

Application No: 12/4757M

Location: WOODSIDE POULTRY FARM, GROTTO LANE, OVER PEOVER,  
KNUTSFORD, WA16 8TN

Proposal: Conversion of Barn A into childrens day nursery (Use Class D1)

Applicant: Dean Johnson Farms Limited

Expiry Date: 18-Mar-2013

**Date Report Prepared:** 22 February 2013

**SUMMARY RECOMMENDATION**

**Approve subject to conditions and  
a unilateral undertaking**

**MAIN ISSUES**

- Impact on the Green Belt
- Impact on the amenity of existing and future residents
- Access and parking arrangements and whether the site is in a sustainable location
- Impact on protected species
- Impact on trees and landscaping

**REASON FOR REPORT**

This is an application for a major development and as such under the Council's terms of delegation is required to be determined by Committee.

**DESCRIPTION OF SITE AND CONTEXT**

The application site comprises an existing former poultry shed constructed from a mixture of block walls and cladding. The existing building has a floor area of 849m<sup>2</sup> and has external dimensions of 36.2m long x 11.5m wide. It has an eaves height of 4.6m and a ridge height of 6.4m (with a smaller section where the eaves height is 5.8m). The building is set back from Grotto Lane by approximately 13m. There is an existing area of tarmac to the front of the building with grassed areas to the side and rear. The site forms part of a larger site which contains other buildings that were associated with the poultry farm. The site contains a number of existing trees along the south western and south eastern boundary, with open fields located to the south and open fields and a residential garden area located to the north east.

## **DETAILS OF PROPOSAL**

Planning permission is sought for the conversion of the building into a children's day nursery (Use Class D1) for up to 50 children. The aim of the proposed nursery is to launch a private day nursery providing flexible childcare for 0 to 5 year olds. The objective is to target families working at the nearby Radbroke Hall.

The core opening hours of the nursery would be from 7:30 to 6pm Monday to Friday. It is not however, the intention that all children will be at the nursery from 7:30 to 6pm. The nursery will offer a number of different sessions meaning that drop offs and pick-ups will be staggered throughout the day.

The design of the conversion is not materially different to the approved office scheme (10/3506M). The location of all openings would remain as approved. Externally, the car park is located in the same position as the approved car park. The only change to the car park layout is to improve vehicle circulation. It would provide 30 spaces for use solely by the proposed nursery. A secure play area would be provided immediately to the south of the nursery. This would be defined by 1m high park railings.

## **RELEVANT HISTORY**

The site has an extensive planning history, the most relevant of which is outlined below.

12/2665M - Application for a Certificate of Existing Lawful Use for The Partial Demolition and Change of Use of the Existing Buildings to B1 Offices would be Lawful in Accordance with Planning Permission 04/2630P as the Access was Constructed before the Permission Expired on 28 July 2011. Not yet determined.

10/3506M – CONVERSION OF BARN A INTO OFFICES (USE CLASS B1) TOGETHER WITH ASSOCIATED PARKING. Allowed on appeal 07.09.11.

10/0346M - ERECTION OF 15 NO. AFFORDABLE HOUSES. Approved 24.06.11.

04/2630P - PART DEMOLITION AND CHANGE OF USE OF EXISTING BUILDINGS TO OFFICES (B1). CREATION OF 56 CAR PARK SPACES (RESUBMISSION 03/2630P). Allowed on appeal 28.07.06.

## **POLICIES**

### **Regional Spatial Strategy**

- DP1 Spatial Principles
- DP2 Promote Sustainable Communities
- DP3 Promote Sustainable Economic Growth
- DP4 Make Best Use of Existing Resources and Infrastructure
- DP5 Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility
- DP7 Promote Environmental Quality#
- RDF4 Green Belts
- W1 Strengthening the Regional Economy

L1 Health, Sport, Recreation and Education Services Provision  
RT2 Managing Travel Demand  
RT9 Walking and Cycling  
EM1 Integrated Enhancement and Protection of the Region's Environmental Assets  
EM18 Decentralised Energy Supply

### **Local Plan Policy**

NE11 Nature Conservation  
BE1 Design Guidance  
GC8 Reuse of Buildings  
T2 Integrated Transport Policy  
T3 Integrated Transport Policy  
T4 Integrated Transport Policy  
T5 Integrated Transport Policy  
DC2 Extensions and Alterations  
DC3 Amenity  
DC6 Circulation and Access  
DC8 Landscaping  
DC9 Tree Protection  
DC13 Noise  
DC38 Space, Light & Privacy  
DC45 Playgroups and Nurseries

### **Other Material Considerations**

National Planning policy Framework.

Paragraph 215 of the NPPF states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework (the closer the policies in the plan to the framework, the greater the weight to be given). It is considered that all of the local plan policies listed above are consistent with the NPPF and should be given full weight.

Paragraph 14 of the NPPF states that at the heart of the NPPF is a presumption in favour of sustainable development.

Over Peover SPD.

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

**Highways:** no objections.

**Environmental Health:** initially raised concerns regarding the proposal having regard to the potential noise impact of the development. Further information was subsequently provided by the applicants in respect of noise and the operation of the nursery and subject to the imposition of appropriate conditions, no objections are raised by Environmental Health.

**Building Control:** no objections as whilst it is considered that the proposals involve major or complete reconstruction of many areas of the building, the proposed alterations of the present scheme have a similarity to those shown on the proposal that was allowed on appeal (04/2630P). Building Control made similar comments about the amount of reconstruction at the time of the appeal but the Planning Inspector considered that the appeal proposal did not involve major or complete reconstruction.

**Jodrell Bank:** no objection subject to the incorporation of appropriate materials to limit electromagnetic interference.

**Leisure Services:** no comments received to date.

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

**Over Peover Parish Council:** The council are concerned over the amount of traffic this proposed development would generate on top of the proposed residential traffic movement. Multi session care will lead to multi child use and increase the number of pickups and drop offs to the site.

## **OTHER REPRESENTATIONS**

To date, one letter of objection has been received on behalf of 8 local residents. A full copy of the letter is available to view on the application file with the main points of objection raised listed below:

- Inappropriate development in the Green Belt
- Adverse impact on the openness of the Green Belt
- No very special circumstances to outweigh the harm to the Green Belt
- Adverse impact on the amenity of existing and future neighbouring dwellings

## **APPLICANT'S SUPPORTING INFORMATION**

A number of documents have been submitted in support of the application and be viewed on the application file.

- Planning, Design & Access Statement
- Highways Statement
- Structural Inspection Report
- Phase 1 Habitat and Bat Survey Report
- Habitat Management Plan
- Arboricultural Report
- Contaminated Land Report
- Survey of Radbroke Hall staff

## **OFFICER APPRAISAL**

### **Principle of Development**

The principle of the re-use of existing buildings in the Green Belt can be acceptable provided that the requirements of paragraph 90 of the NPPF are met together with the requirements of Local Plan policy GC8. In this case the principle of the reuse of this building for offices has recently been accepted on appeal in relation to application 10/3506M.

## **Green Belt**

Paragraph 90 of the NPPF states that certain other forms of development are not inappropriate in the Green Belt provided they preserve openness and do not conflict with the purposes of including land in the Green Belt and includes “the re-use of buildings provided that the buildings are of permanent and substantial construction”.

Local Plan policy GC8 also allows for the reuse of buildings for commercial purposes provided that:

- There is no materially greater impact than the present use on the openness of the countryside
- The building is of permanent and substantial construction capable of being converted without major or complete reconstruction
- The form, bulk and general design of the building is in keeping with its surroundings
- The proposal respects local building styles and materials. The extension of reused buildings and the associated uses of surrounding land must not reduce the openness of the countryside. Within the Green Belt such proposals must not conflict with the purposes of including land in it.

The starting point is therefore to consider whether the proposed re-use of the building preserves the openness of the of the Green Belt and whether or not it conflicts with the purposes of including land in the Green Belt when compared to the present use of the site.

The 5 purposes of including land in the Green Belt are set out in paragraph 80 of the NPPF. One of the purposes is to assist in protecting the countryside from encroachment and that is the relevant consideration for this case. The development does not involve any expansion into open countryside and the small well contained outdoor play area set against the rear of the building in the context of the existing site complex does not amount to encroachment into the countryside.

Some concern has been raised on behalf of local residents with regard to the impact of the proposal on the Green Belt, with particular reference to the impact of the outdoor play area and the comings and goings associated with the proposed use. Whilst these concerns are noted, having regard to the existing lawful use of the building, the extant permission for office use and the details of the proposed scheme, it is not considered that the proposed use would have a materially greater impact on the openness of the Green Belt or conflict with the purposes of including land within the Green Belt.

Inspectors have already determined that a change of use to offices would preserve openness. That provides a useful benchmark in considering this proposal. The use as a day nursery is considered comparable in impact to that of the approved office use. The activity to and from the site would be comparable and there would be some limited additional activity in the form of the outdoor play area and a very limited increase in traffic as noted below.

The proposed secure play area would be located to the rear of the building, would be relatively modest in size when compared with the existing building and site area and would be demarcated by relatively low railings. It is well enclosed and would not be prominent in the landscape. Whilst there would be some noise emitting from this area when in use, it is not considered that this would be such so as to adversely impact on the character of the area. It is not anticipated that the comings and goings associated with the proposed nursery would be significantly greater than those associated with either the existing lawful use or the use of the site as offices as permitted by 10/3506M

In summary, the impacts on the Green Belt are considered to be similar to the office use approved. As the office use has been deemed to preserve openness it is considered to be a rational conclusion that the day nursery use also adequately preserves openness.

It has already been accepted by previous Inspectors that the building is of permanent and substantial construction and is capable of being converted without major or complete reconstruction. The current proposal is broadly similar to that allowed on appeal in terms of the amount of alteration proposed to the building. Externally the elevations are the same as those allowed on appeal with the only change being the formation of a secure outdoor play area to the rear of the building to be formed by the erection of 1m high park railings. With regard to layout, again this is broadly similar to that previously approved.

As such the proposal is considered to comply with policy GC8 and the Framework and the development is not inappropriate development in the Green Belt.

### **Amenity**

The application site forms part of an existing former poultry farm. In 2011 permission was granted for the remainder of the former poultry farm to be redeveloped for affordable housing. This development has yet to be commenced though it is anticipated that work will commence this year. There are a number of existing residential properties located to the north of the site, to the other side of existing buildings on the poultry farm. Some concerns have been raised on behalf of these residents with regard to the impact of the proposal on the residential amenity of existing and future residents. There is particular concern in relation to the noise that would emit from the proposed outdoor play area located to the south of the nursery building.

As stated, concerns were originally raised by the Council's Environmental Health department with regard to the noise that would be generated by the use of the proposed play area. However, these concerns have since been overcome as the applicant has agreed to the imposition of a number of conditions should permission be granted including one which would restrict outdoor play to within the secure play area and nowhere else on site.

Whilst the original concerns of Environmental Health are noted, in any event it is not considered that the noise that would be generated from the use of the secure play area is such that it would be likely to result in a significant adverse impact on the amenity of either the future residents of the affordable housing scheme or on existing residents to the north. This is due to the location of the play area to the south of the building, its limited size and the

distances to and layout of nearby dwellings. It is however considered reasonable to restrict outdoor play to within the secure play area.

With regard to the building itself and associated comings and goings, as previously stated, as the conversion scheme and associated comings and goings would be broadly similar to the scheme approved on appeal (10/3506M), it is not considered that objections could be raised on amenity grounds to these aspects of the proposal.

The proposal is therefore considered to comply with relevant guidance in the NPPF and with Local Plan policies DC3, DC13 and DC38.

## **Highways**

Vehicular access to the site would be taken from Grotto Lane and would be shared with the affordable housing development. A car park is to be provided to the east of the building providing space for 30 cars. A cycle store is proposed to the rear of the building.

A Highways Statement has been submitted in support of the application. This states that there would be a slight increase in the number of vehicle movements associated with the proposed nursery use when compared with the extant office permission (+10 two way movements in the morning peak hour and +6 two way movements in the afternoon peak hour). It is stated that it is considered unlikely that these trips would be all 'new' traffic to the network as it is considered that many of the journeys will be existing trips to and from nearby areas of employment.

The Strategic Highways and Transportation Manager has been consulted on the application and raises no objections to the proposal.

With regard to the sustainability of the site, whilst there are limited facilities within the village of Over Peover, given that consent has previously been granted for office use on the site and given that there appears to be a demand locally for a nursery facility in association with an existing employment site, it is not considered that objections to the proposal could be raised on the grounds of sustainability.

Whilst the concerns of the Parish Council regarding traffic are noted and have been considered, for the reasons outlined above, it is not considered that any objections could be raised to the proposal on highways grounds.

## **Design**

As stated, the external appearance of the building is identical to that allowed on appeal and as such no objections are raised to the proposed design.

## **Ecology**

The extant planning permissions are subject to legal agreements requiring an off-site newt habitat to be created. This application is accompanied by a Phase 1 Habitat and Bat Survey Report which provides updated bat survey information. It is also accompanied by a Habitat Management Plan which addresses matters relating to newts. Licenses have been obtained

by Dane Housing for both newts and bats in respect of the approved affordable housing scheme. It is stated that the applicant will be working with Dane Housing in respect of the development of the site and associated ecological works.

When allowing the office use on appeal, the Inspector had regard to a Unilateral Undertaking that had been prepared by the appellant. The undertaking committed the appellant to carry out the necessary works in accordance with an Ecological Works and Habitat Management Plan to be submitted to and approved in writing by the Council before development begins. No conditions were imposed by the Inspector in respect of protected species.

The submitted Phase I Habitat and Bat Survey Report concludes that the building is likely to be used occasionally as feeding roosts and summer night roosts by individual brown long eared bats. A known Great Crested Newts breeding pond is also present within 50m of the site boundary.

The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places

(a) in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment, and provided that there is

(b) no satisfactory alternative and

(c) no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK has implemented the Directive in the Conservation (Natural Habitats etc) Regulations 2010 (as amended) which contain two layers of protection (i) a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements above, and (ii) a licensing system administered by Natural England and supported by criminal sanctions.

Local Plan Policy NE11 states that the Council will seek to conserve, enhance and interpret nature conservation interests. Development which would adversely affect nature conservation interests will not normally be permitted.

Circular 6/2005 advises LPAs to give due weight to the presence of protected species on a development site to reflect EC requirements. "This may potentially justify a refusal of planning permission."

The NPPF advises LPAs to conserve and enhance biodiversity: if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts) or adequately mitigated, or as a last resort, compensated for, planning permission should be refused.

Natural England's standing advice is that, if a (conditioned) development appears to fail the three tests in the Habitats Directive, then LPAs should consider whether Natural England is likely to grant a licence: if unlikely, then the LPA should refuse permission: if likely, then the



LPA can conclude that no impediment to planning permission arises under the Directive and Regulations.

In this case the Council's Nature Conservation Officer has been consulted on the application. However, no formal comments have been received to date. Any comments received will be reported in an update report to Members.

However, given the fact that the amended scheme that is the subject of this application is not materially different to the extant office scheme it is unlikely that its impact on protected species would materially differ. Additionally, when considering application 10/3506M, both the Council and the Inspector considered that the tests of the Habitats Directive were met. As such, subject to no objections from the Council's Nature Conservation Officer, it is considered that an updated Unilateral Undertaking reflecting the details of this application would be sufficient to address the protected species issues associated with the application. A revised undertaking is currently being prepared on behalf of the applicant and should be available before the date of Committee.

### **Trees and Landscaping**

The application site contains a number of existing trees and the application is supported by an arboricultural report.

The Council's forestry officer has been consulted on the application and raises no objections to the proposal, subject to the receipt of updated tree information to reflect current guidance. It is not considered that the provision of the play area or the re-configuration of the car park would have a material impact on trees on the site.

With regard to landscaping, when allowing the office use on appeal, the Inspector attached conditions regarding landscaping. The Council's landscape officer has been consulted on the application and raises no objections subject to the imposition of landscape conditions.

### **Other Matters**

Paragraph 28 of the NPPF states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.

### **SUBJECT TO**

- The submission of an acceptable Unilateral Undertaking requiring the applicant to carry out the necessary works required in order to ensure no adverse impact on protected species
- Submission of updated tree information to reflect current guidance
- No objections being received by the Nature Conservation Officer that cannot adequately be overcome by either the use of conditions or the proposed unilateral undertaking

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

It is considered that the proposed conversion of the building to a children's day nursery is not inappropriate development in the Green Belt. Similarly the proposal would not adversely impact on openness. The design of the proposal is acceptable as are the access and parking arrangements. Subject to the imposition of appropriate conditions it is not considered that the proposal would result in a significant adverse impact on either existing or future nearby residential properties. Subject to the comments of the Council's tree officer and nature conservation officer and subject to appropriate conditions and a unilateral undertaking it is not considered that any objections will be raised regarding trees and protected species.

The proposal is therefore recommended for approval.

#### Application for Full Planning

RECOMMENDATION: Approve subject to a Section 106 Agreement and the following conditions

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. Details of materials to be submitted
4. Submission of method statement
5. Obscure glazing requirement
6. Provision of car parking prior to first occupation
7. Cycle Parking
8. No gates
9. Closure of existing access
10. Facilities to prevent deposition of extraneous matter
11. Submission of landscaping scheme
12. Implementation of landscaping scheme
13. Details of external lighting
14. Hours of Use
15. Delivery Hours
16. Construction Hours
17. Contaminated land
18. Development to be carried out in accordance with submitted arboricultural report
19. Maximum number of 50 children attending the nursery at any one time
20. Use to be as a day nursery only and no other use within use class D1
21. Outdoor play to take place only in the secure play area

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