

# Southern Planning Committee

## Agenda

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**Date:** Wednesday 9th February 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.** Lateral Flow Testing: 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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**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.**

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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 meetings are audio recorded and the recordings are uploaded to the Council's website.

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Please contact Rachel Graves on 01270 686473

E-Mail: [rachel.graves@cheshireeast.gov.uk](mailto:rachel.graves@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

## **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 - 8)**

To approve the minutes of the meeting held on 5 January 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 - DINGLE FARM, DINGLE LANE, SANDBACH, CHESHIRE, CW11 1FY: 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 (Pages 9 - 26)**

To consider the above application.

### **6. 21/3505N - THE PARKES, MONKS LANE, AUDLEM, CHESHIRE, CW3 0HP: Change of use from use class C3 (residential) to sui generis (wedding venue) and associated parking. (Pages 27 - 40)**

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

**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Southern Planning Committee**  
held on Wednesday, 5th January, 2022 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, J Bratherton, S Davies, A Gage, S Hogben, D Marren,  
C Naismith, L Smith, J Wray and D Edwardes

**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

**48 APOLOGIES FOR ABSENCE**

Apologies of absence were received from Councillor Penny Butterill  
(Councillor David Edwardes substituted).

**49 DECLARATIONS OF INTEREST/PRE DETERMINATION**

In the interests of openness and transparency, in respect of application 21/3180C, Councillor Mike Benson declared that whilst he had called this application in, it was on behalf of Sandbach Town Council, and he was approaching the application with an open mind and was not pre-determined in any way.

**50 MINUTES OF PREVIOUS MEETING**

Councillor David Marren noted that he had given his apologies for the meeting held on the 24 November 2021, but this had been omitted from the minutes.

**RESOLVED:**

That with the inclusion of the apologies from Councillor David Marren, the minutes of the meeting 24 November 2021 be accepted as a correct and accurate record.

**51 PUBLIC SPEAKING**

**RESOLVED:**

That the public speaking procedure be noted.

**52 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**

Consideration was given to the above application.

(Local Resident Trevor Boxer attended the meeting and spoke against the application. The Applicant Richard Peel attended the meeting and spoke in favour of the application.)

**RESOLVED:**

That the application be DEFERRED for the following reason:

to provide a more detailed update on the development to the process of designating Dingle Lane as a Public Right of Way (PRoW) and to request that the PRoW Officer to attend the Southern Planning Committee meeting.

(This decision was contrary to the officer's recommendation of approval.)

**53 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**

Consideration was given to the above application.

(Local Resident Tony Bastock attended the meeting and spoke against the application.)

**RESOLVED:**

That, for the reasons set out in the report, the application be APPROVED as recommended, with the following conditions:

- 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 fascia's, 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
- 14) External window frames on all new buildings recessed by a minimum of 100mm
- 15) Sample panel showing colour, texture, bond and pointing for both new and restored buildings to be submitted.
- 16) Submission of a schedule of doors to be altered, replaced, removed or reused on the listed buildings
- 17) Submission of a structural report setting out the existing condition of listed buildings and proposed works for restoration, including a repair schedule with a timetable for works to be undertaken
- 18) All demolition work to be carried out by hand
- 19) Notification of completion of works to the listed structures to the LPA in order that they can be inspected
- 20) Details of gates and fences to be submitted
- 21) Notwithstanding any details within the reports and plans, no insulation is approved for the walls to the listed farmhouse

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.

- 54 **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**

Consideration was given to the above application.

**RESOLVED:**

That the application be DELEGATED to the Head of Planning in consultation with the Chair of Southern Planning Committee to resolve the Heads of Terms for the S106 Agreement in terms of the:

- Contribution to the Middlewich Eastern Bypass
- Contribution to enable off-site habitat creation works for Barn Owls
- Biodiversity Net Gain Contribution

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) 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 plan showing shower facilities and locker storage.
- 19) Covered cycle parking to be submitted and approved.

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 resolve the Heads of Terms for the S106 Agreement in terms of the:

1. Contribution to the Middlewich Eastern Bypass (amount to be confirmed)
2. Contribution to enable off-site habitat creation works for Barn Owls
3. Biodiversity Net Gain Contribution

(This decision was contrary to the officer's recommendation of approval.)

The meeting commenced at 10.00 am and concluded at 11.45 am

Councillor A Kolker (Chair)

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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**

## **DEFERRAL**

The application was deferred from the meeting on 5<sup>th</sup> January 2022 to allow for the provision of a more detailed update of what is happening with the process of designating Dingle Lane as a public right of way. Members also requested that a Public Rights of Way Officer attend the next meeting.

## **Public Rights of Way**

1. This briefing note is intended to update Members with regards to the claimed public footpath application along Dingle Lane, an issue which has been raised in relation to the above planning application.

### *Background – The Definitive Map Modification Order Process*

2. The Definitive Map and Statement is the legal record of public rights of way which proves conclusively, in law, the existence and status of a public right of way at a specified date, known as the Relevant Date. The public rights have legal protection and may only be changed or extinguished through a legal process.
3. The Council has a waiting list of Definitive Map Modification Order (DMMO) applications, for the Definitive Map and Statement, the legal record of PROW, to be updated. This is a statutory duty of the Council under the Wildlife and Countryside Act 1981. Most commonly these are 'claims' for routes which are not currently recorded to be added to the legal record. The rate of applications being registered is increasing as a result of the Covid pandemic and potential 2026 'cut-off date' in the Countryside and Rights of Way Act 2000 – with over one quarter of the waiting list having been registered since the start of 2019.
4. Processing of a case is complicated and time consuming. Historical and/or user evidence must be examined and considered against legal tests, with a recommendation put to the Public Rights of Way Sub Committee for determination. If determined to make a legal order, there are set statutory timeframes relating to advertising and public consultation. Thus, the duration of any one case can be 9-12 months, and longer if objections necessitate referral to the Secretary of State and public inquiry.
5. The Secretary of State recognises that the task of bringing Definitive Maps up to date is considerable and best practice for the Council is to publish periodic statements of its priorities for processing applications, this being a demonstration of an Authority's acknowledgement of its duty, and of a determination to progress with the work. Thus, a Statement of Priorities, adopted by the Public Rights of Way Committee, is employed to score applications according to their value against corporate strategy objectives, in addition to a number of other factors. Applications are then processed in order of highest value to the wider community.
6. Regardless of the score an application receives, any potential route that is threatened by development is taken out of turn and dealt with as promptly as resources permit. The planning application must have been granted first before a route is considered threatened. The Public Rights of Way team will usually have been consulted on the planning application, and advice is given to the developer regarding the application.

7. Applicants are able to appeal to the Secretary of State for a determination if the Council has not determined their case within 12 months, with the Secretary of State most commonly directing the Authority to determine the case, again normally within 12 months.

*DMMO Application CO/8/49 - Application for the Addition of a Public Footpath from Dingle Lane (leading from Well Bank) to Sandbach Footpath No. 11*

8. This application was made in March 2016 under Schedule 14 Wildlife and Countryside Act 1981. The application is for the addition of a public footpath to the Definitive Map and Statement as shown on the plan in the key plans pack.
9. In March 2016 the application was ranked at 15 out of 33 applications. All applications are reviewed annually. This application is now currently at number 5 out of 47 applications awaiting determination.
10. In November 2021 the applicant decided to apply to the Secretary of State for a direction request. The Planning Inspectorate deal with the case on behalf of the Secretary of State and we are presently awaiting their decision. As stated above, most commonly the Authority will be given a period of 12 months in which to determine the application.
11. As the route is not currently shown on the Definitive Map, the Public Rights of Way team have no jurisdiction over it. It is understood that members of the public do currently use the route, and the developer of the Dingle Farm site has indicated they are content for this to continue and have no intention of preventing use. The applicant of the DMMO is concerned that there is currently no legal protection whilst the route is unrecorded.
12. The claimed route along Dingle Lane comprises of the section owned by the Dingle Farm site, with the remainder of the route owned by Cheshire East Council. The developer of the Dingle Farm site has stated they would be willing to dedicate a Public Footpath along the route, although they do not yet own the site. If planning consent is given and they then become the owner of the site, they could enter into a Creation Agreement under s25 of the Highways Act 1980 to formally dedicate the route. Legal opinion has been sought and given by a CE Council lawyer. This states that the dedication of the path is not a material consideration in the determination of this planning application. In addition, to require the dedication of the path by a Section 106 Agreement or condition would not meet the tests for such agreements, as it is not necessary, directly related to the development and fairly and reasonably related in scale and kind to the development.
13. As the Council own the remainder of the route a Deed of Dedication under s1 of the Localism Act 2011 could be completed for that section.
14. If the route were to be formally dedicated through these processes, the route would then be shown on the Definitive Map, thus negating the need for the DMMO to be investigated and determined.
15. If the route is not dedicated, the Public Rights of Way team would investigate the DMMO in due course and, as far as resources permit, within the timeframe given in any direction to determine issued by the Secretary of State.

16. Should the Council resolve to make a DMMO (or is ordered to by the SoS on appeal) and it is subsequently confirmed, a public footpath along Dingle Lane would be added to the Council's definitive maps. Any objects which might have appeared over time, would amount to an obstruction and could be removed.

### **Further Representation**

Following the previous meeting a further representation has been received from the owner of 7 Dingle Lane, who spoke at the meeting. This clarifies that the owners of the land on the northern side of the lane are the owners of Nos. 6 and 7 Dingle Lane.

It goes on to state that the points they wanted to make at the meeting, were that they rather reluctantly did not oppose the new build, despite winning many battles against development before, as they believe that the farm house and even the barn are in some danger of further and catastrophic deterioration and fire.

### **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 shippoon 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
1. Approved plans
2. Submission of details of materials
3. Submission of a Phase 1 contaminated land survey and mitigation and remediation if required
4. Tree protection measures
5. Landscaping and boundary treatments
6. Implementation of landscaping and boundary treatments
7. Hours of construction, Mon to Fri 8am to 6pm, Sat 9am to 2pm, no working on Sundays or public holidays
8. Submission of details of any piling operations
9. Submission finished ground and floor levels
10. Submission of details of works to windows and doors (farmhouse and barn)
11. Full schedule of internal works (farmhouse and barn)
12. Full photographic survey (farmhouse and barn)
13. All fascias, barge and verge boards to be timber
14. Full details of new internal doors, surrounds, flooring and skirting boards (farmhouse and barn)
15. All rainwater goods to be in cast metal painted black (farmhouse and barn)
16. Construction management plan



17. Programme of archaeological works
18. Submission of details of external lighting
19. Development carried out in accordance with recommendations within the Supplementary Bat Survey
20. Updated Badger survey prior to commencement of development
21. Submission of an ecological enhancement strategy (provision of bird boxes, gaps for hedgehogs etc.)
22. Submission of a landscape management plan for on-site landscape works
23. Removal of PD rights for barn conversion
24. 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 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: 21/3505N

Location: THE PARKES, MONKS LANE, AUDLEM, CHESHIRE, CW3 0HP

Proposal: Change of use from use class C3 (residential) to sui generis (wedding venue) and associated parking.

Applicant: Mr Anthony Parker

Expiry Date: 24-Aug-2021

## **SUMMARY**

The application site relates to the property known as The Parkes which lies within open countryside to the north of Audlem and accessed via a driveway from Monks Lane. The Parkes was formerly part of the adjoining working Dairy Farm, but this former farmhouse has however been separated from the farm complex for some time.

This application seeks approval for the change of use and renovation of The Parkes to a wedding venue. The proposals have been significantly amended during the course of the application. A previously proposed marquee has been omitted, the scale of wedding events reduced, with events to only take place within the house.

Within the Open Countryside Policy EG.2 of the Local Plan encourages the retention and expansion of existing business, particularly through the conversion of existing buildings. Policy NE.15 and CELPS Policy PG6 also allow for the re-use and adaption of rural buildings for a commercial use NPPF (paragraph 84) further states that planning authorities should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.

The Environmental Health Officer raises no objections to the proposed re-use of The Parkes as a Wedding subject to the recommended conditions. It is considered that the proposed operation of the wedding venue in this location to host relatively small events (60 guests) limited to twice a week, would not result in a significant noise impact that would be harmful to amenity or living conditions of nearby residential properties.

The Highways Officer is satisfied that based on an assessment of the reduced capacity of the venue to 60 guests, and considering the levels of vehicular movements generated by wedding events, the proposals will not have adverse impact on highway safety or cause unacceptable congestion on the local road network.

The proposal would bring positive planning benefits such economic and social benefits through rural diversification and spending in the local economy and complimentary businesses.

Subject to the recommended conditions being imposed, it is considered that the benefits of the proposal outweigh any negative impacts. As such, the proposed application is recommended for approval.

## **RECOMMENDATION**

**Approve Subject to Conditions**

## **REASON FOR REFERRAL**

This application has been referred to the Southern Planning Committee by Cllr Rachel Bailey for the following reasons:

*Significant concern as to impact on amenity of local residents in terms of access/exit to the site, hours of operation and potential levels of noise.*

## **DESCRIPTION OF SITE AND CONTEXT**

The application site relates to a substantial property known as The Parkes, comprising a large former farmhouse, its grounds which includes a tennis court and part of a field on the northern side of the property. The site lies within the open countryside to the north of Audlem.

The Parkes is accessed off Monks Lane, via a private drive. Part of the driveway also accommodates the route of Public Footpath Audlem FP17 which runs northward from Monks Lane.

The Parkes was formerly part of the adjoining working Dairy Farm. The former Farmhouse has however been separated from the farm complex for some time. Farm traffic uses an access road leading off the driveway to the south of The Parkes and was approved under 19/5658N. A small group of traditional farm buildings adjoining the eastern site boundary are within the applicant's ownership, beyond which are operation areas and building of the farm complex.

The farmhouses and its grounds are screened through established wooded boundaries to south and west of the site.

## **DETAILS OF PROPOSAL**

This application seeks approval for the change of use and renovation of this large house and its grounds known as The Parkes for as a wedding venue.

The proposals have been significantly amended during the course of the application. A previously proposed marquee to be sited on the tennis court has been omitted from the application. The scale of wedding events has been reduced, and which will only take place within the house.

The proposed change of use would enable year-round indoor weddings, with up to 60 guests to be held within The Parkes. The venue will also include 4 bedrooms for use by guests.

The proposals include the provision of car parking within the application site. Parking areas are located off the private driveway to the south of the existing tennis court and within a small part of part of a field to the north of the house which will accommodate 70 parking spaces. Grass reinforcement mesh will be used to protect grassy areas used for parking.

## **PLANNING HISTORY**

There is an extensive history of agricultural operations on this site. The most recent of which is relevant to this proposal;

19/5658N - Agricultural determination for a proposed new road 145m in length and 4.5m in width.  
Approved 02-Jan-2020

14/5155N - Proposed Agricultural Entrance, Drive and Passing Bays. Refused 23-Dec-2014

## **POLICIES**

### **Cheshire East Local Plan Strategy**

MP1 Presumption in favour of sustainable development  
PG1 Overall Development Strategy  
PG6 Open Countryside  
EG2 Rural Economy  
EG4 Tourism  
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 and Woodland  
CO1 Sustainable Travel and Transport

The Cheshire East Local Plan Strategy was formally adopted on 27th July 2017. There are however policies within the legacy Local Plan that still apply and have not yet been replaced. These policies are set out below.

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

NE.5 - Nature Conservation and Habitats  
NE.9 - Protected Species  
NE.13 - Rural Diversification  
NE.15 - Re-use And Adaptation of a Rural Building for a Commercial. Industrial or Recreational Use  
BE.1 - Amenity  
BE.3 - Access and Parking  
BE.4 - Drainage, Utilities and Resources  
RT.9 - Footpaths and Bridleways

### **Audlem Neighbourhood Plan**

The plan was made on the 12 April 2016.

Policy D10: Drainage  
Policy D13: Safe Access  
Policy D15: Reuse of Redundant Buildings  
Policy B2: Redundant Farm Buildings  
Policy B6: Tourism  
Policy T2: Traffic Congestion and Risks to Road Users  
Policy T4: Pedestrian Footways

Policy CW2: Community Facilities and Services

### **National Policy**

National Planning Policy Framework (NPPF)

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

**Environmental Health:** No objection to amended proposals subject to conditions.

**Highways:** No objection

**Public Rights of Way:** No objection subject to access to be made good post construction and standard informatives.

**Flood risk:** No objection

**Audlem Parish Council:** Updated comments as follows in respect of the amended proposals;

Acknowledges the revised plans for the proposed wedding venue in Monks Lane. The removal of the need for a marquee should contribute greatly to noise reduction for neighbouring properties. Should the applicants agree to the proposed operating hours suggested by Cheshire East Environmental Services this again reduces both noise levels and impacts on times of vehicles leaving the venue in the early hours.

However, should the applicants have objections to these operating proposals the Parish Council would like the applicants to advise how they intend to limit the impact on neighbouring properties of vehicles leaving in the early hours of the morning.

The Parish Council would have no objections should these conditions be met.

**Hankelow Parish Council:** Comment as follows (in relation to originally submitted proposals) ;

- The hours of operation for this venue are stated between 0800 hours and 0100 hours. The Parish Council is concerned about the increase in noise levels if this planning application were to be approved on this basis, particularly loud music from the development, and would seek assurance that the music will cease no later than 10.30pm, Sunday-Thursday and no later than 11pm on Friday and Saturday. The Parish Council requests that a noise assessment is carried out before final consideration of this planning application.
- The wedding venue is capable of accommodating up to 300 guests. The Parish Council is concerned about the associated increase in traffic on Monks Lane if this planning application were to be approved and requests that a representative from Highways visit the site to review the Lane and provide an assessment on whether it can accommodate the proposed increased volume of traffic.
- Concern about light pollution and ask that outside lighting should be kept to the minimum required for safety and security. It should be well located and directed downwards and designed to minimise the impact on the environment and on wildlife.

### **OTHER REPRESENTATIONS:**

A total 116 representations have been received which object to the proposal for the reasons summarised below:



- Amended details do not demonstrate that this location is suitable
- Not in keeping with quiet, rural setting and local infrastructure will not support the change of use.
- Inappropriate location too close to residential area
- Detrimental to quality of life
- Noise pollution and disturbance from wedding events, including loud music, fireworks, and traffic noise late into the night/early hours
- Noise will carry across open fields particularly in the evenings and summer months when windows at venue remain open
- Noise levels will have a detrimental impact on the amenities, health/medical conditions of residents of Corbrook Park nursing home which incorporates a dementia unit.
- Excessive noise generation from marquee
- Wedding party traffic/revellers leaving venue would disturb residents late into the night,
- Noise/disturbance from contractors/wedding staff leaving in the early hours.
- Disagree with consultation response of the Council's Environmental Health Officer. As no proper analysis of noise levels resulting from music nor consideration of need for sound proofing/glazing/ windows to be kept shut, or the nature of the entertainment proposed. Irrational to conclude that discos/live music/wedding setting up will have no impact on nearby properties.
- The proposed conditions will not have the effect of reducing the impact to an acceptable level
- Without an effective air conditioning system, even though the proposal is to hold events indoor, if windows/doors are kept open this will result in noise escape
- Increase in light pollution
- Exacerbate existing highway safety problems
- Increase in traffic congestion
- Exacerbate problems of traffic congestion at junction of Heathfield Road and Monks Lane due to traffic movements generated by Audlem St. James School and the school nursery also proposed for expansion
- Monks Lane is a largely narrow single-track, unlit country lane, subject to national speed limit (60mph) beyond the village with several blind bends, including one immediately at the entrance to The Parkes.
- Increase in traffic on Monks Lane and Heathfield Road will result in increased highway dangers to pedestrians, school children and cyclists. These roads are very narrow without pavements, lack passing places and are in disrepair.
- Exacerbate existing highway problems resulting from numbers of large agricultural vehicles travelling between Heathfield Road and The Parkes (farm).
- 14/5155N for an additional access road to be built to Parkes Farm from Monks Lane was rejected because of farm traffic causing severe issues on Monks Lane.
- Additional traffic on A529 and through Audlem
- Hazardous directions to venue will be given SATNAV. If approaching venue from the east of Audlem vehicles will be directed up Heathfield Road past the primary and nursery schools and from the north routed via Monks Lane from Longhill Lane which is a narrow, single track route with very few passing spaces
- Highway & Transport Report inaccurate and underestimates resulting levels of traffic
- Audlem Neighbourhood Plan highlights traffic congestion and risks to road users in Heathfield Road and proposals contrary to policy T2
- The driveway from Monks Lane to The Parkes is a public footpath/right of way resulting in safety risks to users
- Adverse impact on livestock and wildlife
- Number of guests should be restricted to 60 and events limited to 2 per week



- Once venue is established no real assurance there will be no increase in scale, a change of management policy or effective enforcement of the conditions proposed
- Potential for further applications to extend the business.
- No economic benefit to the village and may take business away from venues in the village and others in wider the area
- Proposals are for a hotel given inclusion of 4 bedrooms
- Adverse visual impact of car parking area
- Reduction in property values
- Floor plans do little to inform future use of the building
- Contradictions/Omissions in Design Access and Planning Statement
- Proposals contrary to the objectives and criteria of Policies T2, B2 and CW2 of the Audlem Neighbourhood Plan
- Contrary to Policy PG 6 of Cheshire East Local Plan Strategy
- Contrary to policies of Hankelow Neighbourhood Plan (NB site not within Hankelow Neighbourhood Plan area)
- A Committee site visit is necessary to appreciate how close site is to nearby dwellings and Corbrook Park care home

A total of 3 representations have been received in support of the application for the following reasons;

- Enterprise will bring much needed revenue, jobs and business to Audlem given economic impact over the last 2 years from Covid 19.
- The Parkes is located well away from the village and proposals will not have a detrimental impact
- Provided the stated arrangements are put in place and enforced to protect the environment, these proposals to reuse the building will greatly benefit the local town and businesses and outweigh drawbacks
- With many new young couples moving into the village more this is a perfect location to keep a wedding local
- Audlem village with fantastic local amenities and a beautiful church would benefit from the proposed wedding venue
- Along with the opening of the community pub in Hankelow passing trade, wedding guests etc would support business

### **OFFICER APPRAISAL**

#### **Principle of Development**

The development is outside of the settlement boundary and within the open countryside. The proposals relate to re-use of this substantial, former farmhouse to accommodate a wedding venue.

Saved Policy NE.15 and CELPS Policy PG.6 allow for the re-use and adaption of rural buildings for a commercial use with the relevant criteria being:

Policy NE.15:

- The building is of substantial, sound and permanent construction
- The form, bulk and general design of the building is in keeping with its surroundings

- Any conversion work respects local building styles and materials

### CELPS Policy PG.6:

- the building is permanent, substantial and would not require extensive alteration, rebuilding or extension.
- The development is essential for the expansion or redevelopment of an existing business

With the regard to the two Policies above, the existing building is substantial, sound and of permanent construction. Furthermore, the proposed alterations will be minimal, and primarily relate to the renovation of the building, in order to make it suitable for the proposed change of use.

Following on from CELPS Policy PG.6, Policy EG.2 is consistent with the objectives of NPPF (para 84) which states that planning authorities should support economic growth in rural areas in order to create jobs and prosperity. A positive approach should be taken to sustainable growth and expansion of all types of business and enterprise in rural areas, particularly through the conversion of existing buildings. However, it should be ensured that development is sensitive to its surroundings and does not have an unacceptable impact on local roads. Further to this, there should not be any conflict with other relevant Local Plan Policies.

Outside the Principal Towns, Key Service Centres and Local Service Centres, Policy EG.2 allows developments that:

- Provide opportunities for local rural employment development that supports the vitality of rural settlements;
- Create or extend rural based tourist attractions, visitor facilities and recreational uses;
- Encourage the retention and expansion of existing businesses, particularly through the conversion of existing buildings

Will be supported where:

- Supports the rural economy, and could not reasonably be expected to locate within a designated centre by reason of their products sold
- Is supported by adequate infrastructure
- Is consistent in scale with its location and does not adversely affect nearby buildings and the surrounding area or detract from residential amenity
- Is well sited and designed in order to conserve and where possible enhance the character and quality of the landscape and built form

In addition, the criteria of ANP policies Policy B2: Redundant Farm Buildings, Policy B6: Tourism and Policy CW2: Community Facilities and Services largely echo the requirements of Policy EG2 above.

It is considered that the proposed development will comply with the first parts Policy EG2 as it provides employment opportunities not only at the site but also with other local services associated with the wedding venue use and will essentially provide a rural based visitor/recreational facility.

In terms of the second part of this policy the proposal would support the rural economy by virtue of being sited in a rural area. The use could not be expected to locate to a designated centre as the nature of the use typically relies on the rural setting. In terms of adequate infrastructure, the Highway Officer has confirmed the road network can accommodate the proposed use without resulting in highway safety or management problems. As addressed in amenity section below the revised proposals will not result in an unacceptable impact on the amenities of local residents.

Further to the above criteria, the development will have a minimal impact on the character or appearance of the existing farmhouse and proposed parking areas would not constitute a significant feature with the landscape given screening from existing woodland/vegetation and the backdrop of the adjacent farm complex and building close to the eastern site boundary. It is therefore considered that the principle of the proposed development is in accordance with Policies NE.15 of the C&NLP, PG6 and EG2 of the CELPS and B2 and B6 of the ANP.

### **Amenity**

Saved Policy BE.1 of the Local Plan advises that new development should not be permitted if it is deemed to have a detrimental impact upon neighbouring amenity in terms of noise and disturbance.

The site lies within a rural setting in open countryside. The nearest dwellings affected by this proposal would be those of Monks Lane about 200m directly to the south of the site across agricultural land. Beyond these dwellings, are properties off Heathfield Road and Monks Lane, and the development (Anwyl) along the A529 Audlem Road/ Cheshire Street, which lie within the Audlem Settlement Boundary around 400m to south and west of the site. In addition several further properties alongside Audlem Road to the north and west, are located between 230m and 350m from the site boundary. Also, the nearest part of Corbrook Park Nursing Home complex is about 180m from the application site boundary and situated to the north-west of the site.

The application has been revised to omit the previously proposed marquee given the potential for significant noise impact, as well as substantially reducing the capacity for the wedding venue. The applicant has confirmed that events will be solely accommodated within this large house. Indicative floor plans have been provided of the building which show dedicated spaces for catering, ceremonies and receptions to accommodate 60 guests.

Further details of the how wedding events will be managed has been provided by the applicant. This states that all guests will be off-site (unless staying) by Midnight. Given the anticipated level of vehicle movements which will be generated by the venue, addressed in the Highway section below, it is not considered that this will result in unacceptable levels of disturbance to nearby properties along surrounding roads, given that typically not all guests will leave the venue at the same time, with departures staggered during the evening.

The applicant has further advised that, "all weddings/celebrations will have a contractual agreement which would be venue specific and ensure no fireworks, lanterns, times of departure etc". In addition, the applicant states that given the nature of the business and the setup times required the venue would host 2 events a week as a maximum.

The Environmental Health Officer has considered the noise impact of the amended proposals, and given their limited scale and nature, does not consider it reasonable to require an Acoustic Assessment to be submitted in support of the application.

It is accepted that some level of noise will be audible from outside the premises on occasions, particularly should windows of the buildings be open. However, given the relatively small scale of wedding events which will be held at The Parkes and given the distance of the premises from the nearest residential properties, the Environmental Health Officer has advised that noise levels would not have adverse impact on the amenities or living conditions of local residents. This is however subject to planning conditions being imposed, including that operating hours of the venue are restricted to between 08:00 hours to Midnight, and also deliveries to the premises limited from 08:00 hours to 18:00 hours.

In addition, conditions are recommended to ensure that all events are to take place within the venue building (farmhouse) with no outdoor music or firework displays. Further conditions are also necessary which restrict the number of a guests at events to a maximum of 60, with no more than 2 events per week (as stated by the applicant).

Importantly the premises would also be subject to the provisions of the Environmental Protection Act, which significantly controls noise nuisance. Furthermore, the wedding venue will be required to be Licensed for the consumption of alcohol and as late-night entertainment/music venue. The Environmental Health Officer has advised that a typical condition of such a Licence is that no music is audible beyond the boundary of the premises.

In terms of addressing potential light pollution from the premises, a planning condition is recommended to be imposed requiring a detailed scheme of the location, specification and level of illumination for external lighting prior to its installation.

Therefore, further to assessment of the amended proposals, the Council's Environmental Health Officer has not raised no objections to the reuse of The Parkes Farmhouse as a wedding venue subject to the planning conditions as set out above. Having regard to the location of the site and nearby dwellings and the scale and nature of the events, the noise impact of the proposed use is not considered to be so significant that it would justify a refusal of planning permission. The proposal is therefore considered to comply with saved Policy BE.1.

### **Highways and Parking**

The proposal is for a wedding venue within an existing property in a rural location to the north of Audlem which is located off Monks Lane and includes off-road parking (70 spaces). The proposed wedding venue was initially to cater for a maximum of 300 guests, but this has since been reduced to 60 guests.

It is recognised that the site is in an isolated location, with a lack of pedestrian and public transport infrastructure to the site but this is typical of many wedding venues, and the proposal will be a car dominated one for access.

It is proposed that the wedding venue will accommodate a maximum of 60 guests and require approximately 10 wedding staff. The staff would arrive prior to, and after, the event and the

Highway Officer considers that the impact of staff vehicle trips on the highway network will be minimal.

The Highway Officer has advised that Car Sharing to a wedding event is usually high, and assuming 2 guests per car then around 30 to 40 vehicle trips would be generated and be spread over a 1 to 2 hour period. At worst, this averages to less than a car trip per minute. In addition, there will be 4 rooms available within the site for the bride and groom and family who would arrive before most other guests.

Access to the site is from Monks Lane which is a minor unclassified road with little through traffic movement. The Highway Officer accepts that forward visibility and carriageway widths are limited in sections, but this however assists in limiting vehicle speeds. The access to The Parkes provides sufficient visibility in both directions and the access bell-mouth is wide enough to allow 2 cars to rest of the carriageway if necessary.

The majority of guests will likely enter Monks Lane via Heathfield Road which the Highway Officer considers is itself capable of accommodating the small amount of traffic that will be generated. The majority of Monks Lane either has sufficient width for 2-way car movement or there are passing bays to allow passing movement. There is a short section which is single car width but given the limited traffic generation is considered acceptable. In addition, the applicant has stated that no more than 2 events a week would take place.

It is also considered that the site can accommodate sufficient car parking (70 spaces to satisfactorily meet the needs of the business.

The Highway officer concludes that the reduced capacity of the proposed wedding venue to 60 guests will result in traffic generation that the local highway network can safely accommodate, and the proposal is therefore considered acceptable in highway terms. A condition is therefore recommended to limit the number of guests for events at the premises to 60 persons.

Therefore it is considered that the level of vehicular movements generated by the proposal will not have detrimental impact on highway safety or cause unacceptable congestion on the local road network. As a result, the proposals accord with Policy BE.3 of the Local Plan and ANP Policies T2 and T4.

### **Public Rights of Way**

Part of the driveway serving The Parkes from Monks Lane is also the route of Public Footpath Audlem FP17. It is not considered that the proposed re-use of the farmhouse or provision of car parking areas within the grounds will have an adverse impact on condition of the driveway or route of the footpath.

It is also common that public footpaths are routed along access drives which in this case serves The Parkes and the adjacent farm complex. Given the levels of vehicle movements expected to be associated with events at the proposed wedding venue, and limited to twice a week, it is not considered the proposals will result in unacceptable safety issues for users of the footpath.

The Council's Public Rights of Way Officer has raised no objections to the proposals subject to a standard informative to prevent the footpath being obstructed, and also and that the surface of the driveway is maintained to its current standard following the implementation of development.

## **Design**

The proposal essentially relates to the re-use and renovation of a large farmhouse with minimal external alteration of the building. Therefore, the proposed alterations to the building are minor and would not be out of character.

The proposed car parking areas adjacent to The Parkes and within a small part of the field to the north, will be largely screened by existing planting/vegetation and would also be viewed against the backdrop of buildings at The Parkes and the adjacent farm complex to the east. Given that reinforcement mesh will be used to protect grassy areas used for parking, and parking areas will not be used intensively, this will ensure that these areas will retain their existing appearance and not constitute an unacceptable visual feature, particularly when viewed from Audlem FP17.

## **Nature Conservation**

The proposals also include the use of two areas of grassland as parking. The Council's Ecologist has advised that this modest impact on biodiversity can be mitigated for with a simple biodiversity enhancement plan.

## **Ecological Enhancement**

Local Plan Policy SE 3(5) requires all developments to aim to positively contribute to the conservation of biodiversity. This planning application provides an opportunity to incorporate features to increase the biodiversity value of the final development in accordance with this policy. A condition should be attached which requires the submission and approval of an ecological enhancement strategy prior to the change of use of grassland to parking on this site, a strategy for the incorporation of features for nesting birds, and native species planting.

## **Planning Balance & Conclusions**

In principle the proposed commercial re-use of the former farmhouses associated with Parkes Farm would accord with Policies EG.2, PG.6 and NE.15. Furthermore as stated by the NPPF (para 84) a positive approach is required to be taken to support economic growth and in create jobs in rural areas, particularly through the conversion of existing buildings.

The Environmental Health Officer raises no objections to the proposed re-use of The Parkes as a Wedding subject to the recommended conditions. It is considered that the proposed operation of the wedding venue in this location to host relatively small events (60 guests) limited to twice a week, would not result in a significant noise impact that would be harmful to amenity or living conditions of nearby residential properties.

The Highways Officer is satisfied that based on an assessment of the reduced capacity of the venue to 60 guests and considering the levels of vehicular movements generated by wedding events, the proposals will not have adverse impact on highway safety or cause unacceptable congestion on the local road network.

The proposals would bring positive planning benefits such economic and social benefits through rural diversification and spending in the local economy and complimentary businesses.

Consequently, subject to the subject to the recommended conditions it is considered that the benefits of the proposal outweigh any negative impacts.

**RECOMMENDATION:**

**APPROVE subject to conditions**

1. Time (3 years)
2. Plans
3. External lighting to be submitted and approved
4. 2 events per week each limited to a maximum of 60 guests
5. Hours of operation - 08.00 Hours until Midnight
6. Deliveries to premises between - 08.00 hours and 18.00 hours
7. Events to take place within house only
8. No fireworks or outdoor music
9. Details of parking areas
10. Ecological enhancement strategy

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.

