

# Southern Planning Committee

## Agenda

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<b>Date:</b>	<b>Wednesday, 4th July, 2018</b>
<b>Time:</b>	<b>10.00 am</b>
<b>Venue:</b>	<b>Council Chamber, Municipal Buildings, Earle Street, Crewe CW1 2BJ</b>

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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.

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 foot of each report.

It should be noted that Part 1 items of Cheshire East Council decision making and Overview and Scrutiny meetings are audio recorded and the recordings will be uploaded to the Council's website.

### **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 30 May 2018.

Please contact Julie Zientek on 01270 686466

E-Mail: [julie.zientek@cheshireeast.gov.uk](mailto:julie.zientek@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

#### 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. **17/2879N 12, Cemetery Road, Weston CW2 5LQ: The use of land for the stationing of caravans for residential purposes for one family gypsy pitch together with formation of hardstanding and ancillary utility/dayroom, and the retention of the existing permitted stables for M Stokes (Pages 9 - 20)**

To consider the above planning application.

**THERE ARE NO PART 2 ITEMS**

**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Southern Planning Committee**  
held on Wednesday, 30th May, 2018 at Council Chamber, Municipal  
Buildings, Earle Street, Crewe CW1 2BJ

**PRESENT**

Councillor J Wray (Chairman)

Councillors Rhoda Bailey, D Bebbington, C Browne (for Cllr Weatherill),  
P Butterill, J Clowes, W S Davies, S Edgar, J Rhodes, B Roberts and  
B Walmsley

**NON-COMMITTEE MEMBERS IN ATTENDANCE**

Councillor T Fox

**OFFICERS PRESENT**

Neil Jones (Principal Development Control Officer - Highways)  
Susan Orrell (Principal Planning Officer)  
Richard Taylor (Principal Planning Officer)  
James Thomas (Senior Lawyer)  
Julie Zientek (Democratic Services Officer)

**Apologies**

Councillors A Kolker and J Weatherill

**1 DECLARATIONS OF INTEREST/PRE DETERMINATION**

The following declarations were made in the interests of openness:

Councillor S Edgar declared that he had attended the Northern Planning Committee meeting on 14 March 2018 as a substitute, when application number 17/2061M had been considered. He would therefore not take part in the debate or vote.

Councillor C Browne declared that he was a Member of the Northern Planning Committee, but that he had not attended the meeting on 14 March 2018, when application number 17/2061M had been considered.

With regard to application number 18/0356C, Councillor B Walmsley declared that she was a Member of the Cheshire Brine Subsidence Board, which had been consulted, but that she had not discussed the application.

With regard to application number 18/0356C, Councillor J Wray declared that he was also a Member of the Cheshire Brine Subsidence Board, which had been consulted with respect to the application.

## 2 MINUTES OF PREVIOUS MEETING

RESOLVED – That the minutes of the meeting held on 2 May 2018 be approved as a correct record and signed by the Chairman.

### 3 **17/5537C LAND AT CEDAR AVENUE, ALSAGER: ERECTION OF RETIREMENT LIVING ACCOMMODATION (CATEGORY LL TYPE) TOGETHER WITH COMMUNAL FACILITIES, LANDSCAPING AND CAR PARKING FOR MCCARTHY & STONE RETIREMENT LIFESTYLES LTD**

Note: Richard Taylor, Principal Planning Officer, read a representation from Councillor M Deakin (Ward Councillor), who was unable to attend the meeting.

Note: Town Councillor C Pletscher (on behalf of Alsager Town Council), Mrs S Dyke (objector), Ms S Helliwell (supporter) and Mr E Harvey (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application, a written update and an oral report of the site inspection.

RESOLVED

(a) That, for the reasons set out in the report and the written update, the application be APPROVED subject to the completion of a S106 Agreement to secure:

1. Healthcare of £27,936 for Alsager Primary Care Centre (sum to be paid prior to the commencement of development)

In addition to point 1 if no legislation is enforced by the Government that would prevent the applicant being able to secure ground rental income prior to the building's first occupation then the additional contributions will be secured;

2. £6,930 biodiversity off-setting contribution (sum to be paid prior to the occupation of the 1st unit)
3. £185,634 towards off-site affordable housing (sum to be paid prior to the occupation of the 1st unit)

and the following conditions:

1. Standard Time
2. Plans
3. Tree Protection
4. Tree Pruning/Felling Specification
5. Service/Drainage Layout to be submitted

6. Engineer no dig construction of pedestrian footpath to the south of the site
  7. Prior to the use of any facing or roofing materials details shall be submitted and approved
  8. Notwithstanding the approved plans boundary treatment details shall be submitted and approved, including soft landscaping and the provision of railings to the boundary of the site with the playing field
  9. Submission, approval and implementation of a Construction Management Plan
  10. Implementation of the noise mitigation measures
  11. Piling works
  12. Levels to be submitted and approved
  13. Provision of Electric Vehicle infrastructure
  14. Contaminated land – submission of a phase 2 report
  15. Contaminated land – submission of a verification report
  16. Contaminated land – works to stop if any unexpected contamination is discovered on site
  17. Compliance with the submitted FRA
  18. Breeding birds – mitigation measures
  19. Breeding Birds – timing of works
  20. Submission of external lighting details
  21. Site to be drained on a separate system with only foul drainage connected into the public foul sewerage system.
  22. Submission of a scheme for the removal of Himalayan Balsam on the application site
  23. Notwithstanding approved plans details of the hard and soft landscaping and car parking layout to be submitted and approved
  24. Implementation of the landscaping scheme
  25. The car-parking layout approved as part of condition 22 shall be implemented prior to first occupation
  26. Age limit - minimum age: 60 years (with 55 for dependent)
- (b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Head of Planning (Regulation), in consultation with the Chairman (or in his absence the Vice Chairman) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, before issue of the decision notice.
- (c) That, should this application be subject to an appeal, the following Heads of Terms should be secured as part of any S106 Agreement:
1. Healthcare of £27,936 for Alsager Primary Care Centre (sum to be paid prior to the commencement of development)

If no legislation is enforced by the Government that would prevent the applicant being able to secure ground rental income prior to the building's first occupation then the additional contributions will be secured;

2. £6,930 biodiversity off-setting contribution (sum to be paid prior to the occupation of the 1st unit)
3. £185,634 towards off-site affordable housing (sum to be paid prior to the occupation of the 1st unit)
- 4 **18/0356C CHERRY LANE FARM, CHERRY LANE, RODE HEATH, CHESHIRE ST7 3QX: DEMOLITION OF EXISTING COMMERCIAL BUILDINGS AND CONSTRUCTION OF 14 NO. RESIDENTIAL DWELLINGS WITH ACCESS, CAR PARKING AND OTHER ASSOCIATED WORKS FOR CHERRY LANE FARM LIMITED**

Note: Susan Orrell, Principal Planning Officer, read a representation from Councillor L Wardlaw (Ward Councillor), who was unable to attend the meeting.

Note: Parish Councillor B Adams (on behalf of Church Lawton Parish Council), Mrs B Barber (objector) and Ms A Burns (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application and a written update.

RESOLVED – That the application be DEFERRED for the following:

- A committee site inspection to enable Members to assess the impact of the development
- Further information on sustainability
- An updated highway assessment
- The Strategic Housing Manager to be requested to attend the Southern Planning Committee meeting when this application is re-considered

- 5 **17/2061M ROSEGARTH, 51, ADLINGTON ROAD, WILMSLOW, CHESHIRE SK9 2BJ: DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 7 NEW DWELLINGS FOR MR & MRS WILMAN**

Note: Prior to consideration of this application, the meeting was adjourned for a short break.

Note: Councillor S Edgar left the meeting prior to consideration of this application.

Note: Councillor T Fox (Ward Councillor), Town Councillor D Pincombe (on behalf of Wilmslow Town Council) and Ms K Ludlam (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application and an oral report of the site inspection.

RESOLVED

- (a) That, contrary to the planning officer's recommendation for refusal, the application be APPROVED for the following reason:

The proposed mitigation of replacement tree planting is considered within the planning balance to adequately compensate for the loss of the protected oak tree.

- (b) That authority be DELEGATED to the Head of Planning (Regulation), in consultation with the Chairman of Southern Planning Committee, to agree conditions, including the following:
1. The removal of all permitted development rights for Classes A-E
  2. A landscaping/replacement planting scheme

The meeting commenced at 10.00 am and concluded at 1.20 pm

Councillor J Wray (Chairman)

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Application No: 17/2879N

Location: 12, CEMETERY ROAD, WESTON, CW2 5LQ

Proposal: The use of land for the stationing of caravans for residential purposes for one family gypsy pitch together with formation of hardstanding and ancillary utility/dayroom, and the retention of the existing permitted stables.

Applicant: M Stokes

Expiry Date: 03-Aug-2017

### **SUMMARY**

Having regard to the rural location of the site in relation to local facilities and public transport the site is considered to be in a sustainable location.

Alongside this is the identified need for accommodation for gypsies and travellers in the Borough. A total of 24 additional plots are required within the Borough for the period to 2028. Whilst 40 additional permanent pitches have been granted planning permission since the publication of the GTTSAA, this is not a ceiling and there is still a need for sites within the Borough in the next 10 years.

The provision of needed gypsy and traveller accommodation is a clear social benefit of the proposal.

Despite being located in the Green Gap, it is considered that the characteristics of the site and immediate surroundings will not lead to an erosion of the existing physical gap between settlements or adversely affect the landscape.

The proposal is considered to be a sustainable form of development, and therefore a recommendation of approval with conditions is made.

### **SUMMARY RECOMMENDATION**

**Approve with conditions**

### **REASON FOR REFERRAL**

This application had been referred to the Southern Planning Committee by Cllr John Hammond for the following reasons:

*The site lies outside the settlement boundary of Weston Village within the Green Gap. It is therefore contrary to Policy NE4, Green Gaps, NE2, Open Countryside and RES13 Sites for Gypsies and Travelling Showpeople of the Crewe and Nantwich Replacement Local Plan. It also contravenes*

*Policy PG4a, Strategic Green Gaps, PG5, Open Countryside of the Cheshire East Local Plan Strategy which has now been recommended by the Inspector for adoption and the emerging Weston & Basford Neighbourhood Plan which has now reached Examination Stage.*

*The access to the site via a narrow shared driveway is totally unsuitable for the proposed development and contravenes Policy BE3, Access and Parking, of the Crewe and Nantwich Replacement Local Plan. There also appears to be no evidence of need for a site in this location in accordance with Government Planning Guidance.*

*I would strongly recommend that a site visit would be most beneficial to Members of the Committee on this occasion*

### **PROPOSAL**

The proposal seeks permission for the change of use of land to use as a residential caravan site for one gypsy family with caravans together with the formation of hardstanding and ancillary utility/dayroom and the retention of the existing stables.

### **SITE DESCRIPTION**

The application site is found to the north of Cemetery Road and lies with the Green Gap as designated by the Crewe and Nantwich Replacement Local Plan 2011. Residential development lies to the south with open fields/paddocks to the west, east and north.

At present a stable block occupies part of the site.

### **RELEVANT HISTORY**

**16/4579N** - Resubmission of application 15/5242N for the creation of hardstanding area around existing stable block for use of horsebox/trailers and storage of equine equipment – approved with conditions 2016

**15/5242N** - Creation of hardstanding area around existing stable block for use of horsebox/trailers and storage of equine equipment – refused 2016

**7/12646** – Stables and tack shed – approved with conditions 1985

### **NATIONAL & LOCAL POLICY**

#### **National Policy**

The National Planning Policy Framework (the Framework) establishes a presumption in favour of sustainable development. The Framework sets out that there are three dimensions to sustainable development: economic, social and environmental. These roles should not be undertaken in isolation, because they are mutually dependent.

Planning Policy for Traveller Sites (PPTS) 2015 sets out the Government's planning policy for traveller sites. It should be read in conjunction with the Framework. The overarching aim is to

ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community.

## **Neighbourhood Plan**

### **Weston and Basford Neighbourhood Plan**

The W&BNP was made on 16<sup>th</sup> November 2017

H4 – Settlement Boundary

GG1 – Green Gap

LC2 - Landscape Quality, Countryside and Open Views

LC3 – Woodland, Trees, Hedgerows and Walls

T1 Footpaths, Cycle ways and Bridleways

### **Cheshire East Local Plan Strategy (CELPS)**

SD1 Sustainable Development in Cheshire East

SD2 Sustainable Development Principles

SE1 Design

SE2 Efficient Use of Land

SE4 The Landscape

SC7 Gypsies and Travellers and Travelling Showpeople

CO1 Sustainable Travel and Transport

CO4 Travel Plans and Transport Assessments

PG6 Open Countryside

IN 1 Infrastructure

### **Crewe and Nantwich Replacement Local Plan 2011**

The relevant Saved Policies are:

BE.1 Amenity

BE.3 Access and Parking

BE.4 Drainage, Utilities and Resources

NE.4 – Green Gaps

NE.9 Protected Species

### **Other relevant documents**

Cheshire Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (March 2014)

Cheshire East Council Gypsy, Traveller and Travelling Showpeople Site Identification Study (April 2014)

## **CONSULTATIONS:**

**Environmental Protection** – No objections subject to recommended conditions

**Public Rights of Way** – No objection. Informative suggested.

**Strategic Infrastructure Manager** – No objection subject to recommended conditions

**Weston and Basford Parish Council:**

The Parish Council objects to the proposal for the following reasons:

- Outside of Settlement Boundary
- Site is within Green Gap/Strategic Open Gap
- Contrary to Policy RES.13 (Sites for Gypsies, Travellers and Travelling Show People) of the C&NLP
- No evidence of the need for the site
- Access is unsuitable
- Proximity to existing properties
- Site is close to Conservation Area

**REPRESENTATIONS**

Approximately 157 letters of representation have been received objecting to the proposal on the following grounds:

- Unsuitable access
- No need for the site
- How large is a traveller family?
- Not in the Weston NP
- Site is within Green Gap
- Site is close to a school, nursery and other community groups
- Site is adjacent to Conservation Area
- Impact on wildlife
- Increase in traffic
- Impact on Public Right of Way
- Sewage disposal
- Loss of village identity

Three letters of support have also been received as part of this application.

**APPRAISAL**

The key issues in the determination of this application are:

- (a) Whether the site is in an appropriate location for the use proposed having particular regard to accessibility to services and facilities as well as other sustainability considerations referred to in the Local Plan and Planning Policy for Traveller Sites;
- (b) The effect of the proposed development on the character and appearance of the area;
- (c) Ecological impact

(d) Whether there are material considerations which outweigh any identified harm and conflict with policy.

### **Principle of Development**

Policies within the development plan, in conjunction with national planning guidance and advice in Planning Policy for Traveller Sites, accept that outside Green Belt areas, rural settings, where the application proposal is located (Open Countryside), are acceptable in principle for gypsy and traveller caravan sites.

Whilst the need for gypsy and traveller accommodation is a consideration (considered below), both development plan policies and Government guidance require, in addition, consideration of the impact on the surrounding area, neighbouring amenity, highway safety, the need to respect the scale of the nearest settled community and also the availability of alternatives to the car in accessing local services. These matters are assessed below.

### **Demonstrable Need**

Within para.24 of the Planning Policy for Traveller Sites (PPTS) (2015), it is advised that in assessment of planning applications, a number of issues should be considered including; a) the existing level of local provision and need for sites.

The Cheshire Gypsy, Traveller & Travelling Showpeople Assessment was completed in March 2014. In Cheshire East, the assessment identified an overall need for permanent residential pitches.

The existing identified need for in Cheshire East is for 32 pitches between 2013-2018 (5-years), a further 17 pitches between 2018-2023 (10 years) and a further 20 pitches between 2023-2028 (15 years), bringing the total need to 64 pitches.

With regards to addressing this identified need;

- 24 Pitches have been granted at Booth Lane, Middlewich;
- 4 pitches approved at Land East of Goby Road, Crewe;
- 4 pitches at The Oaks, Smallwood and;
- 9 transit pitches and 1 permanent pitch – council transit site
- 5 pitches have been granted at Betchton Gardens, Betchton

This brings the total approvals within the above timeframe to; 46 pitches. This meets the 5-year need. However, there remains a need for 18 pitches up to 2028, which the application proposal would help to meet.

### **Sustainability**

The site is located adjacent to the village of Weston. Day-to-day facilities such as a primary school, bus route, post office and pub are present within the village with secondary schools, medical facilities and supermarkets available in Crewe approximately 4 miles from the site. Locationally therefore, the site is considered to be sustainable.

The PPTS makes it clear that sustainability is important and should not only be considered in terms of transport mode and distance from services, but other factors such as economic and social

considerations are important material considerations. It is considered that authorised sites assist in the promotion of peaceful and integrated co-existence between the travellers and the local community. The provision of this site will achieve this aim, and will help with easier access GPs, schools and other services for the family occupying the site.

### Character and Appearance

The site is adjoined the existing Settlement Boundary of Weston with residential development to the south and open fields to the east and north. To the west lies what appears to be a horticultural operation with associated glass houses and other buildings, beyond this is a row of residential properties.

The site itself has mature boundary hedges and trees to the south, east and west.

Policy C of PPTS makes clear that gypsy and traveller sites may be acceptable in rural settings and hence there can be no in principle presumption that they should be hidden from view or that a degree of harm to the character and appearance of the countryside is unacceptable. The sight of caravans in the countryside is not unusual.

The proposal seeks consent for one family pitch, which will include one mobile home and one moveable touring caravan, with hardstanding, a utility/day room and the retention of the existing previously approved stables.

The proposed dayroom/utility building will measure 8 metres by 5 metres with a roof ridge height of 4.4 metres and will be timber clad.

The site is rectangular in shape with an access on to Cemetery Road and will not be readily visible from this passing highway. The existing properties along Cemetery Road which back onto the application site will be screened by the existing boundary vegetation. Further to this views of the site from other directions will be limited given the trees and hedgerows on and around the site.

With the above in mind, and having regard to the small scale of the proposals, the visual impact on the surrounding countryside and landscape would not be significant or intrusive.

Policies GG1 (Green Gap) of the Neighbourhood Plan does not permit the construction of new buildings where the development proposed will:

- a) Result in the degradation or erosion of the physical area of the existing green gap as shown on the plan.
- b) Adversely affect the visual character of the landscape and local wildlife habitats and corridors unless the adverse effects on wildlife could be overcome by mitigation.
- c) Result in the loss of hedgerows, hedgerow trees and areas of woodland where they make a significant contribution to the character and appearance of the area.
- d) Diminish the visual gaps between existing settlements.
- e) Result in the physical and or visual coalescence of settlements.

Policy NE.4 (Green Gaps) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 states that new development will not be permitted which would:

- a) Result in the erosion of the physical gaps between built up areas, or
- b) Adversely affect the visual character of the landscape

Policy PG5 (Strategic Green Gaps) states planning permission will not be granted which would;

- Result in erosion of the physical gap between any of the named settlements; or
- Adversely affect the visual character of the landscape; or
- Significantly affect the undeveloped character of the Green Gap, or lead to the coalescence between the existing settlements

The application site is partially contained by the existing boundary vegetation with the existing development to the south and west. As such, the site will be screened from most view points from the surrounding area and the proposed mobile home, caravan and building would be seen against a backdrop of existing development when viewed from the north and west.

With this in mind it is not considered that the proposed development would lead to an erosion of the physical gap between Weston and Crewe or adversely affect the character of the landscape.

It is therefore considered therefore this proposal would not materially compromise or undermine the purpose of the green gap of maintaining the separation between existing communities or preventing settlements from merging.

The proposed development does not involve the loss of any existing hedgerows or trees.

### PROW

Weston FP11 runs up the entrance drive and then along the eastern boundary of the site. The PROW would be unaffected by the proposed development and in this case the PROW Officer has requested that an informative is attached to the decision notice.

### Amenity

The closest residential dwellings to the application site are those situated along Cemetery Road to the south. There is a minimum separation distance of 30 metres to the nearest of these properties which is well in excess of the 21.3 metre separation recommended in the SPD. Further to this the existing boundary vegetation will act to screen the site from the dwellings. As such, it is not therefore considered to result in any significant harm to living conditions.

With regards to environmental disturbance, the Council's Environmental Protection Officer has reviewed the proposal and advised that they have no objections in principal however has suggest a condition relating to external lighting.

### Highway Safety

The application is for a caravan site for residential purposes which would utilise an existing access onto Cemetery Road, which is a C-class road.

The access is a PROW and also currently serves a number of residential properties and a small business.

The Council's Highways Officer initially responded to the application objecting to the application. Since this response further information has been received.

The applicant is the owner of the stables on the same site and currently accesses them using the same vehicle access onto Cemetery Road, and he currently has to travel from off-site to the application site. If he was to relocate to the proposed caravan site then these vehicle trips would not need to take place and would be netted off, reducing the overall vehicular impact of the proposal. A condition tying the residential and stable uses together will ensure this.

Given the limited width of the access it was not known if a caravan could safely enter and exit the site. A site visit was therefore carried out and observations made of the applicant driving a caravan out of and into the site; he was able to do so comfortably. The applicant also informs that a caravan has been stored within the site and used the access for a number of years without incident, which is reflective of the lack of recorded accidents at this access onto Cemetery Road.

The proposal also includes a mobile home. Given the limited width of the access the mobile home would have to be constructed within the site. It is currently not known how this would take place but the applicant has agreed to a condition for a Construction Management Plan, which would include details provided by the mobile home provider should the application be approved.

It is recognised that the access width onto Cemetery Road at 3m is narrower than standard, but with the conditions as stated above, the on-site observations, and as the access is existing with no recorded accidents, it would be difficult to defend an objection.

The Head of Strategic Infrastructure has raised no objection to the development subject to the imposition of the following conditions:

Condition 1: The residential and stable uses are linked so that one cannot be independent of the other.

Condition 2: prior to commencement of development a CMP should be submitted and approved which details the construction of the mobile home including how the parts will be transported onto the site, construction vehicle types, sizes and numbers.

### **Human Rights and Race Relations**

It is right and proper that Local Planning Authorities should consider the consequences of refusing or granting planning permission, or taking enforcement action, on the rights of the individuals concerned. Article 8 of the Human Rights Act 1988 states that everyone has the right to respect for his private and family life, his home and his correspondence. It adds there shall be no interference by a public authority with the exercise of this right except such as in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic



well being of the country, for the prevention of disorder or crime, for the protection of health or morals or the protection of the rights and freedoms of others.

The applicant's are Travellers, a racial group protected from discrimination by the Race Relations Act 1976. Further, Article 14 of the Human Rights Act states that the enjoyment of the rights and freedoms set forth in that Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

In this particular case, the determination of this application will not have a direct impact on the occupier's rights given that the application site has not been laid out or is being occupied. Should the application be refused, the applicant has a right of appeal and any resultant enforcement proceedings would only be taken following due consideration of the aforementioned rights.

The impact of the development on the rights of the local residents has been fully assessed; both in this report and accordingly any impact are considered acceptable.

### **PLANNING BALANCE & CONCLUSIONS**

Whilst the application site is located within the Green Gap, it would serve to provide a sustainable Gypsy and Traveller site for one family and would offer a contribution (albeit small) to the need to provide such sites.

The erosion of the physical gap between the settlements and the visual impact of the proposal in terms of the wider landscape would be minimised owing to the characteristics of the site and its small scale.

The site is generally within good proximity to facilities and amenities in the village of Weston and further afield in Crewe and is reasonably accessible. No significant amenity or highway issues are raised.

Cheshire East has not met its need for Gypsies and Travellers provision. As such, the proposal would assist the Council towards meeting this existing and future need.

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

### **RECOMMENDATION**

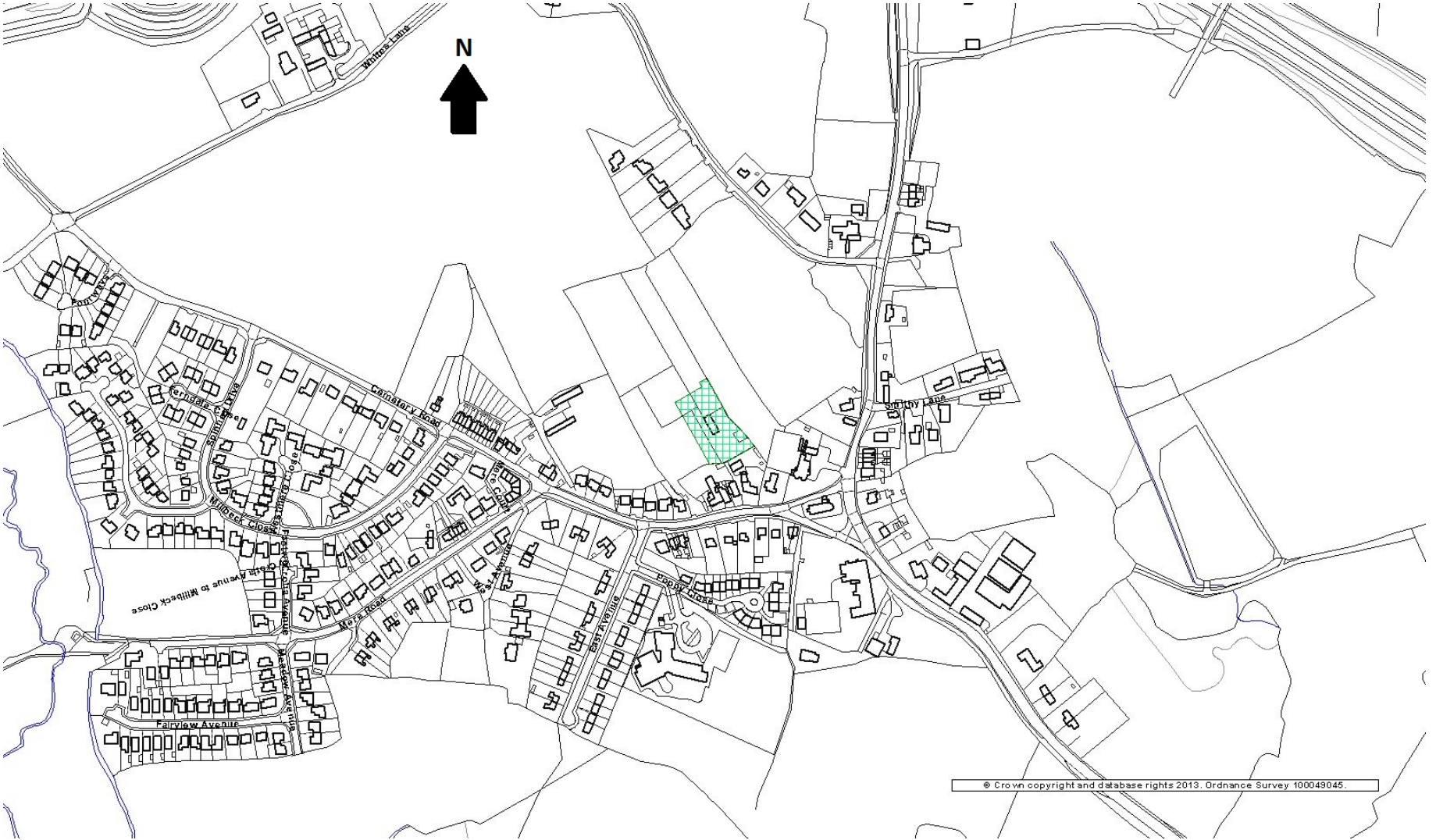
**APPROVE subject to conditions**

1. Time (3 years)
2. Number of caravans/mobile homes
3. Plans
4. Materials as per application
5. Scheme of landscaping to be submitted and approved
6. Implementation of the approved landscaping

7. **Boundary treatments to be submitted and approved**
8. **Drainage scheme to be submitted and approved**
9. **External lighting to be submitted and approved**
10. **Uses of site linked (caravans and stables)**
11. **Occupation by persons classified as gypsies**
12. **No commercial activities**
13. **Removal of PD (gates, walls, fences, enclosures)**
14. **Construction Management Plan to be submitted and approved**

**Informatives:**

1. **NPPF**
2. **Hours of construction**
3. **Contaminated Land**
4. **PROW Informative**



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