

Southern Planning Committee

Agenda

Date: Wednesday 16th March 2022
Time: 10.00 am
Venue: Council Chamber, Municipal Buildings, Earle Street, Crewe
CW1 2BJ

PLEASE NOTE – This meeting is open to the public and anyone attending this meeting is advised to wear a face covering when not sitting (unless exempt).

The importance of undertaking a lateral flow test in advance of attending any committee meeting. Anyone attending is asked to undertake a lateral flow test on the day of any meeting before embarking upon the journey to the venue. If your test shows a positive result, then you must not attend the meeting, and must follow the advice which can be found here:

https://www.cheshireeast.gov.uk/council_and_democracy/council_information/coronavirus/testing-for-covid-19.aspx

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 top of each report.

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

Please contact Rachel Graves on 01270 686473

E-Mail: rachel.graves@cheshireeast.gov.uk with any apologies or requests for further information
Speakingatplanning@cheshireeast.gov.uk to arrange to speak at the meeting

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 5 - 8)

To approve the minutes of the meeting held on 9 February 2022.

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. 21/4071C - LAND ON THE WEST SIDE OF ELTON LANE, WINTERLEY: Change of use to a mixed use of the stationing of caravans for residential purposes and the keeping of horses (Pages 9 - 28)

To consider the above application.

6. 21/4531C - SUTTON LANE FOOTBALL PITCHES, SUTTON LANE, MIDDLEWICH: Enhancement of existing leisure centre facilities consisting of construction of two storey detached building alongside existing changing room block, new building to be used for gym and exercise studio facilities, widening of Sutton Lane access road and re-surfacing and extension of existing car park (Pages 29 - 38)

To consider the above application.

7. **21/5953C - LAND OFF, READES LANE, CONGLETON: Outline planning approval for a proposed erection of single, two storey, 3 bedroomed dwelling house** (Pages 39 - 50)

To consider the above application.

THERE ARE NO PART 2 ITEMS

Membership: Councillors S Akers Smith (Vice-Chair), M Benson, J Bratherton, P Butterill, S Davies, A Gage, S Hogben, A Kolker (Chair), D Marren, C Naismith, L Smith and J Wray

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Southern Planning Committee**
held on Wednesday, 9th February, 2022 in the Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

Councillor A Kolker (Chair)
Councillor S Akers Smith (Vice-Chair)

Councillors M Benson, J Bratherton, P Butterill, S Davies, A Gage, S Hogben,
D Marren, C Naismith, L Smith and S Edgar

OFFICERS IN ATTENDANCE

Helen Davies- Democratic Services Officer
Daniel Evans- Principal Planning Officer
Andrew Goligher- Highways Officer
Andrew Poynton- Planning and Highways Solicitor

55 APOLOGIES FOR ABSENCE

Apologies of absence were received from Councillor John Wray (Councillor Steven Edgar substituted).

56 DECLARATIONS OF INTEREST/PRE DETERMINATION

In the interests of openness and transparency, in respect of applications 21/3180C and 21/3505N, Councillor Steven Edgar declared that he was the Vice-Chair of the Public Rights of Way Committee, and this Committee had been consulted with on both applications. Councillor Edgar had not discussed either application and was not pre-determined in any way.

In the interests of openness and transparency, in respect of applications 21/3180C and 21/3505N, Councillor Suzi Akers Smith declared that she was a member of the Public Rights of Way Committee, and this Committee had been consulted with on both applications. Councillor Akers Smith had not discussed either application and was not pre-determined in any way.

In the interests of openness and transparency, in respect of application 21/3180C, Councillor Mike Benson declared that whilst he had called this application in, it was on behalf of Sandbach Town Council, and he was approaching the application with an open mind and was not pre-determined in any way.

57 MINUTES OF PREVIOUS MEETING

The Committee noted that in the minutes dated 5.1.22 on page 4, the item for application 21/3181C should read:

“(Local Resident Tony Bastock attended the meeting and spoke in favour of the

application.)”

RESOLVED:

That subject to the changes above, the minutes of the meeting held on 5 January 2022 be approved as a correct and accurate record and be signed by the Chair.

58 PUBLIC SPEAKING

RESOLVED: That the public speaking procedure be noted.

59 **21/3180C - DINGLE FARM, DINGLE LANE, SANDBACH, CHESHIRE, CW11 1FY: REPAIR AND ALTERATION OF EXISTING FARMHOUSE AND CONSTRUCTION OF GARAGE; CONVERSION AND EXTENSION OF BARN AND OUTBUILDING TO FORM DWELLING AND GARAGE/GARDEN ROOM, DEMOLITION OF GARAGE AND CONSTRUCTION OF DWELLING**

Consideration was given to the above application.

(Local Resident Tony Bastock attended the meeting and spoke in favour of the application.)

RESOLVED:

That, for the reasons set out in the report, the application be APPROVED subject to the following conditions and a Section 106 Agreement to secure offsite habitat enhancement, management and monitoring:

- 1) Time limit
- 2) Approved plans
- 3) Submission of details of materials
- 4) Submission of a Phase 1 contaminated land survey and mitigation and remediation if required
- 5) Tree protection measures
- 6) Landscaping and boundary treatments
- 7) Implementation of landscaping and boundary treatments
- 8) Hours of construction, Mon to Fri 8am to 6pm, Sat 9am to 2pm, no working on Sundays or public holidays
- 9) Submission of details of any piling operations
- 10) Submission finished ground and floor levels
- 11) Submission of details of works to windows and doors (farmhouse and barn)
- 12) Full schedule of internal works (farmhouse and barn)
- 13) Full photographic survey (farmhouse and barn)
- 14) All fascias, barge and verge boards to be timber
- 15) Full details of new internal doors, surrounds, flooring and skirting boards (farmhouse and barn)
- 16) All rainwater goods to be in cast metal painted black (farmhouse and barn)
- 17) Construction management plan
- 18) Programme of archaeological works
- 19) Submission of details of external lighting

- 20) Development carried out in accordance with recommendations within the Supplementary Bat Survey
- 21) Updated Badger survey prior to commencement of development
- 22) Submission of an ecological enhancement strategy (provision of bird boxes, gaps for hedgehogs etc.)
- 23) Submission of a landscape management plan for on-site landscape works
- 24) Removal of PD rights for barn conversion and the proposed dwelling
- 25) Submission of a plan showing bin and secure cycle storage
- 26) External window frames on all new buildings recessed by a minimum of 100mm
- 27) Sample panel showing colour, texture, facebond and pointing for both new and restored buildings to be submitted; and
- 28) Submission of a schedule of doors to be altered, replaced, removed or reused on the listed buildings
- 29) Submission of a structural report setting out the existing condition of listed buildings and proposed works for restoration, including a repair schedule with a timetable for works to be undertaken
- 30) All demolition work to be carried out by hand
- 31) Only ground works and foundations of new buildings shall be undertaken until the approved schedule of works to the listed structures have been substantially completed
- 32) Notification of completion of works to the listed structures to the LPA in order that they can be inspected
- 33) Details of gates and fences to be submitted
- 34) Notwithstanding any details within the reports and plans, no insulation is approved for the walls to the listed farmhouse

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Development Management, in consultation with the Chair (or in his 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.

Should the application be subject to an appeal, the following Heads of Terms should be secured as part of any S106 Agreement:

- 1) To secure the offsite habitat enhancement, management and monitoring works for a period of 30 years

60 21/3505N - THE PARKES, MONKS LANE, AUDLEM, CHESHIRE, CW3 0HP: CHANGE OF USE FROM USE CLASS C3 (RESIDENTIAL) TO SUI GENERIS (WEDDING VENUE) AND ASSOCIATED PARKING.

Councillor Mike Benson gave his apologies and left the meeting at this point.

Consideration was given to the above application.

(Local Resident David Sandiford attended the meeting and spoke against the application, Agent for the Applicant Katie Shoosmith attended the meeting and spoke in favour of the application.)

RESOLVED:

That the application be DEFERRED to require the submission of an Acoustic Assessment.

(This was contrary to Officer recommendation).

The meeting commenced at 10.00 am and concluded at 11.25 am

Councillor A Kolker (Chair)

Application No: 21/4071C

Location: LAND ON THE WEST SIDE OF ELTON LANE, WINTERLEY

Proposal: Change of use to a mixed use of the stationing of caravans for residential purposes and the keeping of horses

Applicant: Mr Jeff Cook

Expiry Date: 18-Mar-2022

SUMMARY

The proposal seeks permission for the change of use of land to use as a residential caravan site for 2 gypsy families with a total of 4 caravans, with the use of part of the site for the keeping of horses and stables.

The application site is located within the open countryside where Gypsy and Traveller accommodation is considered to be acceptable subject to compliance with the development plan.

The application site is considered to be relatively sustainable, and subject to conditions the proposal is considered to be acceptable in terms of landscape impact, forestry, access and drainage. There is no significant impact on neighbouring amenity caused by the proposed development.

The Council's position is that it does not have currently have five-year supply of sites. However, the SADPD, once adopted will provide a mechanism to deliver a five-year supply of sites in the borough. Given the position on the SADPD, its policies and proposed allocations in the emerging document are considered to have moderate weight in decision taking and there is every prospect that the Plan will adequately and positively provide for G&T accommodation needs.

The applicants also have a personal need to live within the area and this is weighted positively in the weight of the decision given the lack of alternatives sites available in the area.

It is therefore considered that the proposal is acceptable and is recommended for approval subject to the following conditions.

RECOMMENDATION

APPROVE WITH CONDITIONS

REASON FOR REFERRAL

This application is referred to Southern Planning Committee at the request of Councillors Crane and Edgar for the following reasons;

Councillor Crane

*'My concerns around this planning application relate to a few planning issues:
The access, whether from the A534 (Haslington Bypass) where this a blind bend and therefore low visibility or from Elton Lane which is single track and narrow. Cars would not have the acceleration required to safely exit never mind caravans and horse boxes. Elton Lane and the surrounding area are already prone to flooding so removing soakaway land will further antagonise this issue. I have photographic evidence of this after previous heavy rainfalls if required. This is currently designated as green gap in the local plan I believe and not within the settlement boundaries of any of the surrounding villages'.*

Councillor Edgar

- '1. Outside of the Winterley settlement boundary*
- 2. In the open countryside*
- 3. Best and most versatile agricultural land*
- 4. Precedent being set for more development*
- 5. Inadequate sewage treatment, should be mains connected*
- 6. Must not gain access to by-pass from Elton Lane, this was closed on safety grounds*
- 7. Poor access from Elton Lane'*

PROPOSAL

The proposal seeks permission for the change of use of land to use as a residential caravan site for 2 pitches and retention of stable and use of land for horses.

SITE DESCRIPTION

The application site is two small fields adjacent to the Haslington by-pass off Elton Road, Winterley. The application site is located within the Open Countryside.

The application site is partly used as a paddock and stable for horses, and is bounded by mature trees and hedgerow, with the A534 Haslington by-pass beyond to the north/west.

RELEVANT HISTORY

7/17139 – Petrol filling station and restaurant – Refused 3rd August 1989

7/18245 - Outline application for petrol filling station, family restaurant, 40-bedroom travel lodge and associated car parking – Refused 24th May 1990

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.

Cheshire East Local Plan Strategy (CELPS)

SD1 Sustainable Development in Cheshire East
SD2 Sustainable Development Principles
PG6 Open Countryside
SE1 Design
SE2 Efficient Use of Land
SE3 Biodiversity and Geodiversity
SE4 The Landscape
SE11 Sustainable Management of Waste
SE12 Pollution, Land Contamination and Lands Instability
SE13 Floodrisk and water management
SC3 Health and Well being
SC7 Gypsies and Travellers and Travelling Showpeople
CO1 Sustainable Travel and Transport
CO4 Travel Plans and Transport Assessments
IN1 Infrastructure

Saved policies of the Crewe and Nantwich Replacement Local Plan

BE.1 – Amenity
BE.3 – Access and Car Parking
BE.4 - Drainage

Haslington Neighbourhood Plan – (Regulation 7)

There are no plans or policies to date.

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)
Cheshire East Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (August 2018)

Cheshire East Local Plan – Site Allocation and Development Policies Document – Gypsy, Traveller and Travelling Showpeople Site Selection Report – (August 2018)
First Draft Site Allocation and Development Policies Document (published September 2018)
Publication Draft Site Allocation and Development Policies Document (Published August 2019)
Revised Publication Draft Site Allocations and Development Policies Document (September 2020)

CONSULTATIONS:

Strategic Highways – No objections subject to condition for access onto A534 to be closed and grass verge reinstated

Environmental Protection – No objections subject to conditions for, unexpected contaminated land and soil importation

United Utilities – None received at time of writing this report

Floodrisk – No comments received at time of writing this report

Haslington Parish Council - Haslington Parish Council strongly objects to this application and wish to raise a number of points.

- 1) The site is outside the Winterley Settlement Boundary
- 2) It is in the open countryside
- 3) The final part of the Local Plan, currently with the Inspector, has more than the required number of permanent sites accounted for. 2 more pitches on this site would add to the over provision
- 4) The proposed access is not from an adopted highway, it is privately owned
- 5) There has already had some building activity on the site without planning permission
- 6) The Police have previously had grave concerns that access could be obtained from the bypass on a very poor visibility section of the bypass
- 7) The location next to a very busy bypass is unsuitable for children
- 8) The existing static caravan site off Elton Lane has a number of static caravans, none of which have an amenity block. Why are 2 required on this application?
- 9) The land is best and most versatile agricultural and has been for a number of years, until its recent sale it was regularly growing crops or had cattle on it.
- 10) Within the local Plan Policy HOU 5c 7. Provide for an appropriate level of essential services and utilities including mains electricity, a connection to a public sewer or provision of discharge to a septic tank, a mains water supply and a suitable surface water drainage system, prioritising the use of Sustainable Drainage Systems (SuDS) in line with LPS Policy SE 13 'Flood risk and water management' This application does not fulfil this policy.
- 11) Great Crested Newts are located in a pond that is near to the proposed inadequate sewage solution.
- 12) Elton Lane has a number of 'Pinch Points' along its length making it unsuitable for touring caravans.
- 13) Elton Lane already floods on a regular basis, it doesn't need further traffic or pressure on the drainage system

As of Tuesday 7th September there have been over 150 objections raised against this application. Considering the size of the village, this is significant and must carry some weight.

Sandbach Town Council – Members OBJECT to this planning application for the following reasons:

Members hold serious concerns, from a safety standpoint, about access directly onto the bypass. The drawing appear to show a reactive field access onto the A534 on what is a particularly dangerous section, with a blind bend.

- The single-track access through the gate is too narrow for access, and also is a dangerous access route onto the A534

- The site and surrounding area is extremely prone to flooding during bad weather.

Members strongly recommend that this application be considered by a Planning Committee at Cheshire East Council.

REPRESENTATIONS

Approximately 190 letters of objection have been received and representations from the ward Councillor Edgar, objecting to the proposal on the following grounds (full versions available to view on the website):

- Site is located within the Open countryside / outside the settlement of Winterley
- The application site is Green Gap/Green belt
- The access road Elton Lane is not suitable for more vehicles,
- Access on to the Bypass would be unsafe and cause more highways issues
- Access onto the site for residential purposes has not been agreed with the landowner
- Winterley has had enough development no more is needed
- Concerns raised that any approval would set a precedent for more pitches / like in Moston / other recent approvals
- Concerns that the site is larger enough for several more pitches and it will expand
- Concerns that a traveller site would affect property prices
- There are no services to the site
- Additional families will have impact on existing infrastructure, such as schools, doctors etc
- Impact of development on wildlife/ pond on site
- Concerns raised over safety of children living in close proximity to By-pass eg. Pollution, noise, potential to 'kick ball' onto bypass
- Land is prone to flooding
- Concerns over potential loss of mature oak trees on the site
- No space for bin lorries to manoeuvre within the site,
- Lack of detail in relation to how the site will be drained
- The lane is not safe for current pedestrians, cyclists, or vehicles
- Loss of best and most versatile agricultural land
- There are sites allocated for Gypsy and Travellers in the SADPD
- This is a retrospective application; stable was erected without permission and enforcement asked applicant to stop works but they did not stop
- There is no need for traveller site in Cheshire East 27 have been approved by CE in recent years and 11 new pitches allocated

- No information within the application to confirm if the applicant meets the definition of the Gypsy or Traveller
- The amenity room are large enough to be a dwelling
- The site is in an unsustainable location
- Concerns over potential increase in anti social behaviour

Letters of support have been received from 2 the comment raised are:

- Will help with the diversity of the area
- Will be good for the community
- Under article 25 (1) of the Universal Declaration of Human Rights (14) it is clear that the right to adequate housing and a safe and secure community in which they can live in peace is one afforded to all regardless of race, religion or gender

OFFICER APPRAISAL

Principle of Development

The application site is located within the open countryside where local plan policy PG6 restricts development to that which is essential for the purposes of agricultural, forestry, outdoor recreation, public infrastructure, essential works by public service authorities, and for other uses appropriate to a rural area. It has previously been accepted that caravan sites are considered to be appropriate uses in rural area.

Furthermore, 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, in rural settings, where the application proposal is located, (Open Countryside) are acceptable in principle for gypsy and traveller sites.

Whilst the need for gypsy and traveller accommodation is a material planning consideration, other development plan policies and Government guidance require, in addition, the consideration of the impact on 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 accessed local services. This is addressed further below.

Need

Policy SC7 'Gypsies and Travellers and Travelling Showpeople' of the Local Plan Strategy ("LPS") sets out the Council's approach to Gypsies and Travellers and Travelling Showpeople. Criterion 1 of Policy SC7 'Gypsies and Travellers and Travelling Showpeople' notes that sites will be allocated or approved to meet the needs set out in the most recent GTAA. Criterion 2 sets out various considerations that should be taken into account in determining the acceptability of new sites. Criterion 3 of the policy puts in place a presumption against the loss of existing permanent consented Gypsy and Traveller or Travelling Showperson sites where this would result in, or exacerbate, a shortfall unless equivalent provision is made.

As noted above, Criterion 2 of policy SC7 includes several considerations that should be taken into account to determine the acceptability of new sites, these include: -

- a. locational sustainability. Site specific factors including the proximity of the site to local services and facilities; access to public transport;
- b. Highway related factors, including whether the site can achieve safe pedestrian, cycle and vehicular access onto the site and provide for appropriate provision for parking, turning and servicing;
- c. Impact on the character and appearance of the surrounding area, particularly given the sites location in the open countryside.

Paragraph 25 of the Planning Policy for Traveller Sites (PPTS) notes how local planning authorities should very strictly limit new Traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community and avoid placing an undue pressure on the local infrastructure.

Criterion 1 of Policy SC7 sets out the overall need for Gypsies and Travellers and Travelling Showperson provision between 2013 - 2028 in line with the Cheshire Gypsy and Traveller and Travelling Showpeople Accommodation Assessment (GTAA) (March 2014).

In August 2015, revisions to the PPTS changed the definition of Travellers for planning purposes. The key change was the removal of ‘those who have ceased to travel permanently’ meaning that they will now no longer fall under the planning definition of a ‘Traveller’ for the purposes of assessing accommodation need in the GTAA. This change in definition came after the completion of the 2014 GTAA.

The Council, in support of the preparation of the second part of the Local Plan - the Site Allocations and Development Policies document (“SADPD”) updated its evidence base on a sub-regional basis, on the need for additional Gypsy and Traveller and Travelling Showperson accommodation. The updated GTAA reflects the change in definition set out in the revised PPTS and has a base date of May 2017.

The 2018 GTAA now provides updated evidence on need which reflects current national planning policy. It has formed part of the evidence base to the SADPD and is currently being examined by an independent Planning Inspector. The 2018 GTAA also covers the full Local Plan period compared to the 2014 GTAA which only covered the period up to 2028. The accommodation needs in the 2018 GTAA study, for Cheshire East, up to 2030, are shown below:-

	Total
Gypsy and Traveller residential pitches	32
Transit site pitch provision	5-10
Travelling Showperson Plots	5

The justification text to LPS policy SC7 (Gypsies and Travellers and Travelling Showpeople), at paragraph 12.67, also notes that sites for Gypsies and Travellers and Travelling Showpeople will be allocated in the SADPD.

The Revised Publication Draft SADPD (RPUBSADPD) and associated evidence base was submitted for public examination on the 29 April 2021. Examination hearings were held between

the 12 October 2021 – 05 November 2021. The RPUBSADPD is supported by a Gypsy, Traveller and Travelling Showpeople Site Selection Report (2020) and an updated Gypsy and Traveller Accommodation Assessment (as outlined above). Gypsy and Traveller Accommodation Assessment (GTAA) the post hearing letter considers that the 2018 GTAA provides a '*robust and up to date assessment of need in Cheshire East*'.

The sites included and proposed to be allocated in the RPUBSADPD, include:-

SADPD site Reference	Site Name	Number of pitches / plots proposed for allocation in the RPUBSADPD
G&T1	Land East of Railway Cottages, Nantwich (Baddington Park)	2 additional permanent pitches
G&T2	Land at Coppenhall Moss	7 permanent pitches
G&T3	New Start Park, Wettenhall Road, Nantwich	8 permanent pitches
G&T4	Three Oakes Site, Booth Lane, Middlewich	24 permanent pitches
G&T5	Cledford Hall, Cledford Lane, Middlewich	10 transit pitches
G&T8	The Oakes, Mill Lane, Smallwood	4 additional permanent pitches
TS1	Lorry Park, Mobberley Road, Knutsford	3 Travelling Showperson Plots
TS2	Land at Firs Farm, Brereton	10 Travelling Showperson Plots
TS3	Land at Former Brickworks, A50 Newcastle Road	2 additional Travelling Showperson Plots.

The Inspector appointed to examine the Site Allocations and Development Policies document issued his post hearing advice letter on the 25 January 2022. The note, includes an initial response on several key issues raised at the examination, including key issue 6 concerning whether the allocations and policies in the SADPD to meet the accommodation needs of Gypsies and Travellers are positively prepared, justified and consistent with national policy.

On the supply of Gypsy and Traveller sites and the approach to 'unknown need', the Inspector's post hearing view considers that '*the approach set out in the SADPD of providing for identified need through commitments and allocations, plus a small buffer to accommodate a proportion of estimated future unknown need, together with criteria based policies to provide for any further unknown needs which may come forward over the remainder of the plan period, appears justified and consistent with national policy. The identified supply of 40 permanent pitches for the period 2017-2030, comprising permissions granted since the baseline date of the GTAA and proposed allocations, would be sufficient to meet the identified need of 32 pitches for families who will meet the PPTS definition, plus 30% of the estimated unknown need. This would be in line with the proportion of households across the country surveyed by ORS as part of GTAA's, which meet the PPTS definition*'

Finally, on the proposed Gypsy and Traveller site allocations, the inspector notes that '*whilst the deliverability and developability of some of the proposed site allocations in Policies HOU 5a and HOU 5b was discussed at the Hearing, I am satisfied that these are capable of being found sound without MMs (main modifications). Any further comments on the proposed allocations and the remainder of Policies HOU 5a, 5b and 5c will be set out in my final report*'.

The post hearing views are a step forward in the production of the SADPD. Their purpose is to enable the examination process to move forward through the preparation of main modifications (MMs). MMs are changes considered necessary by the Inspector to make the SADPD 'sound' and legally compliant. They will be published for 6 weeks public consultation. The timing of this is in the hands of the Inspector but it is anticipated that it will take place in late spring/summer this year. The inspector has recommended MMs to draft policies HOU 5a and HOU 5c. Subject to the consideration of any representations received, the Inspector's conclusions will then be set out in his final Report accompanied by a final set of MMs. The SADPD, incorporating these MMs, will then need be considered at a Full Council meeting. Upon adoption by the Council, the SADPD will form part of the statutory development plan and its policies will carry enhanced weight in deciding planning applications.

The post hearing letter considers that the 2018 GTAA provides a '*robust and up to date assessment of need in Cheshire East*'. Therefore, using the finding of the Council 2018 Gypsy Traveller Accommodation Assessment, there is a need for 32 pitches in the borough for the period 2017 – 2030. Applying an annualised approach suggests the following pitch provision across the remaining years of the Plan;

Years from GTAA base date	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
	17/18 (base date of GTAA)	18/19	19/20	20/21	21/22	22/23	23/24	24/25	25/26	26/27	27/28	28/29	29/30	30/31	31/32
Gypsy & Traveller permanent residential accumulated annualised need (rounded)	2.46 (2)	4.9 (5)	7.4 (7)	9.8 (10)	12.3 (12)	14.8 (15)	17.2 (17)	19.7 (20)	22.1 (22)	24.6 (25)	27.1 (27)	29.5 (30)	32 (32)	33	
Travelling Showpeople Plots permanent accumulated annualised need (rounded)	0.38 (0)	0.8 (1)	1.2 (1)	1.5 (2)	1.9 (2)	2.3 (2)	2.7 (3)	3.1 (3)	3.5 (4)	3.8 (4)	4.2 (4)	4.6 (5)	5 (5)	6	
Gypsy & Traveller transit provision	5-10 pitches														

Table 2: Annualised Requirement for Pitches / Plots 2017/18 – 2031/32

Supply

Following the base date (May 2017) of the Gypsy, Traveller and Travelling Showperson Accommodation Assessment ("GTAA", 2018) several sites have received permanent planning permission including: -

Site Address	Pitches	Status of site (source - Jan 2020 Caravan Count undertaken by Cheshire and Warrington Gypsy and Traveller Team)
James Acre, Bradwell Road, Middlewich (land opposite Five Acres Farm).	1 permanent pitch (and 4 transit pitches) - planning reference 16/0198c granted 12 May 2017	Complete

Thimswarra Farm, Dragons Lane, Moston.	2 permanent pitches - planning reference 17/2114C – granted 27 June 2019	Complete
Meadowview, Dragons Lane, Moston.	4 permanent pitches - planning reference 17/5170C – granted 17 June 2019	Complete
Land south of Dragon's Lane, Moston.	1 permanent pitch - planning reference 16/0962c – granted 17 June 2019	-
12 Cemetery Road, Weston.	1 permanent pitch - planning reference 17/2879N – granted 29 August 2019	Complete
5 Waldrons Lane, Crewe.	2 permanent pitches - planning reference 19/0463N – granted 14 March 2019	Complete
Land off Dragons Lane, Moston.	1 permanent pitch planning reference 16/2247C - 19 December 2019.	-
Baddington Park (Land East of Railway Cottages)	6 permanent pitches 19/5261N – 10 March 2020	-
Meadowview Park, Dragons Lane	1 permanent pitch 18/2413C – 02 April 2020	-
New Start Park, Wettenhall Road, Nantwich	8 permanent pitches (18/2925N) 28 January 2021	-

This represents a total of 27 pitches given permanent planning permission since May 2017. Of the 27 pitches granted planning permission, 10 pitches have been completed (as of January 2020).

It should also be noted that planning permission at a site at Three Oakes, Booth Lane, Sandbach for 24 pitches, which was taken account of in the GTAA, lapsed on the 18 June 2018.

For the period 2021/22 – 2026/27 (and taking account of any backlog), it is the Council's position that it cannot currently demonstrate a five-year supply of deliverable Gypsy and

Traveller sites. This is due, in part, to the role of the Three Oakes, Booth Lane site in the makeup of the Council's supply. The RPUBSADPD confirms an intention to make plan-led allocations to address Gypsy and Traveller accommodation needs, including providing for a 5-year supply of sites.

The Council's position is that it does not have currently have five-year supply of sites. However, the SADPD, once adopted will provide a mechanism to deliver a five-year supply of sites in the borough. Given the position on the SADPD, its policies and proposed allocations in the emerging document are considered to have moderate weight in decision taking and there is every prospect that the Plan will adequately and positively provide for G&T accommodation needs.

Personal circumstances

The Glossary of the PPTS 2015 states that,

'1. For the purposes of this planning policy "gypsies and travellers" means: Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.

2. In determining whether persons are "gypsies and travellers" for the purposes of this planning policy, consideration should be given to the following issues amongst other relevant matters:

- a) whether they previously led a nomadic habit of life*
- b) the reasons for ceasing their nomadic habit of life*
- c) whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.'*

Therefore, the change in the definition means that for the purposes of assessing the 5-year need for Traveller sites, those that do not travel anymore and have no intention of living a nomadic habit of life in the future eg. retired, however this does allow for temporary ceasing of travel, for educational/health issues.

In this instance the applicant, Mr Jeff Cook, has confirmed that his family and a first cousin's family, Mr Josh Cook, intend to live on the two pitches. Both families live in the area currently on rented pitches at Newcastle Road Caravan Park, or with family. Both families have young children in the local school in Sandbach and wish to continue the children's education within the school. Both families have no medical issues but are both registered at Ashfields Primary Health Centre, Sandbach. Therefore, are considered to be existing residence in the area.

Both families have confirmed that they are of Gypsy heritage and have spent their life's travelling for work and to traveller fairs such as Appleby and Stowe. Both Mr Cook's have businesses in the local area, as Metal scrap merchants and building and roofing. There are no other available pitches within the local area currently available for the two families.

In this case the applicant, and his family appear to meet the definition of a 'gypsy or traveller' and have genuine need for a pitch in the local area.

Therefore, in this instance some moderate weight should be given to the need and personal circumstances of the proposed occupants.

Adherence with Policy SC7 (Gypsies and Travellers and Travelling Show People)

Policy SC7 (Gypsies and Travellers and Travelling Showpeople) of the Local Plan Strategy (“LPS”) sets out the Council’s approach to Gypsies and Travellers and Travelling Showpeople. Point 1 of Policy SC7 notes that sites will be allocated or approved to meet the needs set out in the most recent GTAA. Point 2 sets out various considerations that should be taken into account in determining the acceptability of new sites. Point 3 of the policy puts in place a presumption against the loss of existing permanent consented Gypsy and Traveller or Travelling Showperson sites where this would result in, or exacerbate, a shortfall unless equivalent provision is made.

Part 1 has been addressed above. Part 3 of the policy is not relevant to this proposal.

Part 2 sets out criteria which should be considered when assessing Gypsy and Traveller sites in relation to sustainable and acceptable in terms of location and design. The criteria are;

- i. Proximity of the site to local services and facilities;*
- ii. Access to public transport;*
- iii. Safe pedestrian, cycle and vehicular access onto the site;*
- iv. Appropriate pitch sizes;*
- v. Adequate provision for parking, turning and servicing;*
- vi. Adequate provision for storage and maintenance, particularly where needed for Travelling Showpeople;*
- vii. Mix of accommodation types and tenures;*
- viii. Impact on the character and appearance of the surrounding area;*
- ix. Impact on the Green Belt;*
- x. Impact on the historic environment.*

The site is not within the Green Belt and is not part of Travelling Showperson allocation/site and therefore vi and ix are not relevant to this application. The sizes of the pitches appear to be of scale which is accepted for this type of development (there are no specific sizes set out in policy). Furthermore, the application does not include any details of tenure mixes or accommodation types. Further consideration is given to the rest of the points in the report below.

Impact on the Character and Appearance of the Open Countryside

There is a very strict limitation on new traveller site development in the open countryside that is away from existing settlements identified in Policy H of the PPTS (para 25).

Paragraph 26 of the PPTS requires local authorities to attach weight to the following matters:

- a) Effective use of previously developed (brownfield), untidy or derelict land;
- a) Sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness;

- b) Promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children;
- c) Not enclosing with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community.

As noted above Policy SC7 (viii) includes consideration to be given to the impacts on the character and appearance of the surrounding area.

Whilst the principle of caravans in the countryside is not unduly out of keeping, the associated development including hardstanding, utility buildings, community utility building, fencing and gates in addition to the proposed caravans, vehicles and existing development, will result in some urbanisation and visual harm to this open countryside area.

Nevertheless, in this instance the site is located between the Haslington bypass to the north/west, Haslington House Farm complex to the south and Elton Lane to the east. The site is a triangular piece of land, currently with Horses grazing and a timber stable located on it.

The single storey nature of the proposed development will be largely screened by existing screening around the site. The site does not form an important part of the open countryside and the existing infrastructure would reduce the ability of the site to grow beyond the constraints of the site.

It is therefore considered that although it will amount to the loss of a small area of open countryside, it would not have an unduly detrimental impact on the character or appearance of the open countryside in this location.

Sustainability

The PPTS (August 2015) states that travellers sites should be sustainable economically, socially and environmentally and states that Local Authority planning policies should;

- a) Promote peaceful and integrated co-existence between the site and the local community;
- a) Promote, in collaboration with commissioners of health services, access to appropriate health services;
- b) Ensure that children can attend school on a regular basis;
- c) Provide a settled base that reduces the need for long distance travelling and possible environmental damage caused by unauthorised encampment
- d) Provide proper consideration of the effect of local environmental quality (such as noise and air quality) on the health and well being of any travellers that may locate there or on others as a result of new development;
- e) Avoid placing undue pressure on local infrastructure and services;
- f) Do not locate sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans;
- g) Reflect the extent to which traditional lifestyles (whereby some travellers live and work from the same location thereby omitting many travel to work journeys) can contribute to sustainability

The PPTS has an intention, amongst other things, to create and support sustainable, respectful and inclusive communities where gypsies and travellers have fair access to suitable accommodation, education and health and welfare provision. The document clearly acknowledges that *'Local Planning Authorities should very strictly limit new traveller site development in the open countryside that is away from existing settlements or outside areas allocated within the development plan'* (paragraph 25). However, it does not state that gypsy/traveller sites cannot be located within the Open Countryside.

The document 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 site and the local community. A settled base ensures easier access to a GP and other health services and that any children are able to attend school on a regular basis. It is widely recognised that gypsies and travellers are believed to experience the worst health and education status of any disadvantaged group. In addition, a settled base can result in a reduction in the need for long distance travelling and the possible environmental damage caused by unauthorised encampment. Furthermore, the application site should not be located in an area at high risk of flooding. These are all matters to be considered in the round when considering issues of sustainability.

The application site is located approximately 500m outside the settlement boundary of Wheelock Heath, and around 1km from the centre of the village of Winterley, where there are some typical services found within a village such as a public house, pre-school (nursery), post box, children's play area, and Winterley Pool. Although Elton Road does not have a pathway, it is part of a public footpath link.

The village of Haslington is around 3km away, Wheelock is around 2km and the centre of Sandbach around 4.5km away where the majority of every day facilities can be found. The site has good links on to the A534, and onto the M6; and is easily accessible to Crewe, where train and bus services are available to most major cities.

Whilst most journeys to and from the site would most likely be by private vehicle, these journeys would be relatively short and limited in number. Policy SC7 of the CELPS does not specify a distance but states that in considering applications, *'(i) Proximity of the site to local services and facilities', ii. Access to public transport; and iii. Safe pedestrian, cycle and vehicular access onto the site;* should be taken account of. The site could safely be accessed by pedestrians or bicycles from the nearby settlement of Wheelock Heath and Winterly.

As such, it is considered that the site is relatively sustainable, and adheres with Policy SC 7.

Landscape

The site is located within the open countryside, within a wedge of land between the Haslington By-pass and Elton Road, with Haslington House Farm to the south of the site. The application site is bounded by trees and hedgerows, the majority of which are to be retained according to the submitted AIA.

The proposal seeks permission for the site to be separated into parcels of land for horses, stables and two residential caravan pitches. It is important to ensure an appropriate surfacing material is used to create the hardstanding, given the rural location and also suitable boundary treatment is used to retain the semi-rural nature of the site.

The site is well contained by the existing screening, nevertheless, should the principle of the development be accepted, it would be essential to secure a comprehensive planting scheme utilising native species, and this could be conditioned.

It is considered appropriate to condition a landscaping scheme is submitted to ensure a suitable surfacing materials are also secured and boundary treatment.

Amenity

The closest building is Haslington House Farm, which includes a mix of residential and commercial properties on site. The proposed pitches will be located approximately 80m away from these buildings. The site is also located over 100m away from the nearest properties on Elton Road. Therefore, from an overbearing, loss of sunlight/daylight or loss of privacy perspective the development is acceptable in policy terms.

The increase of the development is likely to have a perceived impact on neighbouring amenity by means of visual intrusion, however it is considered that this is unlikely to have any increased impact on neighbouring amenity.

With regards to environmental disturbance, the Council's Environmental Protection Officer has reviewed the proposal and advised that they have no objections in principal, subject to conditions.

The impact of lighting in this semi-rural location is important and its potential impact neighbouring properties and the nearby road. It is considered that a lighting plan can be conditioned.

It is therefore considered unlikely that the development would cause any significantly adverse impact on neighbouring amenity.

Highway Safety

Polict SC 7 requires consideration of *v. Adequate provision for parking, turning and servicing.*

The Strategic Highways officer has considered the proposal and notes that the proposal is for 2 pitches with off-road parking and which would make use of an existing access off a private road which itself is accessed via Elton Lane. There is an existing access shown on the plan off the A534 also.

Elton Lane is narrow in places but there is no through traffic and it already accommodates a small number of properties safely, and two additional ones will have a minimal additional impact. Off-road parking provision is considered to be sufficient.

There is an existing access onto the A534 which is also shown on the plans. The visibility onto the highway has not been shown and is unknown, and the access would be intensified with the 2 units. The Highways Officer considers that this access should be closed as part of the proposal. The most recent revised plans show this access closed and planted up.

It is also noted that there are some concerns raised by neighbours that the access into the site is not owned by the landowner, and residential access would not be permitted. It is considered that this a private civil matter and from a planning perspective there is an existing access which is served off Elton Lane and therefore access onto the site is possible. The applicant has also confirmed that there are no restrictions within the land registry in relation to the residential use of the access.

Forestry

The application has been supported by an Arb Impact Assessment with Tree Protection Measures by Godwins Tree Surveys (AIA.13403.01) dated 19/1/2022.

The survey has identified 28 trees on the site including 5 individual and 1 group of high quality A Cat trees, 7 individual moderate quality B Category trees and 13 individual and 3 groups of low-quality C Category trees. Three poor quality U category trees have been identified which are unsuitable for retention irrespective of the development. All the A and B Category trees are shown for retention with just two low quality C Category trees proposed for removal to accommodate the development proposal.

New hard surfacing is proposed within the RPA (root protection area) of one tree with no dig solutions proposed in accordance with best practice to minimise impacts. A tree protection scheme has been submitted to ensure the protection of all trees during any approved construction period. The development proposal demonstrates that the development could be implemented without any significant impacts to the trees with the submitted plans indicating that areas of new hard surfacing in the main are sited outside the RPAs of the important roadside trees. The Forestry Officer therefore has raised no objections to the proposal subject to conditions for Tree retention, tree protection measures, and no dig engineer designed measures for hard surfacing around the trees.

Ecology

The councils ecologist has considered the application and has raised no objections to the scheme subject to conditions for safe guarding breeding birds during nesting season and a scheme for breeding bird boxes to be approved.

Drainage/Floodrisk

The site is not located within a flood risk zone, and is not over 1ha in size and therefore an FRA is not required. The proposal includes details of the proposed drainage solution and the Flood Risk Team have been consulted on this. Conditions can be attached to any permission for the details to be agreed at a later date if necessary.

HUMAN RIGHTS AND SAFEGUARDING CHILDREN

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 1998 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.

Local Planning Authorities also have a duty to safeguard and promote the welfare of children under section 11 of the Children's Act 2004. In addition, the judgment of the Supreme Court in ZH (Tanzania) was that all local authorities are under a duty to consider the best interests of the children.

Section 11 of the Act states that Local Authorities must have regard to the need to safeguard and promote the welfare of children.

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.

Furthermore, the Planning Authority is required, under section 149 of the Public Sector Equality Act 2010, in the exercise of its functions, to have due regard to the need to:

- (a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it

The protected characteristics include:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

The duty to have regard to the three aims listed above applies not only to general formulation of policy but to decisions made in applying policy in individual cases.

Based on the information provided, no significant issues are raised in this regard.

Conclusion and recommendation

The proposal seeks permission for the change of use of land to use as a residential caravan site for 2 gypsy families with a total of 4 caravans, with the use of part of the site for the keeping of horses and stables.

The application site is located within the open countryside where Gypsy and Traveller accommodation is considered to be acceptable subject to compliance with the development plan.

The application site is considered to be relatively sustainable, and subject to conditions the proposal is considered to be acceptable in terms of landscape impact, forestry, access and drainage. There is no significant impact on neighbouring amenity caused by the proposed development.

The Council's position is that it does not have currently have five-year supply of sites. However, the SADPD, once adopted will provide a mechanism to deliver a five-year supply of sites in the borough. Given the position on the SADPD, its policies and proposed allocations in the emerging document are considered to have moderate weight in decision taking and there is every prospect that the Plan will adequately and positively provide for G&T accommodation needs.

The applicants also have a personal need to live within the area and this is weighted positively in the weight of the decision given the lack of alternatives sites available in the area.

It is therefore considered that the proposal is acceptable and is recommended for approval subject to the following conditions.

OFFICER RECOMMENDATION:

APPROVED WITH CONDITIONS

- 1. Standard Time**
- 2. Occupation by Gypsy and travellers only as defined by the PPTS**
- 3. Approved plans**
- 4. Materials to be approved**
- 5. Landscape scheme to be submitted**
- 6. Landscape implementation**
- 7. Details of hard surfacing**
- 8. External lighting to be approved**
- 9. Access onto A534 to be closed prior to occupation of site**
- 10. Tree Retention**
- 11. Tree Protection Measures**
- 12. No dig engineer design measures around trees**
- 13. Breeding Birds**
- 14. Bird Boxes**
- 15. Drainage scheme to be submitted – prior to commencement**

- 16. Amenity building not to be used for over night accommodation**
- 17. No fences or gates other than those approved by this application**
- 18. No more than 2 pitches with maximum of 4 caravans – only 2 shall be static caravans at any one time**
- 19. No commercial activities or storage of materials**
- 20. No vehicle above 3.5 tonnes shall be stations, parked or stored on site**
- 21. Soil Importation**
- 22. Unexpected contaminated land**

In order to give proper effect to the 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 his 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



Application No: 21/4531C

Location: Sutton Lane Football Pitches, SUTTON LANE, MIDDLEWICH

Proposal: Enhancement of existing leisure centre facilities consisting of construction of two storey detached building alongside existing changing room block, new building to be used for gym and exercise studio facilities, widening of Sutton Lane access road and re-surfacing and extension of existing car park

Applicant: Mr Chris Allman, Cheshire East Council

Expiry Date: 06-Dec-2021

SUMMARY

The application site lies entirely within the open countryside and is a designated protected area of open space recreational facility as determined by the Congleton Borough Local Plan First Review 2005.

The development comprises the improvement of an existing outdoor and indoor recreational facility and does not conflict with the other policies of the Local Plan.

The proposed development is appropriate to the character of its locality in terms of the principle and the overall design and would not have a detrimental impact upon neighbouring amenity, ecology, highway safety, flood risk and drainage or trees.

Overall, the proposal development meets the criteria of the relevant policies and is considered acceptable.

SUMMARY RECOMMENDATION

Approve with conditions

DESCRIPTION OF SITE AND CONTEXT

This application site comprises an area of recreational land (including the narrow access from Sutton Lane) to the immediate south of the Middlewich settlement zone line. To the north and east lies existing residential development. Sutton Lane runs along the western boundary (with open agricultural beyond) and to the south lies a farm and associated pastureland. The site includes an existing car park, pavilion building and four football pitches.

The application site is located wholly within the open countryside and is a protected area of open space recreational facility as designated by the adopted local plan.

DETAILS OF PROPOSAL

This is a full application for enhancement of existing leisure centre facilities consisting of the construction of two storey extension alongside existing changing room block. The new extension will be used for gym and exercise studio facilities, widening of Sutton Lane access road and re-surfacing and extension of the existing car park.

RELEVANT HISTORY

19443/3 - Sports changing accommodation – approved 8th March 1988

7399/3 - Erection of club house and changing rooms for rugby football on land designated for sports and recreation – approved 1st August 1978

5768/3 - Prefabricated precast concrete building – approved 4th October 1977

5614/3 - Erection of club-house and changing rooms for rugby football on land designated for sports and recreation – approved 13th September 1977

3580/1 - Establishment of playing fields, pavilion and parking area – approved 10th June 1976

POLICIES

Local Plan Policy

Cheshire East Local Plan Strategy (CELPS) (Adopted)

PG2 – Settlement Hierarchy
PG6 – Open Countryside
SD1 – Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
IN1 – Infrastructure
SC1 – Leisure and Recreation
SC2 – Indoor and Outdoor Sports Facilities
SC3 – Health and Well-Being
SE1 – Design
SE2 – Efficient Use of Land
SE3 – Biodiversity and Geodiversity
SE4 – The Landscape
SE5 – Trees, Hedgerows and Woodland
SE7 – The Historic Environment
SE13 – Flood Risk and Water Management
CO1 – Sustainable Travel and Transport

Congleton Borough Local Plan First Review 2005 (CBLP) (Saved Policies)

PS8 – Open Countryside

GR6 – Amenity and Health

GR9 - Accessibility, Servicing and Parking Provision

RC2 – Protected Areas of Open Space

RC4 – Countryside Recreation Facilities

Middlewich Neighbourhood Plan

The local referendum for Middlewich Neighbourhood Plan was held on the 14th March 2019 and returned a 'no vote' (no weight given)

National Policy

National Planning Policy Framework (NPPF)

CONSULTATIONS (Summary)

Flood Risk and Drainage: No objection subject to condition

Public Open Space: No objection

Environmental Health: No objection subject to conditions

Sport England: No objection subject to condition

United Utilities: No objection subject to drainage condition

Highways: No objection subject to conditions

Cadent Gas: No objection

Archaeology: No comments received at the time of writing this report.

VIEWS OF THE TOWN COUNCIL:

Middlewich Town Council: No comments received at the time of report writing.

OTHER REPRESENTATIONS:

61 letters of representation have been received and the majority are in support of the application. The letters of objection which have been received are summarised below;

- Highway and pedestrian safety and additional traffic concerns
- Access is unsuitable
- Impact on trees along Sutton Lane
- Insufficient parking provision
- Facilities should include a swimming pool
- Facilities as proposed do not cater to everyone

- Criminal activity and vandalism at the site

OFFICER APPRAISAL

Principle of Development

The application site is located within the open countryside where policy PG 6 (Open Countryside) of the CELPS sets out that within the open countryside only certain types of development are acceptable including outdoor recreation and development for public infrastructure.

Policy SC 2 (Indoor and Outdoor Sports Facilities) of the CELPS sets out that the council will protect (and enhance) existing indoor and outdoor sports facilities where they are readily accessible by public transport, walking and cycling and where the proposed facilities are of a type and scale appropriate to the size of the settlement.

The application is for the improvement to an existing indoor and outdoor sports facilities on the edge of Middlewich town and not the provision of a new facility.

The development is considered to be compliant with Policy PG6 but there some limited harm to the open countryside (through the provision of an extended building and car-park). However, there are benefits associated with this development and the harm will need to be weighed against the benefits.

Impact on Existing Recreational Facility

The existing site currently accommodates 4 playing pitches and this development will also accommodate 4 pitches in a different layout.

The building and car park extension leads to a loss of 3.0% of the current playing field. It is considered that the benefit of the new building creating a multi-functional facility and additional car parking outweighs the minor loss of pitch space.

Sport England has considered the application in light of the National Planning Policy Framework (in particular Para. 97), and against its own playing fields policy, which states:

'Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:

- *all or any part of a playing field, or*
- *land which has been used as a playing field and remains undeveloped, or*
- *land allocated for use as a playing field*

unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.'

This application relates to the provision of a new indoor/outdoor sports facility or facilities on the existing playing field at the above site. It therefore needs to be considered against exception 5 of the relevant policy, which states:

'The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field.'

Revised plans have been received that show the proposed pitch layouts to demonstrate that existing pitch provision can be accommodated on the remaining playing field and the application is considered acceptable in these terms subject to a condition requiring that the pitches as shown are implemented as such.

The proposal will provide improved indoor sports provision in terms of changing facilities, gym, exercise studios and access/parking provision. There will also be benefits in the outdoor pitch provision through drainage/access and pitch provision (an unmarked pitch will be brought back into use). The proposal will provide a improved sports provision for Middlewich and this will also provide opportunities for healthy living and improve health. On this basis the development complies with Policies SC1, SC2 and SC3 of the CELPS.

Design

Policy SE 1 of the CELPS states that *"development proposals should make a positive contribution to their surroundings"*.

It is noted that the application site is located within the open countryside and that the settlement zone line is to immediate north where it is characterised by two storey detached dwellings.

The proposed extension to the building has been designed to be in keeping with the existing building in terms of overall aesthetic; it is a simple, functional design that is appropriate for its end use. The extension would measure 8.0 metres at its maximum and would feature large areas of glass and features such as brise soleil aluminium blades and cladding. The overall scale and massing are considered to be appropriate to the location and application site area and it is not considered that the proposed building would appear as incongruous.

The overall design of the proposed development is considered to be in keeping with the character of the area and is considered to be acceptable. The scale and massing of the proposed development is considered acceptable and the impact on the street scene would not be significant given the existing scenario. It is considered that the proposed extension is acceptable in design terms.

The proposal includes the widening of the access road and the re-surfacing and extension of the existing car park. The materials used for the widening of the road and the re-surfacing of the car park would be tarmac and paving slabs. The car park extension would comprise a geogrid system with gravel infill. This is appropriate to the area and suitable for the end use.

In layout terms the building and car park extension would occupy a small area of the existing grass land. As detailed above (see impact on existing recreation facility) the building and car park extension for the application leads to a loss of 3.0% of the current playing field. It is considered that the benefit of the new building creating a multi-functional facility and additional car parking outweighs the minor loss of pitch and the application is considered to acceptable in design terms.

The proposal is considered to comply with policies SE1, SD1 and SD2 in terms of the design implications.

Amenity

Saved policy GR6 (Amenity and Health) of the CBLP states that development will be permitted provided that the proposal would not have an unduly detrimental effect on amenity due to loss of privacy, loss of sunlight and daylight, visual intrusion, environmental disturbance or pollution, traffic generation, access and parking.

The nearest buildings are the residential dwellings to the north of the application site (Hankelow Close). The nearest dwelling is over 40 m away from the proposed extension and the existing building would be located between the dwelling and the extension. There are no dwellings to the immediate east, south or west that would be impacted by the development.

Given the existing scenario and the scale of the extension as proposed, it is not considered to be contentious in terms of amenity. The other elements of the development (i.e. car park and road widening) are not considered contentious in amenity terms.

Environmental Protection have advised that there are no objections subject to conditions.

It is not considered that there will be a significant impact on the amenity afforded to the occupiers of the nearby dwellings or land uses.

Parking and Access

The existing site consists of playing fields and a changing room block along with 65 car parking spaces. The site is accessed from Sutton Lane which reduces in width to single track on the approach. The same number of playing fields, which will be of similar size, are to remain and the 65 car parking spaces will also be remaining.

The changing room block will be extended and refurbished with a larger and more modern one. In addition to this a gym is proposed alongside 2 studios for exercise classes. The access will also be upgraded.

Sustainable Access

There is an existing pedestrian access from Sutton Lane into the site which is segregated from the carriageway by a grass verge. This access will remain and will provide access to the site from the wider area including the large number of residential properties within

walking distance from the site, and to nearby bus stops on Sutton Lane and Chadwick Road.

Additional dropped kerbs on approach to the site should be included with the proposal and this should be conditioned. Chadwick Road and Sutton Lane also form part of the National Cycle Network Route 5 which runs through much of Middlewich south of the town centre.

Safe and Suitable Access

Sutton Lane is a minor unclassified road with little traffic movement with a carriageway width of approximately 5.5 m wide and is capable of accommodating the additional vehicle movements the proposal will generate.

On approach to the site, it narrows to single car width and it is proposed to widen this approach to 4.8 m wide which is sufficient for a development of this size and provides betterment over the existing access to the pitches.

The exiting 65 spaces will remain, and an additional 28 spaces will also be provided. The number of spaces reflects the typical peak parking demand of 3 of the applicant's other sites in Holmes Chapel, Shavington and Nantwich and is considered acceptable.

Covered cycle storage for 10 cycles will be provided adjacent to the building which is acceptable.

A visibility splay on exiting the site has been provided and is sufficient to the north and will be improved to the south to 120 m with the removal of some of the boundary hedge. The splay to the south has not been drawn correctly and will need to be re-submitted for approval but is deliverable and should therefore be conditioned.

The additional gym facilities will generate less than 30 vehicle trips during peak hours, and the highways impact of this will be minimal.

Forestry

The application site is accessed off Chadwick Road and, while the development area is not within a Conservation Area and trees on the site are not afforded protection by a Tree Preservation Order, a number of established highway trees border Sutton Lane as it approaches the existing facility. The application has been supported by an Arboricultural Impact Assessment and Method Statement. The survey identified 48 trees and 3 hedgerows comprising of 3 individual A Category trees, 19 individual and 1 group of moderate quality B Category trees, 23 individual and 2 groups of low-quality C Category trees and 3 poor quality U Category trees unsuitable for retention irrespective of development.

Three low quality C Category trees are proposed for removal to accommodate the proposal (T050, T051 Ash and T053 Rowan) in addition to 3 dead and declining trees. It is not considered that retained trees on the site will have a significantly inferior relationship with the development to what presently exists. The report has made

provision for tree protection and proposes the use of no dig construction methods within the RPAs of retained off site trees. Provision to mitigate for tree losses has been made within the landscape scheme. The development is considered acceptable in these terms.

Nature Conservation (Ecology)

Great Crested Newts and Other Protected Species

There is a considered low risk that the proposed development may have an adverse impact upon Great Crested Newts and other protected species, which may occur within an adjacent water body/area. The risks will be adequately mitigated against by the implementation of reasonable avoidance measures detailed within the provided Reasonable Avoidance Measures Method Statement and subject to condition.

Ecological Enhancement

Local Plan Policy SE 3(5) requires all developments to aim to positively contribute to the conservation of biodiversity. This planning application will result in some loss of biodiversity as detailed in the submitted Ecological Appraisal, but it also provides an opportunity to incorporate features to increase the biodiversity value of the final development in accordance with this policy.

The applicant has submitted an updated Proposed Landscape plan and Overall Site amendments plan (Ecus Ltd, 14/12/2021, rev A) and an Ecology Mitigation plan (dta, Drw no: 2505-PL-14 Rev B) which includes native species planting, hedgerow restoration, lighting specifications and features for breeding birds.

Conditions are also required relating to breeding birds and badgers.

Flood Risk and Drainage

The flood risk and drainage team and United Utilities have no objections to the proposed development subject to conditions relating to the submission of a detailed drainage strategy which must include information regarding surface water run-off rates, designs storm period and intensity and any temporary storage facilities included, to ensure adequate drainage is implemented on site.

Other Matters

Cadent Gas have advised that there are no objections to the proposed development, which is in close proximity to medium and low pressure assets.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The proposal is an acceptable form of development within the open countryside, but it is accepted that the development will have some limited harm on the open countryside.

In this case the benefits associated with the improvement of an existing recreational facility will outweigh the limited harm of the minor loss of existing playfield and loss of open countryside.

The development will have a neutral impact on amenity, ecology and trees and will have a positive and beneficial impact on the existing highway, parking provision and drainage of the site. The proposed development is considered acceptable in principle and is of a satisfactory design suitable for the end use.

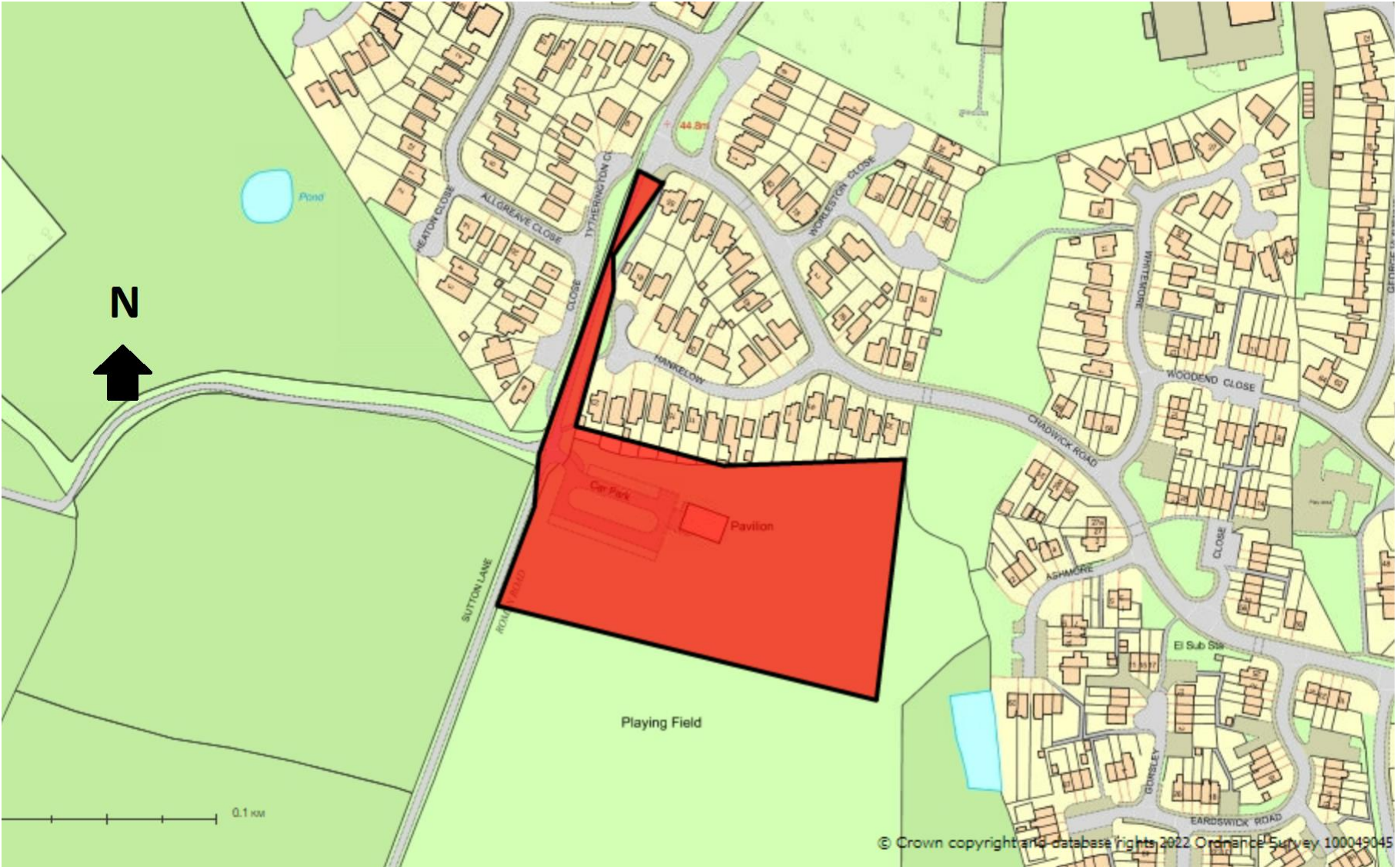
The proposal is therefore in compliance with the policies listed within this report.

RECOMMENDATIONS

APPROVE subject to conditions

1. Time (3 years)
2. Plans
3. Materials
4. Electric Vehicle Charging
5. Piling
6. Dust Management Plan
7. Land contamination
8. Soil importation
9. Boundary treatment prior to first use
10. Dropped kerb access details
11. Visibility splay
12. Tree retention
13. Tree protection and construction measures
14. No dig details
15. Breeding birds
16. Reasonable avoidance measures (ecology)
17. Ecological enhancement
18. Badgers
19. Drainage strategy
20. Pitch layout

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Development Management, in consultation with the Chair (or in his 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.



Application No: 21/5953C

Location: Land Off, READES LANE, CONGLETON

Proposal: Outline planning approval for a proposed erection of single, two storey, 3 bedroomed dwelling house.

Applicant: Mr Richard Winnington

Expiry Date: 08-Apr-2022

SUMMARY

The application site lies within the Green Belt and represents inappropriate development which causes harm to the openness of the Green Belt. No very special circumstances have been identified and the proposal is contrary to Policy PG3 of the CELPS and the NPPF.

Insufficient information has been provided to identify how the proposal will either conserve or enhance the quality of the designated landscape or the Peak Park Fringe area. As a result, the proposal is contrary to Policies SE4 and SE15 of the CELPS.

The application is in outline form and the matters of residential amenity and access will be determined at a later date. There is no reason why an acceptable solution could not be achieved at the Reserved Matters stage.

There is not considered to be any conflict with the Development Plan Policies in terms of the impact upon trees, ecology or drainage.

RECOMMENDATION

REFUSE

REASON FOR REFERRAL

This application is referred to Southern Planning Committee at the request of Cllr Moreton for the following reason;

'The proposed is for development on Greenbelt land and outside the Congleton settlement boundary. It is against PG3iv and PG3iii policies and does not offer a very special circumstance to allow the development to be approved'

PROPOSAL

Outline planning permission is sought to erect a single dwelling on land to the northern side of Reades Lane.

Scale is to be determined at this stage with all other matters reserved.

DESCRIPTION OF SITE AND CONTEXT

The application site is a rectangular parcel of land which is located to the northern side of Reades Lane. The site lies outside the settlement boundary and within the Green Belt and the Peak Park Fringe.

The site is set at a higher level to Reades Lane, with a retaining stone wall and hedgerow forming the boundary to Reades Lane. There are a number of trees to the boundaries of the site.

There are residential properties to the north-west and south, with a field access to the south-east and agricultural land to the north.

RELEVANT HISTORY

16227/3 - Agricultural access – Refused 27th September 1984

POLICIES

Cheshire East Local Plan Strategy (CELPS)

PG 3 Green Belt
PG 6 Open Countryside
SD 1 Sustainable Development
SD 2 Sustainable Development principles
SC 4 Residential Mix
IN 1 Infrastructure
IN 2 Developer Contributions
SE1 Design
SE 2 Efficient use of land
SE 3 Biodiversity and Geodiversity
SE 4 The Landscape
SE 5 Trees hedgerows and woodlands
SE 6 Green Infrastructure
SE12 Pollution, Land Contamination and Land Instability
SE 15 Peak Park Fringe
CO 2 Enabling business growth through transport infrastructure

Appendix C – Parking Standards

Cheshire East Design Guide SPD

Congleton Local Plan (CLP)

PS7 Green Belt
PS8 Open Countryside
PS9 Areas of Special County Value
NR3 Habitats
NR4 Non-Statutory Sites
GR6-GR7 Amenity and Health
GR9-GR10 – Accessibility, Servicing and Parking Provision
GR14 Cycling Measures
GR15 Pedestrian Measures
GR18 Traffic Generation

Neighbourhood Plan

The Congleton Neighbourhood Plan was withdrawn on 22nd May 2019 and can be given no weight.

National Guidance

National Planning Policy Framework

CONSULTATIONS (External to Planning)

Strategic Highways Manager: No objection.

United Utilities: General advice provided.

Environmental Health: No objection subject to conditions for electrical vehicle infrastructure and low emission boilers.

VIEWS OF THE TOWN COUNCIL

Congleton Town Council: Reject due to;

- Building on greenbelt not justified by any of the legitimate exceptions
- Highway/access issues due to difference in levels between the site and the road

OTHER REPRESENTATIONS

Letters of objection have been received from 12 households which raise the following points;

- The site is within the Green Belt
- The road is dangerous and narrow at this point
- The loss of the pavement would be bad for pedestrians
- There is a high level of traffic accidents on Reades Lane
- The access is near to a blind bend on the brow of a hill
- Construction work will block passage of traffic and the pavement
- Disruption caused by parked contractors vehicles
- Difficulty exiting the proposed driveway with a high risk of collusion
- The development is out of place occupying an elevated position with no synergy to adjoining properties

- There is no pavement to the opposite side of Reades Lane
- Increased risk of traffic accidents
- Speeding vehicles along Reades Lane
- Parking blocks the pavement which is narrow
- Two parking spaces is not sufficient to serve the proposed dwelling
- Impact upon wildlife on this site
- Loss of trees and hedgerows
- Negative impact upon the character and appearance of Reades Lane
- Previously been advised that planning permission would not be granted on this site
- Concern over the loss of boundary treatment from a security point of view
- Loss of light
- The driveway at the adjacent dwelling is too dangerous to use
- The description of development is misleading
- The site is in a prominent location on the outside of a bend. The eastern elevation would be very prominent and would require a reinforced bank.
- Privacy issues as the dwelling would be set at a higher level to those opposite
- Concerns that the highways officer has not objected to the application
- Congleton is already providing thousands of new homes
- Approving the development will set a precedent
- It is difficult to use the driveways opposite the site
- The construction of the dwelling will require substantial excavations and retaining walls to be constructed

OFFICER APPRAISAL

Principle of Development

The application site is situated within the Green Belt as defined by the Development Plan.

Within the Green Belt, planning permission will not be granted for inappropriate development except in very special circumstances. The construction of new buildings is inappropriate in the Green Belt unless it meets a number of exceptions as outlined at paragraph 149 of the NPPF and within Policy PG3 (point 3).

CLP Policy PS7 sets allows for new dwellings in accordance with policy H6 and controlled infilling within those settlements identified in policy PS7 in accordance with policy H6. In this case Policy H6 has been deleted and the weight which can be applied to this policy is reduced.

Policy PG3 point 3v allows for limited infilling of villages and this is repeated within the NPPF at paragraph 149e. Policy PG3 point 3vi allows for limited infilling of previously developed sites and this is repeated within the NPPF at paragraph 149g.

Limited Infilling

There is no definition of 'village' or 'limited infilling' within the Framework or the CELPS.

The application site is located on the edge of Congleton which is a Key Service Centre. Within Congleton there are substantial housing allocations within the CELPS, as well as other windfall sites which may

come forward within the settlement boundary. On this basis the site is not considered to form part of a village.

The site is located between a terrace of traditional two-storey dwellings to the north-west and a much larger dwelling known as 'The Old Vicarage' to the south-east. The terraced dwellings are positioned in close proximity to the back of the pavement and are only slightly higher than the road. There is a gap of 50m between the gable of the end-terraced unit (Hawthorne Cottage) and the curtilage boundary of 'The Old Vicarage'.

The application site is located at an elevated position with stone wall and hedgerow forming the front boundary to the site, to the south-east is the retained field access and with 'The Old Vicarage' beyond. In terms of 'The Old Vicarage' this is a substantial dwelling set back from the road within a large plot, there is mature tree/vegetation cover to the front boundary and 'The Old Vicarage' is not easily visible from Reades Lane.

To the opposite side of Reades Lane is a group of terraced and detached dwellings facing towards the application site. These properties have low boundary treatment and are generally at the same level as Reades Lane.

The proposal is not considered to represent 'limited infilling' as when viewed from Reades Lane the gap is large and includes a retained field access, the positioning and landscaping to the front boundary of 'The Old Vicarage' means that the proposal does not read as being directly adjacent to that site or as a built-up frontage. Having regard to the location of the site and the characteristics of the area, the site would not constitute infill.

Previously Developed Land

The application site is unusual in that it appears to have once been used as domestic curtilage. It is separated from Hawthorne Cottage and the field by boundary treatment and there is a pedestrian gate providing access from the pavement off Reades Lane. There are remnants of garden planting on the site as well as a tarpaulin fixed to the ground on part of the site. The aerial photographs dating from 1999-2003, 2010 and 2015-17 also appear to show the site as separate from Hawthorne Cottage and the surrounding field.

As noted above Policy PG3 point 3vi allows for limited infilling of previously developed sites as does the NPPF at paragraph 149g.

The definition of previously developed land (PDL) only includes land in built-up areas such as private residential gardens, parks, recreation grounds and allotments. As the site is within the Green Belt it is not within a 'built-up' area and is not excluded from the definition of PDL.

Openness

The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

The proposal would result in the development of a dwelling, associated hardstanding and parking on land which is presently open and largely free of any built development. The proposal would result in a spatial loss of openness.

The development would increase the site's visibility from the Reades Lane on an elevated site. The siting of the dwelling together with the access arrangements would lead to a loss of visual openness.

It is considered that there would be an adverse impact upon openness (from the dwelling, parking areas, curtilage and boundary treatment), which would be exacerbated by the prominence of the site and the change in land levels.

As the proposal would have a greater impact on the openness of the Green Belt than the existing site, it would not meet the exception criteria set out at paragraph 145g of the NPPF or Policy PG3vi.

As a result, the proposal represents inappropriate development.

Very Special Circumstances

Within the Green Belt, planning permission will not be granted for inappropriate development except in very special circumstances. In this case no very special circumstances have been demonstrated and the proposal is contrary to Policy PG3 of the CELPS and the NPPF.

Housing Land Supply

The Cheshire East Local Plan Strategy was adopted on the 27th July 2017 and forms part of the statutory development plan. The plan sets out the overall strategy for the pattern, scale and quality of development, and makes sufficient provision for housing (36,000 new dwellings over the plan period, equating to 1,800 dwellings per annum) in order to meet the objectively assessed needs of the area.

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted.

The National Planning Policy Framework (NPPF) identifies the circumstances in which relevant development plan policies should be considered out-of-date. These include:

- Where a local planning authority cannot demonstrate a five year supply of deliverable housing sites (with appropriate buffer) or:
- Where the Housing Delivery Test Measurement 2020 indicates that the delivery of housing was substantially below (less than 75% of) the housing required over the previous three years.

In accordance with the NPPF, the council produces an annual update of housing delivery and housing land supply. The council's most recent Housing Monitoring Update (base date 31 March 2019) was published on the 7th November 2019. The published report confirms a deliverable five year housing land supply of 7.5 years (17,333 dwellings). While it is acknowledged that these findings have been subject to recent challenge in the recovered appeal 'Land off Audlem Road/ Broad Lane, Stapeley, Nantwich'¹, in his decision letter dated the 15th July 2020, the Secretary of State confirms that the council can demonstrate a deliverable housing land supply well in excess of 5 years.

¹ APP/R0660/A/13/2197532 & APP/R0660/A/13/2197529

The 2020 Housing Delivery Test Result was published by the Ministry of Housing Communities and Local Government on the 19 January 2021 and this confirms a Cheshire East Housing Delivery Test Result of 278%. Housing delivery over the past three years (8,421 dwellings) has exceeded the number of homes required (3,030). The publication of the HDT result affirms that the appropriate buffer to be applied to the calculation of housing land supply in Cheshire East is 5%.

In the context of five year housing land supply and the Housing Delivery Test, relevant policies concerning the supply of housing should therefore be considered up-to-date and consequently the 'tilted balance' at paragraph 11 of the NPPF is not engaged.

Locational Sustainability

Policy SD2 outlines a checklist of key amenities which a development should be within the distances to be considered a sustainable location.

The site lies just beyond the settlement boundary for Congleton and there is a pavement on this side of Reades Lane heading into the settlement. In this case a site 160m to the west within the settlement boundary was recently found to be locationally sustainable for a development of 3 dwellings (21/1156C). On this basis the same conclusion has to be applied to this site.

Highways Implications

The proposal is for a single dwelling with off-road parking and a new access off Reades Lane. Access and layout are not being determined at this stage.

The Highways Officer has stated that access visibility may be limited and should be considered by the applicant if a future reserved matters application is applied for, and improvements may be possible by removing all the high frontage boundary or relocating the access (this have design/landscape implications which are discussed below).

Design/Landscape

Policy SE1 of the CELPS advises that the proposal should achieve a high standard of design and wherever possible, enhance the built environment. It should also respect the pattern, character and form of the surroundings. There are also further references to design within policies; SD1, SD2 and SE3 of the CELPS.

Scale is to be determined at this stage and the provision of a two-storey dwelling would not appear out of character given that the surrounding dwellings are all two-stories in height.

The site is located within the Peak Park Fringe Landscape Designation (formerly known as an Area of Special County Value) and is the subject of Policies SE4 and SE15 of the CELPS. Policy SE15 states that development that would affect the setting of the Peak District National Park will be resisted where it compromises the statutory designation and purposes of the National Park.

Policy SE4 requires that all development will conserve and enhance the quality of the landscape and protect it from development which is likely to have an adverse effect on its character and appearance and setting.

It is not clear from the submitted information how the proposed development will either conserve or enhance the quality of the designated landscape or the Peak Park Fringe area. Given the land level changes on the site the development is likely to require level changes, engineering solutions, formation of the access, retaining structures and visibility splays consequently the proposals are contrary to policies SE4 (The Landscape) and SE15 (Peak District National Park Fringe).

Amenity

In this case the Congleton Borough SPG requires the following separation distances:

21.3 metres between principal elevations

13.8 metres between a non-principal and principal elevations

It should also be noted that the recently adopted Cheshire East Design Guide SPD also includes reference to separation distances and states that separation distances should be seen as a guide rather than a hard and fast rule.

Figure 11:13 of the Design Guide identifies the following separation distances;

21 metres for typical rear separation distance

18 metres for typical frontage separation distance

12 metres for reduced frontage separation distance (minimum)

Hawthorne Cottage has three windows to its side elevation facing the site (a kitchen at ground floor and a bathroom and bedroom window at first floor). Based on the indicative plan there would be a separation distance of 14.5m between the side elevation of Hawthorne Cottage and the side elevation of the proposed dwelling. This complies with the standards set within the SPG.

To the south the indicative plan shows a separation distance of 23m to the front elevation of the dwellings opposite. This exceeds the separation distances set out within the SPG and even with the associated level differences the relationship is considered to be acceptable.

There is no reason that an acceptable solution could not be secured at the Reserved Matters stage to protect the residential amenities of the surrounding dwellings. The proposed development is considered to comply with Policy GR6 of the CLP.

Air Quality

Whilst this scheme itself is of a small scale, and as such would not require an air quality impact assessment, there is a need for the Local Planning Authority to consider the cumulative impact of a large number of developments in a particular area. In particular, the impact of transport related emissions on Local Air Quality. Conditions can be imposed to safeguard air quality.

Trees

The Reades Lane boundary is bordered by a privet hedge colonised with Elder and Ivy which is located at a slightly raised level above the level of the footpath and road.

Several closely spaced, established Cypress are located along the southwestern boundary of the site. Two mature Hawthorn and a young Oak appear to be located on the northeastern boundary. The trees on the site are not considered to be of sufficient quality or Arboricultural significance to be considered

worthy of formal protection. None of the supporting information has indicated the location of existing trees but given the existing levels on site, its anticipated that the loss of trees is likely to be necessary to accommodate any future proposal.

Should this application be approved, any future reserved matters application should clearly indicate the position of existing trees on the existing and proposed site plans to ensure that appropriate levels of mitigation are provided. Subject to the imposition of this condition the proposal would comply with Policy SE5 of the CELPS.

Ecology

Breeding Birds

If planning consent is granted, a condition could be imposed to safeguard breeding birds.

Ecological Enhancement

Local Plan Policy SE 3(5) requires all developments to aim to positively contribute to the conservation of biodiversity. This planning application provides an opportunity to incorporate features to increase the biodiversity value of the final development in accordance with this policy. If planning permission is granted a condition could be imposed to secure the submission of an ecological enhancement strategy.

Drainage

The application site is in Flood Zone 1 and conditions could be imposed in relation to drainage on this site.

CONCLUSIONS

The application site lies within the Green Belt and represents inappropriate development which cause harm to the openness of the Green Belt. No very special circumstances have been identified and the proposal is contrary to Policy PG3 of the CELPS and the NPPF.

Insufficient information has been provided to identify how the proposal will either conserve or enhance the quality of the designated landscape or the Peak Park Fringe area. As a result, the proposal is contrary to Policies SE4 and SE15 of the CELPS.

The application is in outline form and the matters of residential amenity and access will be determined at a later date. There is no reason why an acceptable solution could not be achieved at the Reserved Matters stage.

There is not considered to be any conflict with the Development Plan Policies in terms of the impact upon trees, ecology or drainage.

RECOMMENDATION

REFUSE for the following reasons;

- 1. The development is inappropriate development within the Green Belt which would cause harm to openness. No very special circumstances have been identified as part of this application and the proposed development is contrary to Policy PG3 (Green Belt) of the Cheshire East Local Plan Strategy and the NPPF.**
- 2. The site is located within the Peak Park Fringe Landscape Designation and in sufficient information has been provided in terms of how the development that would affect the landscape designation. The development of this site is likely to require level changes, engineering solutions, formation of the access, retaining structures and visibility splays which could all impact upon the landscape designation. The proposed development is contrary to policies SE4 (The Landscape) and SE15 (Peak District National Park Fringe) of the Cheshire East Local Plan Strategy and the NPPF.**

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Development Management, in consultation with the Chair (or in his 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.



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