

Application No: 13/3251M

Location: LES HALMAN NURSERY, PARKSIDE FARM, CROWN LANE, LOWER PEOVER, CHESHIRE, WA16 9QA

Proposal: NEW GLASSHOUSE (re-submission of 12/4295M)

Applicant: L HALMAN, LES HALMAN NURSERIES LTD

Expiry Date: 25-Sep-2013

REASON FOR REPORT

This is an application is for a small scale major development and as such under the Council's terms of delegation is a Committee item.

SUMMARY RECOMMENDATION

APPROVE subject to conditions

MAIN ISSUES

- Impact on the Green Belt
- Visual impact
- Impact on residential amenity
- Impact on protected species

DESCRIPTION OF SITE AND CONTEXT

The application site comprises an agricultural field located to the north east of the existing complex of buildings at Parkside Farm. The field is currently used to graze cattle. Residential properties are located on Crown Lane to the west of the site with other residential properties and Lower Peover Primary School located on The Cobbles to the north. A public footpath runs along the eastern boundary of the site.

The site is located in the Green Belt and is split between Cheshire East and Cheshire West and Chester. As such, applications have been submitted to both authorities.

DETAILS OF PROPOSAL

Planning permission is sought for the erection of a 24 bay glasshouse in 8 spans of 9.6m, measuring 76.8m x 72m and providing 5529.6 sq metres of floorpace. It would measure

5.1m to the ridge. The glasshouse would be constructed to the northern end of the existing complex within 3m of an existing glasshouse and is designed to match the most recent glasshouses built on site in terms of its height and appearance. It would be constructed on part of an adjoining field. It is proposed to re-position the existing timber post and rail fence which separates the field from the working area of the nursery and plant native trees and hedgerows around the northern and western elevation of the glasshouse to connect the eastern hedgerow with the field boundary to the west to provide replacement screening for the glass house complex when viewed from the north.

Shared use would be made of the existing access off Crown Lane and other existing infrastructure e.g. internal access roads and parking would be used.

The additional glasshouse would be used in association with, and as an extension of, the existing commercial horticultural enterprise which currently operates at Parkside Farm.

Amended plans were received which include the introduction of a mixed native species hedgerow to the northern and eastern site boundaries adjacent to the new building.

RELEVANT HISTORY

12/4295M New glasshouse refused 18-Feb-2013

The following applications were submitted to Cheshire West and Chester Council as the application site straddles the boundaries between the two authorities:

13/03354/FUL Erection of glasshouse - Amendment to application 12/04517/FUL Pending consideration (Cheshire West and Chester Council)

12/04517/FUL Erection of glasshouse application refused (Cheshire West and Chester Council)

POLICIES

Regional Spatial Strategy

The North West of England Plan Regional Spatial Strategy to 2021 (RSS) was abolished on 20 May 2013 and therefore the policies within this document carry no weight.

Local Plan Policy

NE11 Nature Conservation
GC1 Green Belt
DC1 New Build
DC3 Amenity
DC6 Circulation and Access
DC8 Landscaping
DC28 Agricultural Buildings

Other Material Considerations

National Planning Policy Framework

CONSULTATIONS (External to Planning)

Environmental Health: no objection.

VIEWS OF THE PARISH / TOWN COUNCIL

Have reviewed this application and support the proposal

OTHER REPRESENTATIONS

None received.

APPLICANT'S SUPPORTING INFORMATION

A supporting letter with photographs and a Protected Species Survey have been submitted in support of the application. Full copies of these documents are available to view on the Council's web site.

OFFICER APPRAISAL

Background to the application

As stated, the proposed development straddles the boundary between Cheshire East and Cheshire West and Chester. As such, planning applications are required to be submitted to both authorities for determination.

The previous application was refused solely because of insufficient information in respect of ecology. Correct surveys have now been undertaken by a suitably qualified and experienced ecologist.

Principle of Development

The proposal is for a horticultural glasshouse which is classed as an agricultural building. The construction of such buildings is acceptable in principle in the Green Belt in accordance with Local Plan policy GC1 and NPPF paragraph 89.

Green Belt

The proposed glasshouse is required in connection with the applicant's long established horticultural business which grows bedding plants. Whilst the proposed building is large (76.8m x 72m), it is designed for purpose and replicates the design of other buildings on site and on similar horticultural sites. It is considered to be an acceptable form of development in the Green Belt.

With regard to impact on openness, as a result of its sheer size, the building would impact on openness. However its impact would be limited due its relatively modest height and the fact that it is to be constructed wholly from glass.

Design/Visual Impact

As stated, the building is designed for purpose and is similar in appearance to other glasshouses on site, in particular the glasshouse which lies immediately to the south of the application site. It would have a maximum height of 5.1m. The glasshouse is to be sited at the northern end of the existing complex of buildings and structures on the site, partially on a landscape area of the nursery and partially on an agricultural field. The field boundaries are marked by a combination of timber post and rail fencing and hedging. There is existing mature landscaping to the rear of residential properties fronting Crown Lane.

The proposed building would be visible from public vantage points along The Cobbles to the north of the site, from Lower Peover Primary School and from the public footpath. However, it is not considered that the proposed building would appear incongruous or out of character with the immediate surrounding area. Additional landscaping is proposed to the northern and eastern elevations and this will help to minimise the visual impact of the building meaning that its impact on the character and appearance of the area would be acceptable.

The proposal is therefore considered to comply with Local Plan policies BE1, DC1 and DC28.

Highways

Vehicular access to the site would remain as existing off Crown Lane. There are no highways implications to the proposal as the building is required in connection with an existing business and given that the highways arrangements are not to change.

Amenity

There are a number of residential properties located along Crown Lane and The Cobbles. However, these are located some distance from the proposed glasshouse and whilst the glasshouse may be visible from these properties, it is not considered that the proposed building would result in a significant detrimental impact on the residential amenity of nearby occupiers. No objections have been raised by environmental health to the proposal.

Letters were sent to nearby neighbours by Cheshire West and Chester and no responses have been received in relation to the application. Similarly, no response has been received in response to the site notice posted in relation to this application.

The proposal is considered to comply with Local Plan policy DC3.

Ecology

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

(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 LPA will seek to conserve enhance and interpret nature conservation interests and development which would adversely affect these interests will not be permitted. This policy is in full accordance with the NPPF.

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 previous application was refused because the Phase I Habitat Survey submitted found that there are a number of ponds located in the vicinity of the site and as such recommended that further survey work was required to establish whether the proposal would impact upon Great Crested Newts, a European protected species. In the absence of this further survey work, there was insufficient information to demonstrate that Great Crested Newts would be unaffected by the proposal.

Further survey work has since been undertaken - the surveys have been undertaken broadly in accordance with standard best practice however one survey visit was completed when the temperature was below the recommended minimum. However, the Council's ecologist advises that given the overall results of the survey and the relatively low level impacts of the proposed scheme Great Crested Newts are not likely to be present or affected by the proposed development. No further action in respect of this species is therefore required.

The proposals would therefore satisfy the three tests, the NPPF and Local Plan policy NE11.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The reason for refusal of application 12/4295M has not been addressed by the proper consideration of the impact upon European Protected Species. The development continues to represent appropriate development in the Green Belt and would not raise any issues in respect of amenity, highway safety, nature conservation, design or in any other way. In so doing the proposals accord with policies NE2, NE3, NE7, NE8, NE11, NE12, NE13, BE1, DC1, DC2, DC3, DC6, DC9, DC10, DC13, DC14, DC17, DC21, DC22, DC33 and guidance within the Framework.

The Local Planning Authority (LPA), in reaching this decision, has followed the guidance in paragraphs 186 and 187 of the National Planning Policy Framework. The Framework advises that the LPA should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A03EX - Materials to match existing
3. A01AP - Development in accord with approved plans
4. A04LS - Landscaping (implementation)

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