in Cheshire East  
SD2 - Sustainable Development Principles  
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  
SE 7 – The Historic Environment  
SE 9 – Energy Efficient Development  
SE 12 – Pollution, Land Contamination and Land Instability  
SE 13 - Flood Risk and Water Management  
IN1 – Infrastructure  
SC4 – Residential Mix  
CO1 – Sustainable Travel and transport

### **Sandbach Neighbourhood Development Plan (SNDP)**

PC2 – Landscape Character  
PC3 – Policy Boundary for Sandbach  
PC4 – Biodiversity and Geodiversity  
HC1 – Historic Environment  
HC2 – Protection and Enhancement of the Town Centre  
H1 – Housing Growth  
H2 – Housing Layout  
H3 – Housing Mix and Type  
H4 – Housing and an Ageing Population  
H5 – Preferred Locations  
JLE1 – Future Employment and Retail Provision  
IFT1 – Sustainable Transport, Safety and Accessibility  
IFT2 – Parking  
IFC1 – Community Infrastructure Levy  
CC1 – Adapting to Climate Change

### **Other Material Considerations**

National Planning Policy Framework

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

#### **Sandbach Town Council:**

*28<sup>th</sup> July 2021*

Members object to this application. Whilst they have no objection in principle with the farmhouse and barn renovations, Members strongly object to the new house which is not in keeping and is overbearing on the rest of the site. Members also hold concerns that the footprint of the site encroaches on Dingle Lane, a well-used footpath in Sandbach. Access must be maintained to the footpath during any work.

*1<sup>st</sup> October 2021*

Members welcome the development of the site but object to the application. Members preferred the previous design of the new property as it is much more in keeping with the site and does not

have such a stark contrast between modern and traditional building types. In the absence of comments from the heritage officer, STC request the previous design for the new house.

**Highways:** No objection.

**Public Rights of Way:** The development, if granted consent, does not affect any public rights of way. However there is a 'claimed footpath' that has been registered as a Schedule 14 application under the Wildlife and Countryside Act 1981. This application has not yet been investigated and is on a waiting list.

**United Utilities:** No objection.

**Archaeology:** No objection subject to a condition relating to a programme of archaeological work.

## **OTHER REPRESENTATIONS**

At the time of report writing 19 representations have been received relating to this application. These are largely supportive of the proposal as it will secure the future of the farmhouse. They do however express the following concerns:

- Impact on the footpath that should be retained and kept open
- Impact on wildlife
- Materials should be in keeping with the conservation area
- Pressure for future development
- Light loss

## **Principal of Development**

The proposal is within the Settlement Zone Line of Sandbach where there is a presumption in favour of development and is also in a very sustainable location due to its proximity to the town centre. The proposal is therefore considered to be acceptable in principle subject to compliance with other relevant policies in the adopted local plan and the NPPF.

## **Design/Heritage**

The site is wholly within the Sandbach conservation area and the farmhouse is a grade II listed timber framed building (with the curtilage listed structures of the Shippon and boar pen). As such the council is mindful of the need to preserve or enhance the character or appearance of the building and area as stated in the NPPF, the CELPS and the Congleton Borough Local Plan Policy. Section 66 of the Planning (Listed Buildings and Conservation Area Act) 1990 requires that the local authority when assessing proposals shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Both the paddocks by the farm form a part of the setting and contribute to the significance of the building. There have been previous applications refused on the site that were dismissed at appeal.



This scheme now proposes only one additional dwelling, the conversion of the barn to residential the refurbishment and restoration of the house and boar pen, the creation of new driveways and gates and relandscaping, plus garaging.

During the course of the 2017 submission concerns were raised by the Conservation Officer, relating to the continuing deterioration of the house and significant structural movement. At the time of the site visit there appeared to be further movement at first level with further severe cracking to internal walls at first floor level. It is considered that there has been even more movement since the surveyors last visit in February 2021.

There is also water penetration to the rear at first floor level from a central valley gutter, which has potentially damaged structural timbers and has come through the ceilings.

This movement to the building is severe (ever worsening) and a detailed structural report accompanied by annotated plans to show the location and how the structural and other repair work will be tackled should be secured by condition.

With the exception of the repair work, the internal changes are now of a modest nature and acceptable in design and heritage terms.

The internal changes would be at ground floor level and would comprise the following:

- Taking down of a timber stud wall and frame with door and adjacent wall, ceiling and floor finishes made good
- One window opening being enlarged to create French windows

It is noted that the Town Council have raised concerns over the design of the new build dwelling. This has been revised during the course of the application to reduce it in size, amend its siting (further to the east of Dingle Farm) and to amend the elevations of the dwelling. The elevational design is now much simpler and is considered to be more appropriate in terms of its impact upon the setting of the Listed Building and adjacent barns.

In terms of the barn conversion, the external appearance would undergo very little change apart from the insertion of a door and window on the eastern elevation and the reinstatement of a 'Bulls Eye' window. All existing openings would be replaced with timber ones. In addition, all rainwater goods would be replaced with metal ones. Internally the building would be converted to a two-storey, four-bedroom dwelling.

The changes would largely retain the agricultural character of the building in accordance with Polies BH15 and BH16 of the CBLPFR and is considered to be acceptable in design and heritage terms.

The refusal of the last application was in part due to the impact of large, detached dwellings on the openness of the site and views of the group of heritage assets along with the landscaping. As originally submitted, the size and location of the new dwelling did not address these concerns. However, the revised plans have been submitted showing siting the dwelling adjacent to the eastern boundary and changes to the new dwelling. The proposal is therefore considered to be acceptable.

Paragraph 202 of the NPPF requires that: *'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'*

In terms of these proposals the erection of one new dwelling would lead to less than substantial harm and the public benefits of the restoration of the farmhouse and barn would give significant public benefits, outweighing the less than substantial harm.

## **Ecology**

### Wildlife Corridor

Dingle Farm is located immediately adjacent to, but outside, the boundary of the Sandbach wildlife Corridor. The application site supports a number of habitats including tall ruderal vegetation, trees and grassland. As an area of open undeveloped land the application site compliments the adjacent wildlife corridor.

There may be some disturbance of wildlife during the construction phase and some limited loss of other protected species foraging habitat (subject to confirmation of the extent of the submitted survey as below) resulting from the development. It is considered that disturbance would be short lived and the impacts of the proposed development on the wildlife corridor are not significant in the context of policy NR4 and PC4 which protect the wildlife corridor

It must however be ensured that any additional lighting associated with the development does not have an adverse impact upon the habitats within the Wildlife Corridor. It is recommended that a condition secures details of any lighting proposed.

### Bats

The submitted bat survey was undertaken towards the end of the recognised survey season and the temperatures were relatively low during the second survey visit. However, considering the recorded history of bat surveys at this site and the extent of bat activity recorded it is considered that this is not a significant constraint.

Evidence of bat activity in the form of a minor roosts of two relatively common bat species and one less common bat species has been recorded within the barn proposed for conversion. The usage of the building by bats is likely to be limited to single or small numbers of animals using the buildings for relatively short periods of time and there is no evidence to suggest a significant maternity roost is present.

One bat roost was recorded within the loft of the barn and other roosts were associated with roof tiles and external timbers. The submitted bat survey report concludes that the roosts associated with roof tiles and external timbers can be retained as part of the proposed development.

The loss of the roosts associated with the buildings on this site, in the absence of mitigation, is likely to have an adverse impact significant at the local level and a low impact upon the conservation status of the species concerned as a whole.

The submitted report recommends the provision of bat lofts within the three proposed garage blocks as means of compensating for the loss of the roost and also recommends the supervision of the works to reduce the risk posed to any bats that may be present when the works are completed.

It should be noted that since a European Protected Species has been recorded on site and is likely to be adversely affected the proposed development the planning authority must have regard to whether Natural England would be likely to subsequently grant the applicant a European Protected species license under the Habitat Regulations. A license under the Habitats Regulations can only be granted when:

- the development is of overriding public interest,
- there are no suitable alternatives and
- the favourable conservation status of the species will be maintained.

The UK implemented the EC Directive in the Conservation (natural habitats etc) regulations which contain two layers of protection:

- A licensing system administered by Natural England which repeats the above tests
- A requirement on local planning authorities ("lpas") to have regard to the directive's requirements.

The Habitat Regulations 2010 require local authorities to have regard to three tests when considering applications that affect a European Protected Species. In broad terms the tests are that:

- The proposed development is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment
- There is no satisfactory alternative
- There is no detriment to the maintenance of the species population at favourable conservation status in its natural range.

Current case law instructs that if it is considered clear or very likely that the requirements of the directive cannot be met because there is a satisfactory alternative, or because there are no conceivable "other imperative reasons of overriding public interest", then planning permission should be refused. Conversely, if it seems that the requirements are likely to be met, then there would be no impediment to planning permission be granted. If it is unclear whether the requirements would be met or not, a balanced view taking into account the particular circumstances of the application should be taken.

### Test 1: Overriding Public Interest

The development would secure the retention and refurbishment of the listed farmhouse, which is considered to be in the public interest.

### Test 2: No satisfactory alternative

In order to secure the retention and refurbishment it is necessary to allow some further development on the site. As such there is no satisfactory alternative.

Test 3: “the action authorised will not be detrimental to the maintenance of the species concerned at a favourable conservation status in their natural range”.

Adequate mitigation measures are proposed within the site in relation to bats and a further other protected species survey would be secured by condition.

This approach ensures that the effects of the development can be appropriately assessed against the environmental circumstances which exist at the time the development is carried out and against up-to-date legislation and ensures that the effects of the development are controlled, mitigated and managed prior to any works being carried out.

Overall, therefore it is considered that the development contributes to meeting an imperative public interest, there is no satisfactory alternatives, and that the interest is sufficient to override the protection of, and any potential impact on bats and Badgers, setting aside the proposed mitigation. It is considered that Natural England would grant a licence in this instance.

It is considered that the proposed garage blocks are too small to offer optimal replacement bat roosts. Under current guidance there is flexibility over the provision of replacement roosts for minor roosts. In this instance three replacement roosts are proposed, increasing the chances that one might be successful. If planning consent is granted it is considered that the proposed mitigation/compensation is acceptable, and the proposed development is likely to maintain the favourable conservation status of the species of bat concerned.

If planning consent is granted a condition is required to secure the proceeding in accordance with the recommendation made by the submitted Supplementary Bat Survey report dated December 2021 prepared by Dunelm Ecology, unless varied by a European Protected Species license subsequently issued by Natural England. Agreed features for roosting bats shall be permanently installed in accordance with the approved details. If the proposed bat lofts in the garage building are not required as part of the licencing process these are to be delivered on site as an ecological enhancement.

#### Other Protected Species

A further other protected species survey has been submitted in support of the application. A minor inactive sett was identified outside the application boundary during this latest survey. The submitted report concludes that the sett would be unlikely to be affected by the proposed development.

It is considered that as the status of other protected species on a site can change in a short timescale, if planning consent is granted a condition should be attached which requires an updated survey to be undertaken and submitted prior to the commencement of development.

#### Nesting Birds

If planning consent was granted a condition would be required to safeguard nesting birds.

### Hedgehogs

No evidence of this priority species was recorded during the submitted survey, however the submitted report advises that this species may be present in the broad locality. If this species was present on site the proposed development would result in the loss of an area of suitable habitat resulting in a localised adverse impact. The incorporation of features for hedgehogs can be secured through an ecological enhancement condition.

This planning application provides an opportunity to incorporate features to increase the biodiversity value of the final development in accordance with Local Plan Policy SE 3.

It is therefore recommended that the applicant submits an ecological enhancement strategy prior to the determination of the application or if planning permission is granted a condition should be attached which requires the submission of an ecological enhancement strategy.

### Grassland Habitats

The habitat survey of the application site was undertaken in October, a poor time of year, meaning some plant species may have been missed. The grassland habitats recorded on site support sufficient species to meet Local Wildlife Site Selection criteria for 'Undetermined Species Rich Grassland'. The proposed development would result in the loss of these habitats with a corresponding loss of biodiversity. In accordance with local Plan Policy SE 3 (6) mitigation and compensation measures are required to address this loss.

The application is supported proposals for the creation of compensatory works at an offsite location on land under the control of the Adlington estate. It is considered that this is sufficient to compensate for the loss of grassland habitats from the application site. If planning consent is granted a legal agreement will be required to ensure the submission and implementation of detailed proposals for the enhancement, management and monitoring of the proposed offsite habitat. Management and monitoring to be for a period of 30 years.

### Biodiversity Net Gain

Local Plan Policy SE3 (5) requires all developments to positively contribute to the conservation of biodiversity.

The application is supported by an assessment of the residual ecological impacts of the proposed development using the Natural England biodiversity 'metric' methodology. An assessment of this type quantifies the residual impacts of the development and calculates in 'units' whether the proposed development would result in a net loss or gain for biodiversity.

The submitted metric calculation shows that the proposed development would result in a loss of -2.36 biodiversity units. In order to compensate for this loss, the applicant is proposing the enhancement of grassland habitats at an offsite location, sufficient to deliver a net gain amounting to 1.19%. This is below the 10% target to be set by the Environment Act in 2023 but is sufficient to comply with Local Plan Policy SE 3(5).

As discussed in respect of the grassland habitats above a legal agreement will be required to secure the habitat enhancement, management and monitoring works for a period of 30 years.

If planning consent is granted conditions would be required to secure the submission and implementation of a landscape plan and landscape and habitat management plan for the application site area.

### **Amenity**

Policy GR6 of the CBLPFR and Policy H2 of the SNDP require that development proposals should not have an unduly detrimental effect on neighbouring amenity through loss of privacy, loss of sunlight/daylight, visual intrusion, noise and disturbance and traffic generation.

In terms of the proposed new dwelling, this would be 18.5m away from existing dwellings and there would be no windows facing each other and would raise no issues in terms of light outlook or privacy. The dwelling would have adequate private amenity space for future occupiers of the dwelling.

The barn conversion would raise no issues in terms of light outlook or privacy and would have adequate amenity space for future occupiers.

The development is therefore considered to be in compliance with Policies SD2 and SE1 of the CELPS.

### **Highways**

The site is sustainably located and within a 5-minute walk from the centre of Sandbach, and pedestrian infrastructure within the vicinity is acceptable.

The existing access will continue to be used but will be widened slightly as agreed in the previous application, and the access at its narrowest point will be wide enough for HGVs or emergency vehicles to enter and exit. The access width is considered acceptable.

The new access into the farmhouse is also considered acceptable and the gate will be set back so as not to block the site access

Within the site there will be sufficient parking provision and turning area for visitor cars, delivery vans, and emergency vehicles. A large refuse vehicle would likely have to reverse into the site, as is currently the case with the adjacent Dingle Bank.

The barn conversion and the single additional dwelling will generate little additional traffic movement and less than has been accepted before from the Highways Officer. The access and layout are considered acceptable, and no objection is raised by the Head of Strategic Infrastructure.

All three properties have adequate space for cycle storage and the site is in a sustainable location ideal for cycle use. A condition should be imposed requiring submission of details of secure bin and cycle storage.

The proposal is therefore in compliance with Policy GR9 of the CBLPFR and the parking standards set out in the CELPS.

## **Footpath**

Whilst this application does not affect any Definitive Rights of Way; the site is directly affected by a claimed footpath which has been formally registered as a Schedule 14 application under the Wildlife and Countryside Act 1981. This was registered on the 27th June 2016 and was supported by 12 User Evidence Statements; it is referenced CO/8/49. The claim asserts that a public footpath exists over Dingle lane as the continuation of the adopted section of road and continues along this lane to meet Sandbach FP 11. It is claimed to have come into being through long usage. The omission of this route from the Definitive Map is clearly an anomaly as it joins with another recorded footpath and has received regular and seemingly uninterrupted use.

The application documents acknowledge that Dingle Lane is used as a footpath by local residents, but it is not a definitive right of way. The applicant may wish to give consideration to formally dedicating a public right of way and thereby circumventing the uncertainty and time-consuming nature of the DMMO process.

## **CIL COMPLIANCE**

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.

In this case, the requirement for the submission and implementation of detailed proposals for the enhancement, management and monitoring of the proposed offsite habitat. Management and monitoring to be for a period of 30 years, is necessary, directly related to the development and fairly and reasonably related in scale and kind to the development.

## **Conclusion**

The development would secure the restoration of the Grade II listed farmhouse and associated outbuildings.

Previous applications have been refused and dismissed at appeal for 11, 6 and 4 dwellings. This application only proposes 1 additional dwelling, which is considered to be acceptable in terms of the effect on the setting of Dingle Farm (the less than substantial harm would be outweighed by the public benefits).

The development is considered to be of an acceptable design and would not have a detrimental impact upon residential amenity.

The highways impact, internal road layout and parking provision are considered to be acceptable.

The ecological impacts, tree impacts and landscape impacts of the development are considered to be acceptable.

The application complies with the Development Plan as a whole and is therefore recommended for approval.

## **RECOMMENDATIONS**

**APPROVE** subject to the following conditions and a Section 106 Agreement to secure offsite habitat enhancement, management and monitoring:

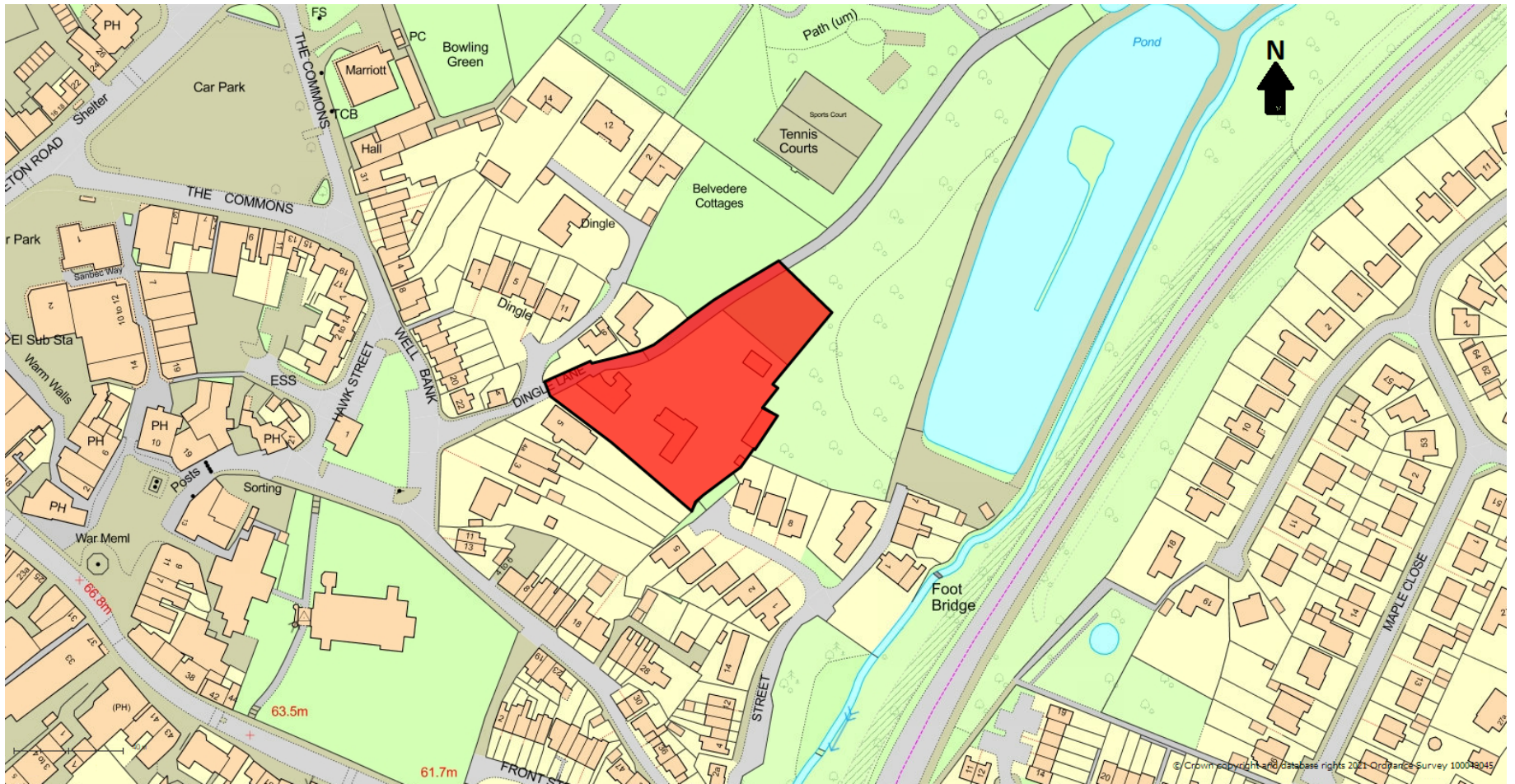
1. Time limit
2. Approved plans
3. Submission of details of materials
4. Submission of a Phase 1 contaminated land survey and mitigation and remediation if required
5. Tree protection measures
6. Landscaping and boundary treatments
7. Implementation of landscaping and boundary treatments
8. Hours of construction, Mon to Fri 8am to 6pm, Sat 9am to 2pm, no working on Sundays or public holidays
9. Submission of details of any piling operations
10. Submission finished ground and floor levels
11. Submission of details of works to windows and doors (farmhouse and barn)
12. Full schedule of internal works (farmhouse and barn)
13. Full photographic survey (farmhouse and barn)
14. All fascias, barge and verge boards to be timber
15. Full details of new internal doors, surrounds, flooring and skirting boards (farmhouse and barn)
16. All rainwater goods to be in cast metal painted black (farmhouse and barn)
17. Construction management plan
18. Programme of archaeological works
19. Submission of details of external lighting
20. Development carried out in accordance with recommendations within the Supplementary Bat Survey
21. Updated Badger survey prior to commencement of development
22. Submission of an ecological enhancement strategy (provision of bird boxes, gaps for hedgehogs etc.)
23. Submission of a landscape management plan for on-site landscape works
24. Removal of PD rights for barn conversion
25. Submission of a plan showing bin and secure cycle storage

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 his 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.



**Should the application be subject to an appeal, the following Heads of Terms should be secured as part of any S106 Agreement:**

- 1. To secure the offsite habitat enhancement, management and monitoring works for a period of 30 years.**



Application No: 21/3181C

Location: Dingle Farm, DINGLE LANE, SANDBACH, CHESHIRE, CW11 1FY

Proposal: Listed building consent for repair and alteration of existing farmhouse and construction of garage; conversion and extension of barn and outbuilding to form dwelling and garage/garden room, demolition of garage and construction of dwelling

Applicant: Jon Wylson, Mansion House Project Management Ltd

Expiry Date: 05-Aug-2021

### **Summary**

The development would secure the restoration of the Grade II listed farmhouse and associated outbuildings.

Previous applications have been refused and dismissed at appeal for 11, 6 and 4 dwellings. This application only proposes 1 additional dwelling, which is considered to be acceptable in terms of the effect on the setting of Dingle Farm (the less than substantial harm would be outweighed by the public benefits).

The application is therefore recommended for approval.

### **RECOMMENDATION**

**Approve subject to Conditions**

### **CALL IN**

The application is referred to Southern Planning Committee at the request of Cllr Benson for the following reasons:

*“The land in question falls within the Sandbach Conservation Area. Previous planning applications have been heard by the Southern Planning Committee and resulted in appeals to the Planning Inspectorate. I have been asked by Sandbach Town Council Planning & Consultation Committee to request a Call-in as this application would have an impact within the Conservation Area. It would not be in keeping with the listed building and its setting.*

*It is felt that the design, scale and character of the proposals are planning issues which in this case should be placed before the Southern Planning Committee in the public interest.”*

## DESCRIPTION OF SITE AND CONTEXT

The application site comprises a part brownfield, part green field site accessed from Dingle Lane, which is in close proximity to Sandbach town centre. Contained within the site are a Grade II Listed farmhouse, barn and other ancillary buildings. Dingle Lane leads to Waterworks House, which is currently under construction of a residential development.

The List description of the Farmhouse is as follows:

*“Dingle Farmhouse (Formerly listed under Back Street) SJ7660 2/33 11.8.50.II 2. C17. Timber frame with painted brick noggin; C19 alterations and additions; one storey plus attic; 3 C19 gabled dormers with small-paned iron casements; early C19 wood doorcase with hood canopy on shaped brackets, and 6-fielded-panelled door. Later bay on left-hand side sham painted as timber frame. Later additions at rear; tiles.”*

The site is designated as being within the Settlement Zone Line of Sandbach and within the Sandbach Conservation Area. To the west and south of the site is existing residential development.

## DETAILS OF PROPOSAL

The application seeks full listed building consent for the repair and alteration of existing farmhouse; conversion and extension of barn and outbuilding to form dwelling and demolition of garage.

## RELEVANT PLANNING HISTORY

17/2171C - Listed Building Consent for alterations to an existing Grade II Listed farmhouse, barn and boar house, demolition of two outbuildings, conversion of barn into one dwelling, construction of 4 dwellings together with associated garaging, car parking and landscaping works – Refused 21<sup>st</sup> July 2017 – Appeal dismissed 3<sup>rd</sup> July 2018

17/2170C - Alterations to an existing Grade II Listed farmhouse, barn and boar house, demolition of two outbuildings, conversion of barn into one dwelling, construction of 4 dwellings together with associated garaging, car parking and landscaping works – Refused 21<sup>st</sup> July 2017 – Appeal dismissed 3<sup>rd</sup> July 2018

16/3609C - Alterations to an existing Grade II Listed farmhouse, barn and boar house, demolition of two outbuildings, conversion of barn into one dwelling, construction of 6 dwellings together with associated garaging, car parking and landscaping works Withdrawn

16/3608C - Listed Building Consent - Alterations to an existing Grade II Listed farmhouse, barn and boar house, demolition of two outbuildings, conversion of barn into one dwelling, construction of 6 dwellings together with associated garaging, car parking and landscaping works - Withdrawn

14/0711C - Listed building consent for alterations to an existing Grade II Listed farmhouse, demolition of 2 outbuildings, conversion of barn into 1 dwelling, construction of 6 dwellings together with associated garaging, car parking and landscaping works (resubmission of application 12/2552C) – Refused 11<sup>th</sup> June 2014 – Appeal dismissed 9<sup>th</sup> December 2014

14/0710C - Alterations to an existing Grade II Listed farmhouse, demolition of two outbuildings, conversion of barn into one dwelling, construction of 6 dwellings together with associated garaging, car parking and landscaping works (resubmission of application 12/2551C) – Refused 11th June 2014 – Appeal dismissed 9<sup>th</sup> December 2014

12/2552C - Alterations to an existing Grade II Listed farmhouse, demolition of two outbuildings, conversion of barn into one dwelling, construction of 11 dwellings together with associated garaging, car parking and landscaping works – Refused 18<sup>th</sup> October 2013 – Appeal dismissed 9<sup>th</sup> December 2014

12/2551C - Alterations to an existing Grade II Listed farmhouse, demolition of two outbuildings, conversion of barn into one dwelling, construction of 11 dwellings together with associated garaging, car parking and landscaping works – Refused 18<sup>th</sup> October 2013 – Appeal dismissed 9<sup>th</sup> December 2014

## **POLICIES**

### **Congleton Borough Local Plan First Review (2005) (CBLPFR)**

BH4-BH5 – Listed Buildings  
BH8-BH10 – Conservation Areas

### **Cheshire East Local Plan Strategy March 2016 (CELPS)**

SE 7 – The Historic Environment

### **Sandbach Neighbourhood Development Plan (SNDP)**

HC1 – Historic Environment

## **Other Material Considerations**

National Planning Policy Framework

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

### **Sandbach Town Council:**

*1<sup>st</sup> July 2021*

Members object to this application. Whilst they have no objection in principle with the farmhouse and barn renovations, Members strongly object to the new house which is not in keeping and is overbearing on the rest of the site. Members also hold concerns that the footprint of the site encroaches on Dingle Lane, a well-used footpath in Sandbach. Access must be maintained to the footpath during any work.

*1<sup>st</sup> October 2021*

Members welcome the development of the site but object to the application. Members preferred the previous design of the new property as it is much more in keeping with the site and does not have such a stark contrast between modern and traditional building types. In the absence of comments from the heritage officer, STC request the previous design for the new house.

## **OTHER REPRESENTATIONS**

At the time of report writing 26 representations have been received relating to this application. These are largely supportive of the proposal as it will secure the future of the farmhouse. They do however express the following concerns:

- Impact on the footpath that should be retained and kept open
- Impact on wildlife
- Materials should be in keeping with the conservation area
- Pressure for future development
- Light loss

## **Principal of Development**

The proposal is within the Settlement Zone Line of Sandbach where there is a presumption in favour of development and is also in a very sustainable location due to its proximity to the town centre. The proposal is therefore considered to be acceptable in principle subject to compliance with other relevant policies in the adopted local plan and the NPPF.

## **Design/Heritage**

The site is wholly within the Sandbach Conservation Area and the farmhouse is a grade II listed timber framed building (with the curtilage listed structures of the Shippon and boar pen). As such the council is mindful of the need to preserve or enhance the character or appearance of the building and area as stated in the NPPF, the CELPS and the Congleton Borough Local Plan Policy. Section 66 of the Planning (Listed Buildings and Conservation Area Act) 1990 requires that the local authority when assessing proposals shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Both the paddocks by the farm form a part of the setting and contribute to the significance of the building. There have been previous applications refused on the site that were dismissed at appeal.

This scheme now proposes only one additional dwelling, the conversion of the barn to residential the refurbishment and restoration of the house and boar pen, the creation of new driveways and gates and relandscaping, plus garaging.

During the course of the 2017 submission concerns were raised by the Conservation Officer, relating to the continuing deterioration of the house and significant structural movement. At the time of the site visit there appeared to be further movement at first level with further severe cracking to internal walls at first floor level. It is considered that there has been even more movement since the surveyors last visit in February 2021.

There is also water penetration to the rear at first floor level from a central valley gutter, which has potentially damaged structural timbers and has come through the ceilings.

This movement to the building is severe (ever worsening) and a detailed structural report accompanied by annotated plans to show the location and how the structural and other repair work will be tackled should be secured by condition.

With the exception of the repair work the internal changes are now of a modest nature and acceptable in design and heritage terms.

The internal changes would be at ground floor level and would comprise the following:

- Taking down of a timber stud wall and frame with door and adjacent wall, ceiling and floor finishes made good
- One window opening being enlarged to create French windows

The changes were made as it was also proposed to damp proof external walls and create cavity walls. This was not considered to be appropriate and has now been removed from the application.

In terms of the barn conversion, the external appearance would undergo very little change apart from the insertion of a door and window on the eastern elevation and the reinstatement of a 'Bulls Eye' window. All existing openings would be replaced with timber ones. In addition, all rainwater goods would be replaced with metal ones. Internally the building would be converted to a two-storey, four bedroom dwelling.

The changes would largely retain the agricultural character of the building in accordance with Polies BH15 and BH16 of the CBLPFR and is considered to be acceptable in design and heritage terms.

The buildings identified for demolition are later additions that have no heritage value and detract from the character of the site.

The refusal of the last application was in part due to the impact of large, detached dwellings on the openness of the site and views of the group of heritage assets along with the landscaping. As originally submitted, the size and location of the new dwelling did not address these concerns. However, the revised plans have been submitted showing siting the dwelling adjacent to the eastern boundary and changes to the new dwelling. The proposal is therefore considered to be acceptable.

Paragraph 202 of the NPPF requires that: *'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'*

In terms of these proposals the erection of one new dwelling would lead to less than substantial harm and the public benefits of the restoration of the farmhouse and barn would give significant public benefits, outweighing the less than substantial harm.

### **Conclusion**

The development would secure the restoration of the Grade II listed farmhouse and associated outbuildings.

Previous applications have been refused and dismissed at appeal for 11, 6 and 4 dwellings. This application only proposes 1 additional dwelling, which is considered to be acceptable in terms of the effect on the setting of Dingle Farm (the less than substantial harm would be outweighed by the public benefits).

The application is therefore recommended for approval.

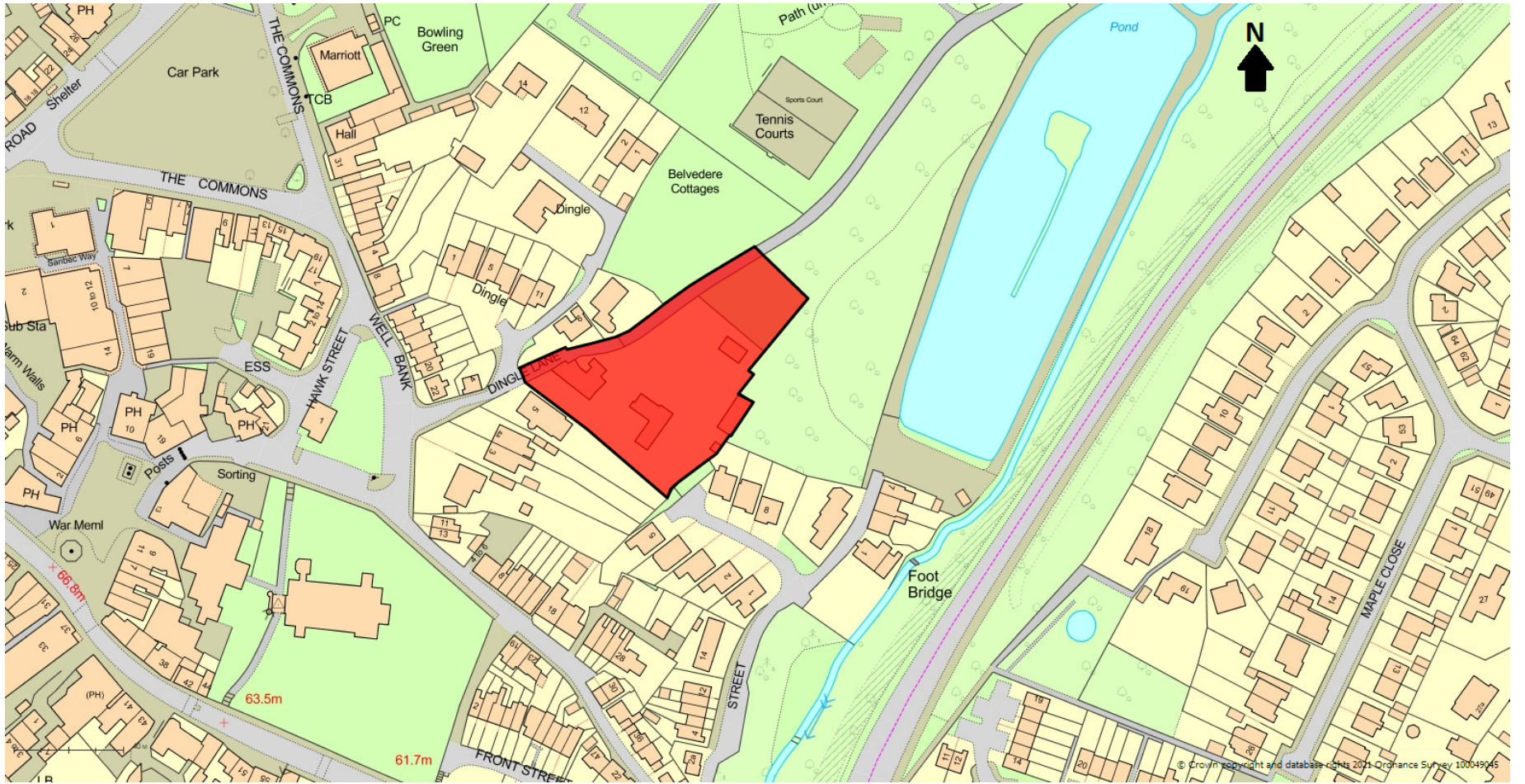
## **RECOMMENDATIONS**

**APPROVE** subject to the following condition:

1. Time limit
2. Approved plans
3. Submission of details of materials
4. Landscaping and boundary treatments
5. Implementation of landscaping and boundary treatments
6. Hours of construction, Mon to Fri 8am to 6pm, Sat 9am to 2pm, no working on Sundays or public holidays
7. Submission of details of works to windows and doors (farmhouse and barn)
8. Full schedule of internal works (farmhouse and barn)
9. Full photographic survey (farmhouse and barn)
10. All fascias, barge and verge boards to be timber
11. Full details of new internal doors, surrounds, flooring and skirting boards (farmhouse and barn)
12. All rainwater goods to be in cast metal painted black (farmhouse and barn)
13. Programme of archaeological works

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 his 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.





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Application No: 21/4863C

Location: PLOT 51, POCHIN WAY, MIDDLEWICH, CHESHIRE

Proposal: 'The erection of a logistics depot / yard unit (Use Class B8 with ancillary Class E office) comprising 612 sq.m (GEA) floorspace with access, service yard, car parking, HGV parking, landscaping and associated works'

Applicant: Tilstone Industrial Ltd

Expiry Date: 11-Nov-2021

## SUMMARY

This proposal would bring economic benefits through the delivery of new jobs within an established industrial park where the local plan allocates such uses.

The proposal is compatible with the surrounding development and the design, scale and form of the building would sit comfortably with those within the locality.

The impact on neighbouring residential amenity would not be significant.

Satisfactory access and parking provision can be provided and the development would not result in 'severe harm' on the local highway network subject to a contribution to the to the Middlewich Eastern Bypass.

The ecological impacts of the development can be satisfactorily mitigated.

Issues of air quality and contaminated land can be controlled by conditions.

The proposal is therefore found to be economically, socially and environmentally sustainable.

**RECOMMENDATION: Approve subject to the completion of a Section 106 Agreement to provide a contribution to the Middlewich Eastern Bypass and off site habitat creation**

## SITE DESCRIPTION AND CONTEXT

The application site comprises 2.9 hectares of land on the Midpoint 18 employment site in Middlewich. It is an allocated Strategic Site in the Cheshire East Local Plan Strategy (LPS 44 – Midpoint 18, Middlewich).

The site would be accessed from Sanderson Way and is bound by a railway line to the west. A public footpath (Middlewich FP10) runs along the northern boundary of the site.

## **DETAILS OF PROPOSAL**

The proposed development is for the erection of a logistics depot / yard unit (Use Class B8 with ancillary Class E office) comprising 612 sqm (GEA) floorspace with access, service yard, car parking, HGV parking, landscaping and associated works.

Although the description of development refers to the development as a logistics depot, from viewing the plans it is clearly consists of a large HGV car-park and associated ancillary office building.

## **RELEVANT HISTORY**

20/3934C – Lawful development certificate for existing buildings – Positive certificate 3<sup>rd</sup> December 2020

14/3141C – Variation of condition on application number 13/0247C – Approved 28<sup>th</sup> August 2014

13/0247C – Seven B1, B2 and B8 units – approved 22<sup>nd</sup> April 2013

## **NATIONAL & LOCAL POLICY**

### **National Policy:**

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

### **Development Plan:**

The Development Plan for this area comprises the adopted Cheshire East Local Plan Strategy (CELP), the Revised Publication Draft Site Allocations and Development Policies Document (SADPD) and the saved policies from the Congleton Borough Local Plan First Review (2005).

## **POLICIES**

### **Development Plan**

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

- PG1 – Overall Development Strategy
- PG7 – Spatial Distribution of Development
- PG2 – Settlement Hierarchy
- EG1 – Economic Prosperity
- EG3 – Existing and Allocated Employment Sites
- SD1 - Sustainable Development in Cheshire East
- SD2 - Sustainable Development Principles
- SE1 – Design
- SE2 – Efficient Use of Land

SE3 – Biodiversity and Geodiversity  
SE4 – The Landscape  
SE5 – Trees, Hedgerows, Woodland  
SE12 – Pollution, Land Stability and Land Contamination  
SE13 – Flood Risk and Water Management  
IN2 – Developer Contributions  
Site LPS 44 – Midpoint 18, Middlewich

### **Revised Publication Draft Site Allocations and Development Policies Document (SADPD)**

INF 6 – Protection of Existing and Proposed Infrastructure

**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.**

### **Congleton Borough Local Plan First Review (CBLPFR)**

PS4	Towns
GR5	Landscaping
GR6	Amenity and Health
GR7	Amenity
GR9	Accessibility, servicing and provision of parking
NR3	Habitats

The local referendum for the **Middlewich Neighbourhood Plan** was held on 14<sup>th</sup> March 2019 and returned a 'no vote'. As such it carries no weight.

### **Other Material Considerations**

Cheshire East Design Guide

Cheshire and Warrington Local Enterprise Partnership (LEP) – Mid-Cheshire and Middlewich Rail Study.

### **CONSULTATIONS:**

**Highways:** No objection subject to a contribution to the Middlewich Eastern Bypass.

**Natural England:** No objection.

**Flood Risk Management:** No objection.

**Environmental Protection:** No objection subject to conditions/informatives relating to air quality, contaminated land and noise and disruption.

**Environment Agency:** No objection.

**Middlewich Town Council:** None received at the time of report writing.

**Network Rail:** No objection but request informatives are included relating to the railway.

**United Utilities:** No objection subject to drainage conditions.

**Cheshire Archaeology Planning Advisory Service:** No objection.

**Public Rights of Way:** No objection.

**Canal and River Trust:** No objection.

**Natural England:** No objection.

## **REPRESENTATIONS**

One representation has been received expressing concerns about the parking layout.

## **APPRAISAL:**

### **Principle of Development**

The site is located within an existing employment area within the Middlewich Settlement Boundary and forms part of the Cheshire Local Plan Strategy Strategic Site 'LPS 44 Midpoint 18'. In respect of this the CELPS identifies that the development will be achieved with (amongst other things) phased delivery of up to 70 hectares of employment land, including the development of existing undeveloped sites: Midpoint 18 (Phases 1 to 3).

Policy EG1 of the CELPS also states that proposals for employment development (use classes B1, B2 and B8) will be supported in principle within key service centres (which includes Middlewich) as well as on employment land allocations in the Development Plan.

At a national level the NPPF (paragraph 81) also requires Local Planning Authorities to: *“create the conditions in which businesses can invest, expand and adapt. 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.”*

The proposal is therefore acceptable in principle subject to compliance with other relevant considerations.

### **Design and Landscape**

Policy SE1 of the CELP advises that the proposal should make a positive contribution to their surroundings in terms of sense of place, design quality, sustainable architecture, livability/workability and safety.

The character of the Midpoint 18 employment site is one of industrial premises of designs in keeping with their use. The building would be utilitarian in appearance and is designed for functionality rather than form. The proposed building is similar in design and size to other units in the vicinity, and it is considered that it will not appear as an alien or incongruous feature within the street-scene.

The Principal Landscape Architect considered that, as originally submitted, there was insufficient shrub and tree planting proposed and therefore the proposed landscaping was unacceptable. As such a condition is required to secure alternative landscaping for the site.

The proposal is therefore considered to be in compliance with Policies SD2 and SE1 of the CELPS.

### **Amenity**

Policy GR6 of CBLP and Policy SE12 of CELP require development to ensure that there would be no unduly detrimental effects on amenity due to loss of privacy, loss of sunlight and daylight, visual intrusion, environmental disturbance or pollution, traffic generation, access and parking. Policy SE12 also requires development to ensure that it is designed and located so as not to result in a harmful or cumulative impact upon air quality. This is in accordance with paragraph 103 of the NPPF and the Government's Air Quality Strategy.

The area is predominately industrial in character being positioned on the edge of Midpoint 18. There are no residential properties in the immediate vicinity of the site and as such, no significant adverse impacts are anticipated in respect of noise and disruption, visual intrusion and loss of daylight/sunlight or privacy subject to appropriate conditions.

This proposal is for the development of a logistics depot. Whilst this scheme itself is of a scale which would not require an air quality impact assessment, there is a need for the Local Planning Authority to consider the cumulative impact of a large number of developments in a particular area. In particular, the impact of transport related emissions on Local Air Quality. As such conditions should be imposed relating to air quality, including a Travel Information Pack and ultra low emission boilers.

Middlewich has two Air Quality Management Areas and, as such, the cumulative impact of developments in the town is likely to make the situation worse, unless managed.

The Contaminated Land team has no objection to the application subject to conditions relating to assessments and investigations for contamination on the land.

Informatives are recommended in relation to travel plan, low emission boilers, EV charging, construction hours, piling, floor floating and dust management.

The proposal is therefore considered to be in compliance with Policies GR6 and GR7 of the CBLPFR and Policy SE12 of the CELPS.

### **Highways**

This site has been previously approved for an industrial development in application 20/3934C that had a total floorspace of 4,459Sq.m. The site was accessed via an extension to the access road serving the adjacent commercial development.

This application is for a logistics depot in B8 use with ancillary office 612 Sqm GEA floorspace and a service yard, car parking and HGV parking.

### **Access**

Sanderson Way will be extended to provide access to the site, there are two access points the western access is for car use being 6m wide and the eastern access is 11.4m wide and is intended for HGV access. The 2m footway will also be extended to access point on the frontage of the site and there is also a pedestrian gate to Sanderson Way.

### *Parking*

The parking provision has 32 standard car parking spaces, 20 EV spaces and 5 disabled spaces, a total of 57 spaces. There are 67 HGV parking spaces provided. 10 cycle stands are provided. The level of car parking is in accordance with the CEC requirements for parking to be provided on the site.

### *Development Traffic Impact*

As there is a significant reduction in floorspace in this application from the floorspace previously approved on the site, the peak hour traffic generations will be lower and will have a reduced impact on the local road network. In these circumstances, the traffic impact of this application is acceptable.

### *Cycle Provision*

The submitted site plan does show secure cycle parking provision for 20cycles. The plans however do not show any shower facilities for cyclists and this should be secured by condition.

### *Highways Summary*

There are no highway objections to the application as there will be a reduced traffic impact on the road network compared to the previously approved scheme. However, whilst the previously approved 13/0247C did not provide a contribution to the MEB, the policy requirement was for one to be provided. Given that this is a new application, a contribution is required in line with contributions made on other development sites within Midpoint 18. The amount of the contribution is currently being calculated and an update will be provided to committee prior to a decision being made.

The proposal is therefore considered to be in compliance with Policy GR9 of the CBLPFR and the parking standards set out in the CELPS.

## **Nature Conservation**

### *Reptiles, Great Crested Newt and other Amphibian Species*

It is considered that these species are not reasonably likely to be significantly affected by the proposed development.

### *Other Protected Species*

Other Protected Species are known to be present in this locality and setts have previously been recorded on the application site. No evidence of activity was however recorded during the submitted survey. Therefore, based on the current status of other protected species on site it is considered that the proposed development is unlikely to have a significant adverse impact upon this species.



As the status of other protected species at a site can change in a short timescale, it is recommended that if planning consent is granted a condition should be attached which requires the submission of an updated survey if development has not commenced by the 13th August 2022.

### *Otter and Water Vole*

No evidence of otter was recorded during the submitted survey. Otters are however known to occur in this locality and so the species is likely to occur on the Sanderson's Brook, to the south of the application site, on a transitory basis.

Due to a lack of features suitable for shelter and protection it is considered that the proposed development is not reasonably likely to result in an offence in respect of Otters. The submitted ecological assessment includes proposals to minimise the risk to Otters.

It is therefore considered that Water Vole are not reasonably likely to be present or affected by the development.

### *Hedgehog and Brown Hare*

The submitted ecological assessment advises that the application site may provide opportunities for these two priority species. It is considered that if present the proposed development would result in a localised adverse impact as a result of the loss of suitable habitat. The proposed development would also present the risk of killing or injuring any animals present during the construction phase. Measures to minimise this risk have been included in the ecological assessment.

If planning consent is granted that a condition is required to ensure the implementation of measures to minimise the risk to Otters, Hedgehogs and Brown Hares.

### *Lighting*

Whilst the application site offers limited opportunities for roosting bats, bats are likely to commute and forage around the site to some extent and otters may pass through the site on occasion. To avoid any adverse impacts on bats and otters resulting from any lighting associated with the development It is recommended that if planning permission is granted a condition should be attached requiring any additional lighting to be agreed with the LPA.

### *Barn Owls*

This priority bird species is known to be present in the vicinity of the application site and is likely to use the rough grassland habitats on site for foraging. The proposed development is therefore likely to have an adverse impact upon this species as a result of the loss of suitable foraging habitat. If the Council is minded to grant permission for this proposed scheme it is recommended that a commuted sum be secured to enable off-site habitat creation works for barn owls to be completed. This could be delivered in tandem with any measures required to deliver biodiversity net gain.

### *Nesting Birds*

If planning consent is granted a condition is required to safeguard nesting birds.

### *Biodiversity Net Gain*

In accordance with Local Plan policy SE3(5) all development proposals must seek to lead to an overall enhancement for biodiversity. In order to assess the overall loss/gains of biodiversity an assessment undertaken in accordance with the Defra Biodiversity 'Metric' version 3 must be undertaken and submitted with the application.

If additional habitat creation measures are required to ensure the site achieves a net gain for biodiversity consideration should be given to the creation of additional ponds and species rich grassland. Offsite habitat creation may be required if an appropriate level of habitat creation cannot be delivered on site.

This planning application provides an opportunity to incorporate features to increase the biodiversity value of the final development in accordance with Local Plan Policy SE 3.

It is therefore recommended that the applicant submits an Ecological Enhancement strategy and this should be secured by condition.

The proposal is therefore considered to be in compliance with Policy SE3 of the CELPS.

### **Flood Risk and Drainage**

The Council's Flood Risk Manager has assessed the application and is satisfied that, subject to conditions, the proposal is acceptable in flood risk terms.

United Utilities have no objection subject to drainage conditions.

### **Archaeology**

The area of proposed development has previously been subject to consultation and archaeological investigation.

The previous archaeological investigation took the form of a supervised Metal Detector survey undertaken by Oxford Archaeology North in 2017. This work produced a formal report outlining the findings of the survey, highlighting the artefacts recovered and the potential underlying archaeological deposits.

The findings within the report suggest that there is likely to be little remaining below ground archaeological deposits within the proposed development area, therefore, there are no further archaeological requirements for this proposed development.

### **S106 contributions:**

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.

In this case, a contribution to the Middlewich Eastern Bypass and off site habitat creation are necessary, directly related to the development and fairly and reasonably related in scale and kind to the development. The trigger for payment should be first occupation of the building.

## **CONCLUSIONS**

This proposal would bring economic benefits through the delivery of new jobs within an established industrial park where the local plan allocates such uses.

The proposal is compatible with the surrounding development and the design, scale and form of the building would sit comfortably with those within the locality.

The impact on neighbouring residential amenity would not be significant.

Satisfactory access and parking provision can be provided and the development would not result in 'severe harm' on the local highway network subject to a contribution to the Middlewich Eastern Bypass.

The ecological impacts of the development can be satisfactorily mitigated.

Issues of air quality and contaminated land can be controlled by conditions.

The proposal is therefore found to be economically, socially and environmentally sustainable.

## **RECOMMENDATION:**

**Approve subject to the completion of a Section 106 Agreement to secure a contribution to the Middlewich Eastern Bypass and off site habitat creation and the following conditions:**

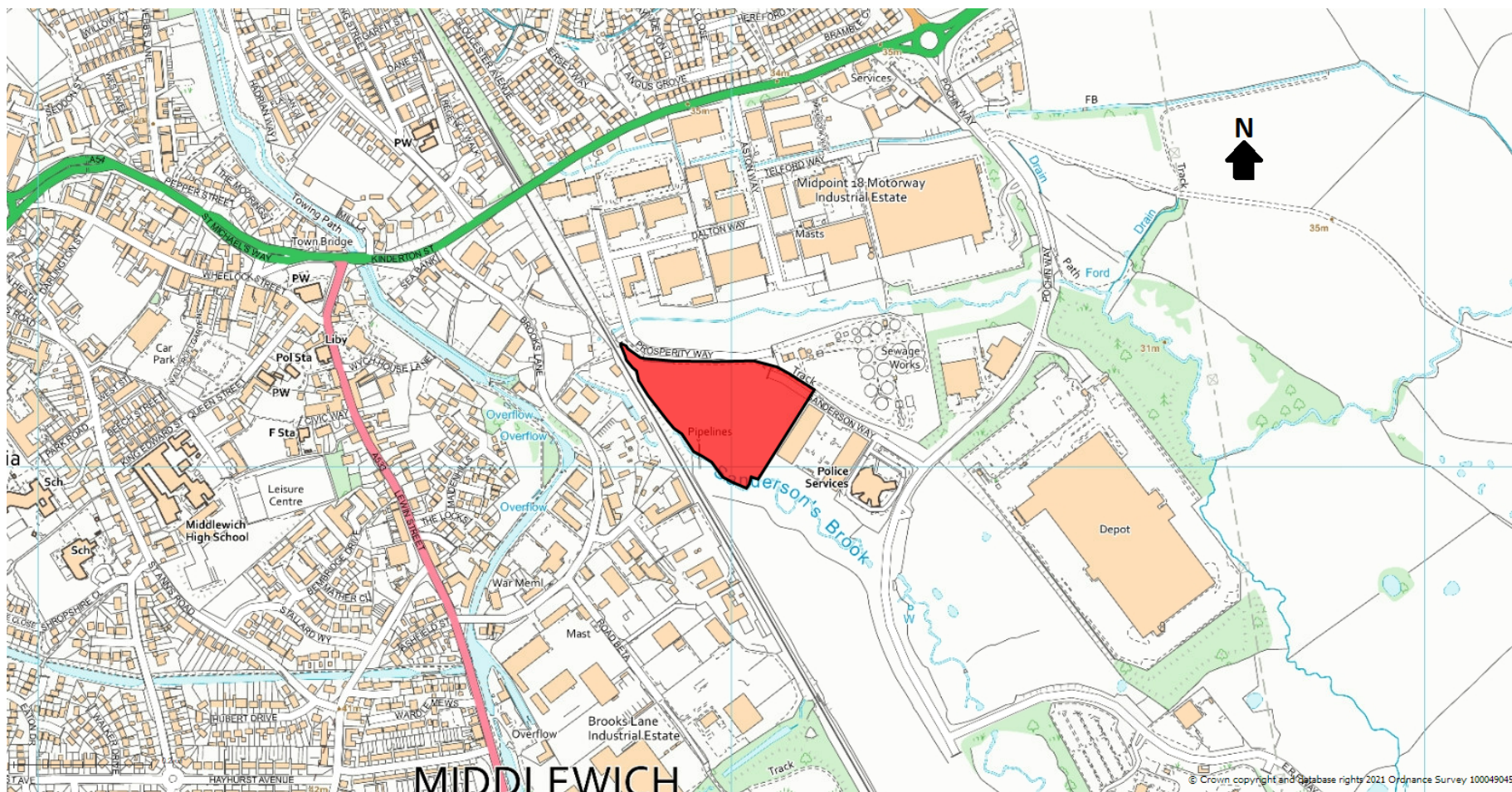
- 1. Time limit (3 years)**
- 2. Development in accordance with the approved plans**
- 3. Materials**
- 4. Submission and implementation of an Electric Vehicle Infrastructure plan**
- 5. Submission and approval of details ultra low emission boilers**
- 6. Submission of Phase II ground investigation and risk assessment and any mitigation measures required**
- 7. Submission and approval of a verification report in accordance with the remediation strategy**
- 8. Testing of soil and soil forming materials to be brought on to the site**
- 9. Ceasing of works if during the course of development, contamination not previously identified is found**
- 10. Development to be carried out in accordance with the submitted Flood Risk Assessment**
- 11. Submission of detailed drainage strategy**
- 12. Submission and approval of details of ground levels and finished floor levels**
- 13. Submission and implementation of a detailed landscape plan**
- 14. Submission of an updated Badger Survey if development does not commence before 13<sup>th</sup> August 2022**

15. Development in accordance with the mitigation measures set out in paragraphs 5.4, 5.7 and 5.15 of the submitted Ecological Impact Assessment
16. Submission of details of any additional external lighting
17. Submission of an Ecological Enhancement Strategy
18. Submission of a revised landscaping scheme
19. Submission of a plan showing shower facilities

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 Planning, in consultation with the Chair (or in their 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.

Should this application be the subject of an appeal, authority be delegated to the Head of Planning in consultation with the Chair (or in their absence the Vice Chair) of the Southern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

1. Contribution to the Middlewich Easter Bypass (amount to be confirmed)
2. Contribution to off site habitat creation



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