



# Northern Planning Committee

## Updates

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**Date:** Wednesday, 19th January, 2011  
**Time:** 2.00 pm  
**Venue:** The Capesthorne Room - Town Hall, Macclesfield SK10 1DX

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The information on the following pages was received following publication of the committee agenda.

**Additional Planning Updates** (Pages 1 - 6)

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Please contact Sarah Baxter on 01270 686462  
E-Mail: [sarah.baxter@cheshireeast.gov.uk](mailto:sarah.baxter@cheshireeast.gov.uk) with any apologies, requests for further information or to arrange to speak at the meeting

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**NORTHERN PLANNING COMMITTEE – 19 January 2011**

**UPDATE TO AGENDA**

**APPLICATION NO.**

10/4083M

**LOCATION**

Rode Heath Wood, Back Lane, Eaton

**UPDATE PREPARED**

19 January 2011

**REPRESENTATIONS**

One letter of representation has been received from a local resident objecting to the proposal on the grounds that full time occupation of any of the units would be a very different development.

A second letter has been received from another local resident raising no objection to the variation of condition 9 to allow one unit to be utilised for management and control of the site. However, they do object to the occupation of the unit as the manager's sole full time residence. It is not appropriate for manager to be on duty 365 days per year, 24 hours per day. With regard to condition 12, if there are no occupants then there will be nothing to manage, therefore variation of this condition is unnecessary. They also question whether there has been a breach of condition 21 (drainage) from the original decision.

**KEY ISSUES**

As outlined in the original report the full time occupation is to enable a site manager to be permanently available on the site to support the approved holiday use.

**CONCLUSION**

As in the original report a recommendation of approval is made subject to the following conditions and Heads of Terms:

**Conditions**

- 1 Landscaping proposals and implementation in accordance with approved details. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting

season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

- 2 External appearance of the caravans in accordance with approved details.
- 3 External lighting of the site in accordance with the approved details.
- 4 Construction of roads, parking spaces, hardstandings and storage of building materials and parking of contractors vehicles in accordance with approved details.
- 5 Ecological management plan in accordance with approved details.
- 6 Refuse storage and recycling facilities in accordance with approved details.
- 7 The caravans shall be occupied for holiday purposes only, other than the caravan on plot 10, which may be occupied by a person solely or mainly employed as an on site manager (together with any dependents) for the holiday park for a period of three years from the date of this permission. Upon the expiry of the three year period the occupation of plot 10 shall be for holiday purposes only.
- 8 The caravans shall not be occupied as a person's sole or main place of residence other than the caravan on plot 10, which may be occupied by a person solely or mainly employed as an on site manager (together with any dependents) for the holiday park for a period of three years from the date of this permission. Upon the expiry of the three year period plot 10 shall not be occupied as a person's sole or main place of residence.
- 9 The owners/operators of the site shall maintain an up to date register of the names of all owners/occupiers of individual caravans on the site and of their main home addresses and shall make this information available at all times to the Local Planning Authority.
- 10 No caravan on the site shall be occupied between 14 January and 1 March in any year other than the caravan on plot 10, which may be occupied by a person solely or mainly employed as an on site manager (together with any dependents) for the holiday park for a period of three years from the date of this permission. Upon the expiry of the three year period plot 10 shall not be occupied between 14 January and 1 March in any year.
- 11 Access to Back Lane in accordance with approved details.

- 12 No gates or other obstruction shall be placed across the proposed access.
- 13 Turning space to be provided.
- 14 Passing places to be provided along Back Lane.
- 15 Footpath to be provided between the site and the A536.
- 16 Bus stops on the A536 adjacent to the opposite Novar to be improved.
- 17 Cycle parking facilities in accordance with approved details.
- 18 Materials to be used to construct the caravans in accordance with approved details.
- 19 Foul and surface water drainage of the site in accordance with approved details.

### **Heads of Terms**

As a unilateral undertaking was given at the original appeal that granted planning permission for the site, Heads of Terms for a new unilateral undertaking in similar terms are required to be attached to this application.

- A Travel Plan
- Submission, approval and implementation of a woodland management plan
- Form of Licence Agreement to be utilised

These Heads of Terms take account of planning gain secured under the original permission, the comments of the second Inspector and the requirement to comply with the Community Infrastructure Levy (CIL) Regulations 2010. It is now necessary for legal agreements to consider the issue of whether requirements within the original 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.

In this instance the travel plan is required to encourage use of modes of transport to and from the site other than the car.

The woodland management plan is required to ensure that the surrounding woodland and land, including ecological interests, are appropriately managed and enhanced where necessary.

The form of the licence agreement to be issued to owners of caravans on the site sets out simply the basis that the caravan is to be occupied, although the further requirements that were included within the original undertaking are

considered to fail the tests of CIL and government guidance. The Inspector attached a condition to cover the holiday occupation of the caravans. The restrictions on who can occupy and the prevention of subleasing would not encourage the use of the park as a holiday site, and are therefore not considered to be necessary.

In respect of these matters it is considered that the items listed are necessary, directly related to the development and are fair and reasonable in relation to the scale and kind of the development.

**NORTHERN PLANNING COMMITTEE – 19 January 2011**

**UPDATE TO AGENDA**

**APPLICATION NO.**

10/4558M

**LOCATION**

6 Ashwood Road, Disley

**UPDATE PREPARED**

19 January 2011

**CONSULTATIONS**

Disley Parish Council – Object on the grounds that the proposal is over development of the site, unneighbourly and overlooks adjacent properties. Contrary to policies BE1, DC1 and DC3.

**KEY ISSUES**

Revised plans have very recently been received, which may overcome the concerns raised by officers in the original Committee report. The plans remove the decking from the proposal in its entirety, and reduce the parking area to the front to accommodate only one car. The acceptability of the plans cannot be confirmed until the details have been checked on site, and the full impact properly assessed by officers. Additionally, neighbouring properties should be renotified and given the opportunity to consider and comment on the revised proposals. It is therefore considered that the most appropriate course of action would be to defer the application to the next Committee on 9 February 2011.

**CONCLUSION**

Accordingly a recommendation of deferral is now made.

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