

Application No: 17/4326N

Location: Wrenbury Fishery, Hollyhurst Road, Wrenbury, CW5 8HE

Proposal: Siting of 20 Timber Clad Twin Unit Caravans for Holiday Accommodation, Associated Access/Car Parking Works and Landscaping

Applicant: W Spencer, Marcus Brook Ltd

Expiry Date: 11-Jan-2018

## **SUMMARY**

On 27th July the Council adopted the Cheshire East Local Plan Strategy therefore the Council have demonstrated that they have a 5 year supply of deliverable housing sites.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.” The National Planning Policy Framework, which is the Secretary of State’s guidance, also advises Councils as to how planning decisions should be made. The ‘presumption in favour of sustainable development’ at paragraph 14 of the NPPF means “approving development proposals that accord with the development plan without delay”

The site lies largely in the Open Countryside as designated by the Adopted Cheshire East Local Plan, where policy PG6 states that within the Open Countryside only development that is essential for the purposes of agriculture, forestry, outdoor recreation, public infrastructure, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted.

The proposal seeks consent for the siting of 20 caravans and associated works for use as holiday lodges. Therefore the proposal is clearly aimed at tourism and outdoor recreation.

The development and use of the site has also already been established under the previous planning approval ref 10/4610N. This is an important material consideration. Whilst policy has changed since this decision, the current policy stance offers even stronger support for this type of use. As a result the principle of the development remains acceptable.

The proposal is considered to have a neutral impact in terms of amenity, highway safety, ecology, contaminated land, trees and flood risk.

The proposal is considered to have benefits in terms of boost to the rural economy through creation of jobs and spending of guests/users of the site and boost to local tourism by creating new visitor facilities/accommodation.

The negatives would be the visual impact on the open countryside however this impact is limited by the low key nature of the structures which are visually in keeping and would be predominantly screened by existing and proposed planting.

The previous decision to approve the use is also an important consideration especially as the current scheme seeks a reduced scheme from that previously approved.

Applying the tests within paragraph 14 it is considered that the benefits outweigh the dis-benefits. As such, on balance, it is considered that the development constitutes sustainable development and should therefore be approved.

## **RECOMMENDATION**

### **APPROVE**

## **PROPOSAL**

The application seeks the siting of 20 timber clad twin unit caravans for holiday accommodation, associated access/car parking works and landscaping. The proposal also includes a warden's office, recycling area and cycle storage area.

The supporting information states that each unit will be a single storey structure with a pitched roof and measure a maximum of 6.8m x 20m in length with an internal ceiling height no greater than 3.05m. This complies with the definition of caravans as given in the Caravan Sites Act 1968 and amended by Statutory Instrument 12374:2006.

The 80 space car park approved under the planning permission for the fishery is no longer to be provided but each of the 20 units will have one parking space immediately outside the unit. The total number of parking spaces proposed is therefore 30. The proposal only includes a warden's office rather than an administration building as was previously approved and proposes the same overall number of units in the same location.

The twenty caravans to be provided would be placed to the south of Lake 1 and around Lake 3, the largest of the lakes. The access to the north is no longer proposed.

The landscaping scheme submitted with the application retains the existing hedgerows and trees around the site and on the road frontage to Hollyhurst Road. In addition the trees and hedgerow along one side of the original farm track located centrally through the site and those on the southern and eastern site boundaries are retained. The scheme now includes blocks of buffer planting whether as woodland mix and/ or hedgerow mix around Lake 2 (except where the four caravans are to be provided) and west of Lake 2, around the car park for the fishery, along the southern site boundary and the south eastern corner of Lake 3. There are also two smaller areas of hedgerow/ woodland mix along the eastern boundary of

Lake 3 between groups of caravans. In addition new tree groups will be provided to define the spaces between caravans.

## **SITE DESCRIPTION**

The application area is an irregular shaped piece of gently undulating land where fishing pools have been constructed under a previous planning permission. A single island is present in each pool which is joined to the bank by an isthmus of land. The site is approached on an unmade access track located to the west of the application area with an access point on Hollyhurst Road. The track serves a poultry unit and other activities. Adjacent land was subject to an application for a water bottling facility.

The site is enclosed by established hedges, trees and fences. An unmade track with a mature hedgerow on one side passes through the middle of the application area.

The site is located within open countryside in the Local Plan.

## **RELEVANT HISTORY**

11/1464N – Building and Plant for Bottling Water at Source with Access, Parking and Space for Loading and Turning – granted 27-Sep-2011

10/4610N – Siting of 20 Timber Clad Twin Unit Caravans for Holiday Accommodation & Erection of Administration Building on Site which already has Planning Permission for a Recreational Fishery Including an 80 Space Car Park – allowed at appeal 24 June 2011

10/1131N – Building and Plant for Bottling Water at Source with Access, Parking and Space for Loading and Turning – withdrawn 20-May-2010

10/1776N Siting of 34 Timber Clad Twin Units Caravans, Access works, Car Parking, Administration Building, Cycle Store and Landscaping – refused 27th September 2010 and dismissed at appeal given the harm to the open countryside

P09/0205 – Siting of Essential Rural Workers Dwelling in Association with Existing Fishery – refused 14-May-2009 as no essential need demonstrated

P06/0771 Three Commercial Fishing Lakes, Associated Car Parking, Toilet Building, Breeding Tanks and the Construction of an Access Road – approved 25th August 2006.

P06/0361 – Change of Use of Land to Commercial Fishing including Excavation of Three Commercial Fishing Lakes, Associated Car Parking, Toilet Building, Breeding Tanks and Construction of Access Road – withdrawn 16-May-2006

P04/0452 – Poultry Unit, Temporary Mobile Home, Access Track and Passing Places (retrospective in part) – approved 24-Aug-2004

## **DIFFERENCE BETWEEN CURRENT PROPOSAL AND THAT APPROVED UNDER 10/4610N**

The current scheme is the same as the 10/4610N scheme approved by the Inspector other than it no longer proposes the 80 space car park and only includes a warden's office rather than an administration building.

The proposal also no longer includes connection with the fishery element.

## **NATIONAL & LOCAL POLICY**

### **National Policy**

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

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development

28. Supporting a prosperous rural economy

56-68. Requiring good design

109-125 Conserving and enhancing the natural environment

### **Development Plan**

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

The following are considered relevant material considerations as indications of the emerging strategy:

MP1 – Presumption in favour of sustainable development

PG1 – Overall Development Strategy

PG2 – Settlement Hierarchy

PG6 - Open Countryside

PG7 – Spatial Distribution of Development

SD1 - Sustainable Development in Cheshire East

SD2 - Sustainable Development Principles

SE5 – Trees, Hedgerows and Woodland

SE 1 - Design

SE 2 - Efficient Use of Land

SE 4 - The Landscape

SE 5 - Trees, Hedgerows and Woodland

SE 13 - Flood Risk and Water Management

EG1 – Economic Prosperity

EG2 – Rural Economy

EG4 – Tourism

SC1 – Leisure and recreation

It should be noted that 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.

NE.20 Flood Prevention

BE.1 Amenity

BE.3 Access and Parking

BE.4 Drainage, Utilities and Resources

BE.6 Development on Potentially Contaminated Land  
NE.5 Nature Conservation and Habitats  
NE.9 Protected Species  
TRAN.3 Pedestrians  
TRAN.5 Provision for Cyclists  
RT10 Touring Caravans and Camping Sites

### **Wrenbury Neighbourhood Plan (Regulation 7 stage)**

This is not at Regulation 14 stage and therefore cannot be attributed any weight

### **CONSULTATIONS**

**CEC Highways:** No objection

**CEC Environmental Health:** No objection subject to conditions/informatives offered in all other regards such as external lighting, contaminated land and working hours for construction sites

**CEC Flood Risk:** No objection

**CEC Visitor Economy:** Support the proposal given the benefits to tourism and the rural economy

**CEC Public Rights of Way:** No objection subject to condition protecting the Public Right of Way

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

Wrenbury-cum-Frith Parish Council offers the following comments:

- The road is extremely narrow and unsuitable for larger vehicles
- this will cause problems particularly during the building phase of the development
- The applicant has identified this and suggested a shuttle bus and it is expected that this will be enforced
- The site is in open countryside as set out on the Cheshire East Local Plan
- There is concern about the site being used for residential purposes therefore expects That a condition to any approval should restrict occupancy to less than a full year
- There is concern about the future use of the site.

Marbury and District Parish Council object on the following grounds:

- Hollyhurst Road is narrow with very soft grass verges and no passing places. It is used as a "Rat Run" between Whitchurch and Wrenbury/Nantwich, it is also well used by walkers, horseriders and cyclists.
- The Council were also very concerned at the position of the entrance to the site in relation to the junction of Hollyhurst Road and the Marbury/Wrenbury Road a very short distance from the entrance; measured in meters! The entrance is on a blind bend which is not very obvious from the plans but would have been obvious on a site visit.
- The Appeals Inspector commented on the narrow roads but would not have been aware of recent applications for a Wedding Venue and a Caravan and Camping site on this road. The situation now is very different now to when the original Application was made.

- As indicated in the comments on 17/4155N when the realistic traffic movement related to the Wrenbury Fishery/Holiday Camp is considered the number is well in excess of 20 units - occupancy of 8+ per unit could result in at least 2 or 3 vehicles per unit. The thought of an extra 40 to 60 vehicles in this area in addition to Farm traffic and HGVs, as well as traffic generated by farmers changing from milk production to potatoes etc. is obviously a major concern to residents
- There also seemed to be other activities in the area that would have negative influences on road safety and traffic.

## **REPRESENTATIONS**

Letters received from x2 households regarding the following:

- Current proposal is not a certified camping site
- Harm to character/appearance of the area/countryside
- Harm to living conditions of residential properties in particular lakeside barns which was not in occupation at the time of the last application
- Noise from use of generators
- Concern from security given the number of people visiting the site
- Light pollution
- Highways safety concerns
- Ecology/wildlife concerns
- Precedent for future housing applications
- Incomplete application as no details of warden office provided
- Design and access statement is inaccurate/miss leading
- Should be considered on its own merits regardless of previous applications
- Parish Council comments should be considered
- Application includes land owned by Lakeside Barns
- Application form is wrong as it states that the site cannot be viewed from the road
- Could be used as dwellings
- Too much parking

## **APPRAISAL**

### **Principle of Development**

The site lies largely in the Open Countryside as designated by the Adopted Cheshire East Local Plan, where policy PG6 states that within the Open Countryside only development that is essential for the purposes of agriculture, forestry, outdoor recreation, public infrastructure, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted.

Policy PG6 considers development that is essential for outdoor recreation and other uses appropriate to the rural setting to be acceptable in the open countryside. The proposal seeks consent for the siting of 20 caravans and associated works for use as holiday lodges. Therefore the proposal is clearly aimed at tourism and outdoor recreation and therefore complies with policy.

The development and use of the site has also already been established under the previous planning approval ref 10/4610N. This is an important material consideration.

Whilst policy has changed since this decision, the current policy stance offers even stronger support for this type of use. As a result the principle of the development remains acceptable.

In the appeal for the 10/4610N scheme the planning inspector considered there to be 3 main issues with these being the effect on the character/appearance of the rural area, the sustainability of the site and the impact on the local economy.

These are explored below.

## **LOCATIONAL SUSTAINABILITY**

The site is considered to be fairly isolated given its rural setting. However it is accepted that there are some tourism sites by their very nature which are difficult to access by sustainable modes of transport.

This issue was previously addressed by the planning inspectorate who commented as follows:

*“In my view, the site’s rural location means that the proposed developments fall into this category. However, in their favour, there are shops and bus stops in Wrenbury about 1.8km away, and Wrenbury railway station is just over 2km away. Furthermore, the rural roads and footpaths in the area make recreational cycling and walking an attractive proposition.*

*Whilst I share the Council’s view that the proposed schemes would be largely car dependent, it is clear that the site could be accessed by a range of means of transport; one of the criteria of LP policy RT.6. I have also taken into account the appellant’s willingness to implement a Travel Plan with features such as an on-site minibus service, footpath and cycle route information and a pre-order service for basic groceries. I have therefore reached the view that the location of the appeal site is not something that warrants a refusal on sustainability grounds. The principles of sustainability are met to a sufficient degree.”*

Given that the current proposal relates to the same site and the same use (excluding the fishery element) the location and proposal is considered to meet sustainability principles.

## **ENVIRONMENTAL SUSTAINABILITY**

### **Residential Amenity**

The main residential properties affected by this development are properties known as Yew Tree Barns and Lakeside Barn.

The nearest buildings of the proposal would be the caravans to the north of the sited which would be sited over 120m away to the boundary with the nearest residential property (Lakeside Barn) and set at a lower level.

This separation distance is clearly sufficient to prevent any significant harm to living conditions. Concerns have been raised by the occupants of these properties that the proposal would cause harm to living conditions through noise and disturbance. However the proposal has already been deemed to not cause any significant harm to living conditions by the planning inspector.

No details of external lighting have been submitted with the application but in reality some degree of lighting would be required to ensure the safety of people staying in the accommodation at night time. Therefore a condition should be attached to any permission for a scheme of lighting to be submitted, approved and implemented. Lighting should be predominately low level lighting, angled down, shielded and controlled by sensors so as to reduce light pollution. With these controls the lighting should not adversely impact on residential amenities at nearby dwellings.

The current proposal is also considered to be less intensive than the previous scheme as it no longer includes the fishery element and the parking area to the south-western boundary has been reduced. As a result it is considered that the proposal would actually improve the impact to living conditions compared to the previous scheme.

Notwithstanding the fact that the principle has already been established the use is for holiday lodges which would not be expected to result in any significant noise and disturbance over and above that which would be associated with a standard residential use.

As a result there would be no significant harm to living conditions of neighbouring properties.

### **Contaminated Land**

As the application is for a form of human accommodation which are a sensitive end use and could be affected by any contamination present a contaminated land condition will be attached to the decision notice of any approval.

### **Highways**

The proposal would utilise an existing access from Hollyhurst Lane as per the previous application but no longer proposed to utilise the access to the north.

The application reflects the approval for the 20 timber clad caravans but the number of spaces, other than those associated with each individual unit, has been reduced from 80 to 10. Each individual unit will have a parking space located adjacent to them.

The Council's Highways Engineer has also been consulted and has confirmed that he has no objections to the proposal.

As a result it is considered that the proposal could be accommodated without resulting in any significant harm to the existing highway network.

### **Landscape**

The site is located in open countryside to the south west of Wrenbury. It comprises undulating grassland surrounding three lakes. There are lengths of hedge with hedgerow trees around the periphery, a hedge within the site and a single Oak tree within the site. The site is accessed from Hollyhurst Road along an existing track.

In 2006, approval was granted for a commercial fishery, an administration building, an 80 space car park, breeding tanks and an access road on the site. The lakes, breeding ponds and part of the access road have been implemented. In June 2011 under application 10/4610N, consent was granted on appeal for



a proposal 'Siting of 20 timber clad twin unit caravans for holiday accommodation & erection of an administration building on site which already has planning permission for a recreational fishery including an 80 space car park'.

The current application is similar to the proposals under 10/4610N but proposes a smaller carpark, and a wardens office rather than an administration building. The layout for the caravans is the same.

Whilst the LPA raised concerns regarding landscape impacts in respect of earlier proposals, the principle of a development of greater scale than now proposed has been deemed acceptable by a Planning Inspector.

The Councils Landscape Officer has also been consulted and has advised that she has no objection subject to the below conditions

- Detailed hard and soft landscape scheme to include specific detail for each plot
- Details of levels for each caravan
- Details of any proposed hardstanding for each unit
- Details of service and drainage routes
- Details of proposed external lighting
- An ecology & landscape management plan for the future management of the site
- A construction management plan to include details of spoil disposal

As a result any impact on the landscape would be mitigated by the above conditions.

## **Trees**

There are boundary hedgerows to the site and a number of trees present, mainly in the hedgerows with a single mature Oak in the southern western area of the site.

The application is supported by a tree survey and assessment dated July 2017. This updates an earlier survey. Site layout plan 1300/03 shows tree constraints and lines of tree protection fencing in relation to the development proposals. The plan also identifies areas where no dig construction would be required to accommodate tree root protection areas.

As the majority of trees are to remain and the location of built form is as approved it is not considered that the current proposal would pose any harm to existing tree stock.

The Councils Arborist has also been consulted and has advised that she has no objection to the proposal subject to the below conditions:

- Non standard Levels
- Tree protection
- Non standard engineering details
- Service/drainage layout

## **Character/Appearance/Countryside**

The site is an area of open grassland and lakes. All 20 caravans would be around the 2 eastern-most lakes. There would be no caravans around the western-most lake or, indeed, in any part of the western half of the site.

The open countryside in which the site lies is gently undulating, with hedges, mature trees and blocks of woodland. Buildings are few and far between. The nearest are at Yew Tree Farm, Yew Tree Barns & Lakeside Barns immediately to the north of the site, and there is a poultry farm to the south. Clear views of the site can be obtained from the garden of No 1 Yew Tree Barns and Lakeside Barns.

The site is generally secluded. The publicly accessible viewpoints with the greatest sensitivity, and where the greatest adverse impact would be experienced, are the footpath that runs to the east and south of Yew Tree Farm and the railway line slightly further to the north. The line is elevated, and train passengers would be able to see across the site.

Policies EG2 (Rural Economy), EG4 (Tourism), SC1 Leisure and Recreation) have a presumption in favour of recreational/tourism uses in the open countryside provided that, amongst other things, they do not harm the character or appearance of the countryside/landscape. Therefore a balance has to be struck between the recreational benefits of the 2 schemes and the protection of rural character.

As part of the previous appeal the inspector considered the issues of the impact on the character/appearance of the surrounding rural area and advised as follows:

*In my view, the timber-clad caravans on the islands would be far more intrusive and prominent than those on the areas around the 3 lakes where ground levels appear to be generally lower.....In contrast, the 20-caravan scheme would not cause unacceptable harm because, not only would there be 14 fewer caravans, but there would also be no caravans on the western half of the site, none around the western-most lake and none on any of the islands.*

*I have also taken into account the mitigating effect of new planting. The appellant has devised landscaping schemes that include generous amounts of buffer planting to screen the caravans, particularly when viewed from the public footpath and Yew Tree Barns. The landscaping scheme for the 34-caravan scheme is more extensive but, in my view, the location of some of the planting could appear incongruous relative to the natural distribution of trees and hedges in the surrounding landscape, thereby causing undue change to the landscape's character*

*In addition, I consider that lights, activity and noise arising from the proposed use of the site would have a harmful effect on the tranquil character of this rural area. Logically, the greater the number of caravans the greater the harmful effect is likely to be.*

*Taking all the above reasons into account, I have reached the view that the 34- caravan scheme (Appeal No 1) would have an unacceptably harmful effect on the character and appearance of the surrounding rural area, whereas the 20- caravan scheme (Appeal No 2) would not.*

Given that the inspector concluded that the previous scheme was acceptable in terms of impact on the open countryside, it would be unreasonable to conclude that the current proposal which seeks a slightly reduced scheme (less car parking and no association with the fishery) would have any harmful visual impact over and above the more intensive scheme which was allowed at appeal.

Notwithstanding the previous decision, given the limited heights of the caravans at just 3.05 and the significant boundary treatments both existing and proposed, it is considered that the visual impact of the proposal could be suitably mitigated to prevent significant visual impact. The design of the units would

consist of timber clad with would further assimilate with the rural setting. Materials forming access and parking areas could also be dealt with by condition to ensure that any visual impact is limited.

As a result it is not considered that the proposal would cause any significant visual harm to the overall character/appearance of the area.

## **Flood Risk**

The site is in an area identified as having a low probability of flooding on the Environment Agency Flood Map and therefore a Flood Risk Assessment has been prepared. The site falls within Flood Zone 1, i.e. has a probability of less than 1 in 1000 in any one year (0.1%).

A Flood Risk Assessment has not been provided for the current proposal but one was provided for the previous application. This was based on the more intense use and concluded if the surface water run-off is managed correctly, then there will be no increase in flood risk to the development or to others. The land use also falls into 'more vulnerable' and this is appropriate for Flood Zone 1.

The planning inspector did not conclude any concerns from a flood risk/drainage perspective for the original scheme subject to drainage based conditions. Any issues concerning pollution of water/water quality would be a matter for the Environment Agency, who incidentally did not object to the previous application.

The Councils Flood Risk Team have also been consulted and have not raised any objection subject to drainage conditions.

Given that the current application is a resubmission of the same use where no significant drainage/flood risk issues were raised, the same is considered reasonable for the current proposal and therefore it is not considered that the proposal would pose significant concerns from a drainage/flood risk perspective.

## **Ecology**

### Hedgerows

As per the submitted layout plan (Drawing no: 1300-L02C) the existing hedgerows should be retained as part of the development. If planning consent is granted the Councils Ecologist recommends a landscape condition be attached that includes the retention and enhancement of the boundary hedgerows.

### Trees

There are some anticipated losses during site clearance. The tree known as T9 in the submitted Preliminary Ecological Assessment (UES, 28/06/2017) had a confirmed soprano pipistrelle roost in 2010. Site plans show retention of T9 which should also be conditioned.

### Great Crested Newts

Evidence of a medium population of Great Crested Newts (GCN) across 12 of the waterbodies on site and within 250m of the site has been recorded, including all 3 of the former fishing lakes. The usage of the site by GCN could potentially include extensive areas of terrestrial habitat as well as the lakes and ponds. The proposed loss of and disturbance to areas of terrestrial habitat on this site in the absence of

mitigation is likely to have a medium impact upon on GCN at the local level and a low impact upon the conservation status of the species as a whole.

The submitted report and method statement recommends the creation of hibernacula and enhancement of terrestrial habitat as a means of compensating for the loss of habitat and also recommends the timing and supervision of the works, including newt fencing, pitfall trapping and translocation of amphibians during the construction phase of the development to reduce the risk posed to any GCN that may be present when the works are completed.

#### Important

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 licence under the Habitat Regulations. A licence 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.

#### **EC Habitats Directive**

#### **Conservation of Habitats and Species Regulations 2010**

#### **ODPM Circular 06/2005**

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.

#### Overriding Public Interest

The provision of mitigation would assist with the continued presence of newts.

## Alternatives

There is an alternative scenario that needs to be assessed, this are:

### No development on the site

Without any development, specialist mitigation for newts would not be provided which would be of benefit to the species. Furthermore, the existing habitat could be lost as the result of the activities from the permitted fishery.

The Council's Ecologist has advised that if consent is granted the proposed mitigation/compensation is broadly acceptable and with some additions is likely to maintain the favourable conservation status of the species.

If planning consent is granted a condition to require the development to be undertaken in accordance with the Great Crested Newt Method Statement (UES, 29/06/2017) will be required.

## Landscaping and ponds

The Councils Ecologist suggests that conditions should be applied that require: the landscaping of the site to be in accordance with the submitted drawing number 1300-L02D, including the access road layout and location of the new agreed wildlife pond; The creation of the pond in accordance with drawing number 1300-D05.

## Other Protected Species

A main set has been recorded on site. As per the submitted Preliminary Ecological Assessment (UES, 28/06/2017) a preliminary check should be carried out up to 1 year prior to works commencing, and a further check immediately before works commence to confirm the no new setts have been created. The Councils Ecologist has suggested that a condition should be attached that following the pre-commencement checks works can proceed under the reasonable avoidance measures outlined in the submitted Preliminary Ecological Assessment providing badger activity remains confined to its previously confirmed location. If new setts are identified a Natural England licence may be required.

## Grassland

Much of the site is composed of semi-improved grassland habitat. Under the Local Wildlife Site selection criteria the botanical species assemblage recorded during the Preliminary Ecological Assessment qualifies the habitat as restorable grassland meaning it has potential to be restored to Biodiversity Action Plan priority habitat. The Preliminary Ecological Assessment proposes to enhance and maintain this habitat by way of an Ecological Development Strategy and Landscape and Ecology Management Plan. The management plan(s), to include management of all grassland habitat on site for the operational life of the development should be submitted for review and approval. Adherence to the management plan, can be a post determination approval. The plan shall also consider how a resident badger population would be managed in relation to the proposed newt mitigation fencing during the construction phase

## Breeding Birds

If planning consent is granted, the Councils Ecologist has recommended the following conditions:

- Detailed survey shall be carried out to check for nesting birds.
- Incorporation of features into the scheme suitable for use by breeding birds

The above conditions are considered to be necessary and reasonable in the interests of nature conservation and will therefore be added to any decision notice.

## **ECONOMIC SUSTAINABILITY**

### **Rural Economy/Tourism**

EG2 advises that proposals that create or extend rural based tourist attractions, visitor facilities and recreational uses will be supported provided it supports the rural economy, and could not reasonably be expected to locate within a designated centre, no harm to open countryside/appearance of the area and has adequate infrastructure.

The proposal would clearly benefit the rural economy as it would provide jobs and local spending power from visitors/users of the site. Given the nature of the use relying on the access to the countryside it would not be appropriate for the use to locate within a designated centre. The buildings are low key in height, with acceptable timber cladding appearance and would be screened by existing and proposed planting and would not cause significant harm to the appearance of the countryside. There are shops and bus stops in Wrenbury about 1.8km away, and Wrenbury railway station is just over 2km away. Furthermore, the rural roads and footpaths in the area make recreational cycling and walking an attractive proposition. Therefore it is considered that the site has adequate infrastructure.

EG4 advises that proposals which promote the enhancement and expansion of existing visitor attractions / tourist accommodation, and the provision of new visitor and tourism facilities, in sustainable and appropriate locations will be supported if in sustainable locations, use sustainable transport modes, evidence that tourist facility is required with a particular countryside attraction, access to services, no harm to landscape or amenity and adequate infrastructure.

As noted above the site is located in close proximity to services in Wrenbury and has access to walking and cycling routes. This issues was covered by the planning inspector for the previous appeal who concluded that

*“It is clear that the site could be accessed by a range of means of transport; one of the criteria of LP policy RT.6. I have also taken into account the appellant’s willingness to implement a Travel Plan with features such as an on-site minibus service, footpath and cycle route information and a pre-order service for basic groceries. I have therefore reached the view that the location of the appeal site is not something that warrants a refusal on sustainability grounds. The principles of sustainability are met to a sufficient degree”.*

As this is for the same use on the same site is considered to remain locationally sustainable and would also provide a range of transport options such as car, bus, walking, cycling. The particular tourist attraction seeks to utilise local countryside features such as walking and cycling options and is considered necessary and has been supported by a market assessment which confirms the need for such uses in the countryside throughout the UK. Similarly the Councils Visitor Economy Officer has confirmed the need for the facility locally and fully supports the proposal. As noted above the buildings are considered to be low key and would be screened by existing and proposed planting so would not

cause significant harm to the character/appearance of the area. Infrastructure has also been addressed above.

SC1 advises that proposal which support and promote the provision of better leisure, community and recreation facilities, where there is a need for such facilities will be supported where they are in highly assessable locations, no harm to the landscape, amenity, biodiversity and support the visitor economy and based on existing visitor attractions.

The proposal is not considered to cause significant harm to amenity given the separation distances to nearest neighbouring properties and the use itself is not expected to generate significant noise/disturbance. In terms of biodiversity it is considered that any impact could be mitigated by conditions. The use is considered to support the visitor economy and has been supported by the Councils Visitor Economy Officer. The existing visitor attractions are the countryside itself and the offer of walking and cycling. The issue of accessibility and impact on the landscape has been addressed above.

SC3 advises that new developments that improve health and well-being will be supported where they provide opportunities for healthy living and improve health and well-being through the encouragement of walking and cycling, good housing design, access to services, sufficient open space and other green infrastructure, and sports facilities and opportunity for recreation and sound safety standards.

The proposal offers access to the countryside and its associated recreational activities (walking and cycling etc) and is therefore considered to improve health and well-being. The site itself has sufficient areas of open space and certainly access to other areas of open space in the countryside. The site is not known to have any safety issues and the site has been deemed not to cause any significant harm to the existing highway network by the Councils Highways Engineer. The issue of access to services has been addressed above

Policy RT.10 (Touring Camping and Camping Sites) allows for touring caravan and camping sites where a number of criteria are met.

However this application is for timber clad holiday accommodation not touring accommodation.

## **PLANNING BALANCE**

The site lies largely in the Open Countryside as designated by the Adopted Cheshire East Local Plan, where policy PG6 states that within the Open Countryside only development that is essential for the purposes of agriculture, forestry, outdoor recreation, public infrastructure, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted.

The proposal seeks consent for the siting of 20 caravans and associated works for use as holiday lodges. Therefore the proposal is clearly aimed at tourism and outdoor recreation.

The development and use of the site has also already been established under the previous planning approval ref 10/4610N. This is an important material consideration. Whilst policy has changed since this decision, the current policy stance offers even stronger support for this type of use. As a result the principle of the development remains acceptable.

The proposal is considered to have a neutral impact in terms of amenity, highway safety, ecology, contaminated land, trees and flood risk.

The proposal is considered to have benefits in terms of boost to the rural economy through creation of jobs and spending of guests/users of the site and boost to local tourism by creating new visitor facilities/accommodation.

The negatives would be the visual impact on the open countryside however this impact is limited by the low key nature of the structures which are visually in keeping and would be predominantly screened by existing and proposed planting.

The previous decision to approve the use is also an important consideration especially as the current scheme seeks a reduced scheme from that previously approved.

Applying the tests within paragraph 14 it is considered that the benefits outweigh the dis-benefits. As such, on balance, it is considered that the development constitutes sustainable development and should therefore be approved.

## **RECOMMENDATION:**

### **APPROVE SUBJECT TO CONDITIONS:**

- 1) Commencement**
- 2) Approved Plans**
- 3) No development until plans/details of wardens office and samples of materials of external finishes of all buildings has been provided**
- 4) Levels of site**
- 5) Level of each caravan and car park**
- 6) External lighting details**
- 7) Landscaping scheme including the retention and enhancement of the boundary hedgerows. Shall also include details of the access road layout and location of the new agreed wildlife pond**
- 8) No tree or hedgerow works, nor any site works, shall take place during the bird nesting season**
- 9) Bat boxes**
- 10) Parking areas provided before occupation of caravans**
- 11) Passing places**
- 12) Travel plan**
- 13) Cycle storage available before occupation of caravans**
- 14) Foul and surface water drainage**
- 15) Waste storage and recycling facilities**
- 16) Occupied as holiday accommodation only**
- 17) Log of users**
- 18) Hard and soft landscaping for each plot**
- 19) Details of hardstanding for each unit**
- 20) Details of service and drainage routes**
- 21) Ecology and landscape management plan**
- 22) Construction management including soil disposal**
- 23) Tree protection**
- 24) Method statement**



- 25) Tree shown as T9 in the submitted Preliminary Ecological Assessment (UES, 28/06/2017) shall be retained**
- 26) Development in accordance the recommendation made by the submitted Great Crested Newt Method Statement (UES, 29/06/2017)**
- 27) The creation of the pond in accordance with drawing number 1300-D05**
- 28) works to proceed under the reasonable avoidance measures outlined in the submitted Preliminary Ecological Assessment**
- 29) Ecological Development Strategy and Landscape and Ecology Management Plan**
- 30) Nesting birds survey**
- 31) Breeding birds survey**
- 32) PROW**
- 33) Contamination 1**
- 34) Contamination 2**
- 35) Contamination 3**

**In order to give proper effect to the Board`s/Committee`s intentions and without changing the substance of the decision, authority is delegated to the Head of Planning (Regulation), in consultation with the Chair (or in her 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.**

