

Application No: 22/2403N

Location: Coole Acres Fishery And Leisure Park, COOLE LANE, NEWHALL, CW5 8AY

Proposal: Remodelling of hatchery ponds to create a new lake, use of land for the siting of 19 no. holiday lodges, 2 no. mobile camping pods, accessways, parking & ancillary works

Applicant: Mr & Mrs Finney

Expiry Date: 16-Mar-2023

SUMMARY

The proposal is considered to be acceptable in principle being essential for the purposes of leisure and recreation and other uses appropriate to a rural area.

The proposal would not cause significant harm to the character/appearance of the area, landscaping setting, ecology, trees, amenity, highway safety, ecology or flood risk.

Landscape Management condition requiring additional planting can prevent harm to the setting of the heritage asset on the adjacent site.

The proposal is also supported in terms of providing towards the rural economy, sport and recreation and the visitor economy.

As a result, the proposal is considered to constitute sustainable development and should be approved.

RECOMMENDATION: Approve subject to conditions

ACTION SINCE DEFERRAL

The application was heard by committee on the 8th February 2023 and was deferred for the following reasons:

- **To allow Members to visit the site**

A site visit has been arranged for Friday 10th March in advance of the 15th March planning committee.

- **For further information on need for the development**

An additional supporting statement has been provided by the applicant which further explores the need for the proposal and is discussed in detail in the principle of development section below but in essence it is considered that need has been demonstrated. The Councils Visitor Economy Manager also continues to support the scheme.

In addition the following changes/information has been provided:

- To address concerns about the accessibility of the site for future users, the applicant is now proposing a footpath link with the adjoining land owner to create a private footpath link between the Coole Acres site to the PROW – Newhall FP35, which then links to the canal towpath. This is a private arrangement between the applicant and the landowner, Overwater Marina. The footpath will remain private for use by visitors to Coole Acres and Overwater Marina. It is mutually beneficial to both parties, but the applicant has advised that they will not enter into a formal undertaking regarding its retention.
- A Highway Technical Note prepared by SCP has been provided. This confirms that there won't be any highway safety issues associated with the proposals. This has been accepted and agreed by the Councils Highways Engineer.
- A further landscaping scheme has been provided. Comments on suitability of this are awaited from the Councils Landscape Officer.

REASON FOR REFERRAL

Call in request from Cllr Rachel Bailey on the following grounds:

- 1) This application appears to be an amendment to the previously withdrawn 20/5853N, which was subject to a call in. I ask that points from that 'call in' are considered, particularly: (a) the risk of flooding and the Environment Agency's stated request for the provision of a 'Comprehensive Flood Risk Assessment' and (b) the Inspector's comments in relation to the risk of urbanisation of a rural area should areas of hard standing be required/created.
- 2) Highways: (a) the need of a full repair to Finnaker Bridge; albeit a local Highway Authority matter (b) Consideration of the current impact on accessibility to the site and (c) need for the creation to safe walking routes for visitors.

DESCRIPTION OF SITE AND CONTEXT

The site is part of an existing fishery and angling centre initially granted approval under 09/0819N and has been established and developed since this approval. It currently comprises fishing lakes, hatchery pools, café/reception building, hatchery storage/maintenance building, existing holiday lodge, licenced caravan and camping site, access tracks, car parking area and service areas.

The north-eastern boundary of the site is adjoined by a small stream and is demarcated by a simple post and wire fence. To the south-west of the site there is a two storey brick dwelling at Pinnacle Farm. The boundaries with this property also comprise post and rail fencing. To the

east the site is defined by a mature hedgerow boundary. Further to the east is the Shropshire Union canal which is partly within an embankment. Access from the site is taken via a field gate onto Coole Lane.

DETAILS OF PROPOSAL

The proposal seeks the remodelling of hatchery ponds to create a new lake, use of land for the siting of 19 no. holiday lodges, 2 no. mobile camping pods, accessways, parking & ancillary works.

SITE VISIT

A site visit was carried out by the case officer on 23rd November 2022.

RELEVANT HISTORY

20/2770N – Proposed siting of mobile home for use as holiday let – approved 02-Mar-2021

18/2051N – Variation of conditions 18 & 29 on approval 09/0819N for change of use from agricultural to fish rearing & angling centre, formation of ponds & lakes, erection of buildings and provision of access & parking (refused but part allowed at appeal 18-Jul-2019)

17/5861N - Removal of condition 18 and variation of condition 29 on 09/0819N – Refused 5th January 2018

16/5007N - Removal of condition 18 & variation of condition 29 on approved 09/0819N - Change of use from agriculture to fish rearing and angling centre and formation of ponds and lakes, erection of buildings (including temporary dwelling) and provision of access and parking – Refused 7th December 2016

14/3925N - Variation of Condition 29 on approved application 09/0819N - Approval required for revised plans showing changes to layout – Withdrawn 9th June 2015

14/0775N - Variation of Condition 18 (retention of dwelling and business for further 3 years) on approval 09/0819N - Change of use from agriculture to fish rearing and angling centre and formation of ponds and lakes, erection of buildings (including temporary dwelling) and provision of access and parking – Withdrawn 9th June 2015

09/0819N - Change of Use From Agriculture to Fish Rearing and Angling Centre and Formation of Ponds and Lakes, Erection of Buildings (including temporary dwelling) and Provision of Access and Parking – Approved 11th March 2010

POLICIES

National Policy

National Planning Policy Framework (NPPF)

Local Policy

Cheshire East Local Plan Strategy (CELPS)
Policy MP1 – Presumption in Favour of Sustainable Development
Policy PG 1 – Overall Development Strategy
Policy PG 6 – Open Countryside
Policy SD 1 – Sustainable Development in Cheshire East
Policy SD2 – Sustainable Development Principles
Policy SE 1 – Design
Policy SE2 – Efficient Use of Land
Policy SE3 – Biodiversity and Geodiversity
Policy SE 4 – The Landscape
Policy SE5 – Trees, Woodlands
Policy SE7 – Historic Environment
Policy SE13 – Flood Risk and Water Management
Policy EG1 – Economic Prosperity
Policy EG2 – Rural Economy
Policy EG4 – Tourism
Policy SC1 – Leisure and Recreation
Policy CS2 – Indoor and Outdoor Sports Facilities
Policy SC3 – Health and wellbeing
Policy CO1 – Sustainable Travel and Transport

Relevant policies of the Site Allocations and Development Policies Document (SADPD):

PG9 Settlement Boundaries
GEN 1 Design Principles
EVN1&2 Ecology
ENV3 Landscape Character
ENV5 Landscaping
ENV6 Trees, Hedgerows and Woodlands
ENV15 New Development and Existing Uses
ENV16 Surface Water Management and Flood Risk
HER1 Heritage Assets
HOU10 Backland Development
HOU12 Amenity
INF3 Highways Safety and Access
RUR6 Outdoor sport, leisure and recreation outside of settlement boundaries
RUR8 Visitor accommodation outside of settlement boundaries
RUR9 Caravan and camping sites

Newhall Parish Neighbourhood Plan (NPNP)

LC1 – Character and design
LC2 – Landscape character
NEGS1 – Natural Environment and biodiversity
HER1 – Built heritage and conservation
LE1 – Rural economy
LE2 – Tourism

T2 – Sustainable travel
T3 – Vehicular access through the parish
CF1 – Community facilities
CF3 – Foul and surface water drainage

CONSIDERATIONS (External to Planning)

CEC Environmental Health (Cheshire East): No objection subject to contaminated land conditions and electric vehicle charging points

CEC Highways: No objection

CEC Flood Risk: No objection subject to condition to comply with the FRA and to provide a drainage strategy

CEC Tourism Officer – No objection and supports the proposal

Environment Agency – No objection subject to conditions requiring compliance with the FRA

United Utilities – No objection

View of the Parish/Town Council:

Sound & District Parish Council – Objection on the following grounds:

- Contrary to appeal decision relating to Planning Application 17/3932N
- Contrary to SADPD Policy RUR8 as it does not make best use of existing infrastructure, buildings are not the minimum necessary, harm to landscape
- Contrary to Policy LC2 Newhall Neighbourhood Plan as does not respect the landscape character
- Contrary to Policy SE7 of CELPS and Policy HER1 of the NNP in that it will harm the setting and significance of the Grade II listed building, Pinnacle Farm
- No, or inadequate, documentation has been lodged by the Applicants dealing with the issues of flood risk and the protection of biodiversity at the site

Newhall Parish Council – Objection on the following grounds:

- Visibility of the proposal would be in conflict with the surrounding environment and the rural character of the area. This would not satisfy the requirements of NNP policies LC1 Character and Design and LC2 Landscape Character.
- The development site is immediately adjacent to the grade II listed building 'Pinnacle House', placing lodges some 65m from this building. This would have significant negative impact and would not comply with Policy HER1 Built Heritage and Conservation Area.
- Although the development meets some of the requirements of policies LE1 Rural Economy and LE2 Tourism - and NPC are keen to encourage appropriate business in the parish - it is felt that these considerations do not outweigh the conflicts with NNP policies detailed above

Other Representations:

15 letters received regarding the following:

- Lodge onsite is subject to an enforcement notice
- Urbanizing impact
- Lodges could be used as permanent accommodation
- Previous appeal for sunnyside
- Harm to setting of Listed Building Pinnacle House
- Wardens lodge forward of build line
- Front walls not in keeping
- Cumulative impact from other consented sites
- Question evidence of need
- Highway safety
- Harm to ecology
- No need for wardens lodge
- Hard standing is excessive
- Flooding concerns
- What materials will lodges be made from
- Lighting should not impact on amenity
- How will waste disposal be handled
- Roadway and bridge already in poor state of repair

3 letters of support given spending to local business

OFFICER APPRAISAL

Principle of Development

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

- i. where there is the opportunity for limited infilling in villages; the infill of a small gap with one or two dwellings in an otherwise built-up frontage elsewhere; affordable housing, in accordance with the criteria contained in Policy SC 6 'Rural Exceptions Housing for Local Needs' or where the dwelling is exceptional in design and sustainable development terms;
- ii. for the re-use of existing rural buildings where the building is permanent, substantial and would not require extensive alteration, rebuilding or extension
- iii. for the replacement of existing buildings (including dwellings) by new buildings not materially larger than the buildings they replace.
- iv. for extensions to existing dwellings where the extension is not disproportionate to the original dwelling.
- v. for development that is essential for the expansion or redevelopment of an existing business.

- vi. for development that is essential for the conservation and enhancement of a heritage asset.

The proposal seeks consent to expand two existing enterprises (the caravan park to the north and the existing fishery with holiday accommodation on site) by the remodelling of hatchery ponds to create a new lake, use of land for the siting of 19 no. holiday lodges, 2 no. mobile camping pods. Therefore, the proposal is clearly aimed at tourism and outdoor recreation and also seeks to expand an existing business.

The question therefore is whether or not the proposal is essential to the running/expansion of the existing enterprises.

It is accepted that rural tourism in its own right is one of the “other uses appropriate to a rural area” in the context of Policy PG6 given the link that to promote the area for rural tourism and informal countryside recreation (as per Policies EG2 and EG4), then there is clearly a need to provide suitable tourist accommodation within the countryside for that purpose.

Policy RUR8 clarifies the requirements of Policy PG6 in respect of development that is essential for uses appropriate to a rural area that will be permitted in the Open Countryside. It assists in the assessment of those types of visitor accommodation that specifically require a countryside location and are appropriate to a rural area. The policy applies to all development proposals for visitor accommodation where there is some form of static accommodation.

The latter part of para 1 of Policy RUR8 advises:

“...Certain types of visitor accommodation may be appropriate to a rural area where their scale is appropriate to the location and setting and where there is an identified need for the accommodation, which cannot be met in nearby settlements because the type of accommodation proposed is intrinsically linked with the countryside.”

As this proposal seeks to expand existing enterprises, including one on the application site and one to the north, it is considered that the location of the proposal justifies this open countryside location rather than re-locating the existing enterprise and the use is clearly intrinsically linked with the countryside. It is also agreed that it makes sense to locate the proposed lodges adjacent to the existing caravan park, within an area of low flood risk.

There are also other comparable uses in the locality which have received planning permission at Wrenbury Fishery and Sunny Oak Caravan Site, Wirswall. Approval of these has accepted such uses as appropriate to countryside locations thus complying with Policy RUR8. Given the current proposal is for a similar use and scale, the same conclusion can be reached here. Furthermore, the current proposal also relates to a site-specific attraction: a lakeside setting and angling and seeks to expand an existing enterprise rather than create a new one.

Following deferral of the application from the 8th February Planning Committee a need assessment has been provided to consider if there is a need for the proposal. This firstly advises that the application site was chosen specifically following an application to extend the existing holiday park on the applicants site immediately to the north known as Sunnyside Touring Park. That application was withdrawn due to being sited within a flood zone 2 and 3, however a sequential test as part of the application revealed the current application site at Cool Acres to

be sequentially preferable being sited in a flood zone 1, hence one of the reasons why this site was chosen.

The assessment also highlights the support for this type of use within the Cheshire East Countryside as contained within the Cheshire East Council Visitor Economy Strategy (2016-2020) in particular page 7 notes

“Cheshire East has an amazing array of self-catering properties, however there is a need to increase its numbers and profile in the ‘outdoor’ accommodation arena with an increase in quality Glamping and Caravan & Camping sites, in line with Cheshire East Council Planning Policies. Consumers are looking for outdoor rural breaks rather than city Centre breaks and this is anticipated to continue at least in the medium term. Cheshire is perfectly positioned to take advantage in this staycation boom. And these visitors will assist the economy of the rural area and potentially link it with the many and varied walking and cycling trails in Cheshire East”.

Further reference is also made to page 9 which notes

“Whilst continuing to promote the quality hotel offer in Cheshire East, there are particular opportunities to showcase our self-catering, glamping, camping and caravanning offer as offering both value for money and quality. This can be linked with the outdoor offer including walks and cycling, along with itineraries around places to visit and places to eat and drink”

The report also looks at current and potential supply in the south of Cheshire East using the following sources:

- Existing CEC licensed sites. The assessment excludes residential caravan parks, traveller and gypsy sites and caravan/lodge parks in the northern part of Cheshire East
- Other advertised operating sites
- Sites with recent planning permissions for similar uses

The figures of which are summarised in the table below, shows that there are a total of 270 pitches in the south of Cheshire East, of which 29 (10.7%) are for static caravans/lodges/pods. This falls below the north west average of 61% and the national average of 47% as sourced the UK Caravan and Camping Alliance, suggesting a greater need than supply within Cheshire East.

	Static Caravans & Lodges	Glamping Pods	Touring/Seasonal Caravan Pitches	Totals
Pitches on CEC licensed & other sites operating in the south of Cheshire East	10	19	241	270
Sites in the south of Cheshire East with recent planning permission	48	9	32	89
Totals	58	28	273	359

This application is for 19 lodges and 2 mobile camping pods. This represents an increase of just 7.7% on the total number of pitches in the south of Cheshire East and a 72% increase over what currently exists.

In addition to the existing site provision the potential pipeline of new or extended sites that may come forward has also been considered. The sites identified comprise new sites and extensions to existing sites approved in the past 5 years where the development is yet to be completed.

Of the 87 recently consented pitches identified, 57 are static caravan/lodges/pods. Whilst this number is greater than recent permissions for touring/seasonal pitches, the actual proportion of the total number of pitches (including those already operating) is 15.8% for static caravans/lodges/pods. This remains well below the north west average of 61% and the national average of 47%

Finally the report also provides occupancy data for the existing holiday lodge at Cool Acres. This confirms a high level of demand for such accommodation at the site.

The Council's Visitor Economy Manager's has also been consulted both at the initial application and again on the additional need assessment. He continues to advise that the application proposal will meet the objectives identified within the Cheshire East Council Visitor Economy Strategy (2016- 2020) advising that:

“Cheshire East needs to increase its numbers and profile in the ‘outdoor’ accommodation arena with an increase in quality Glamping, Caravan & Camping sites. Consumers are looking for outdoor rural breaks rather than city centre breaks and this is anticipated to continue at least in the medium term. Cheshire is perfectly positioned to take advantage in this staycation boom. And these visitors will assist the economy of the rural area and potentially link it with the many and varied walking and cycling trails in Cheshire East.”

He also makes reference to the Cheshire East Council Visitor Economy Strategy (2016- 2020) in particular page 7 which notes:

“Cheshire East has an amazing array of self-catering properties, however there is a need to increase its numbers and profile in the ‘outdoor’ accommodation arena with an increase in quality Glamping and Caravan & Camping sites, in line with Cheshire East Council Planning

Policies. Consumers are looking for outdoor rural breaks rather than city Centre breaks and this is anticipated to continue at least in the medium term. Cheshire is perfectly positioned to take advantage in this staycation boom. And these visitors will assist the economy of the rural area and potentially link it with the many and varied walking and cycling trails in Cheshire East”.

He also advises that self-catering accommodation is of a much higher importance in rural areas. The expenditure in rural areas is more than double for self-catering than for serviced accommodation. He has also advised that this trend is even more noticeable when looking at longer holidays where self-catering accommodation equates to almost 64% of expenditure.

Furthermore, the Council’s post pandemic “Cheshire East Tourism Recovery Plan 2021” (page 7, 5th para) which states:

“Demand for self-catering accommodation is likely to be strong along with visits to see family and friends as people seek to reconnect with loved ones that they have not seen for so long. With little to do during lockdown other than go on walks or cycle rides, many people will embrace a more active outdoor lifestyle, which will translate into holiday preferences. Therefore, it is expected that the staycation demand is set to grow strongly, with research showing that the staycation has been growing for the past 10 years and will grow at a faster pace post-pandemic. The rise will be especially strong around the traditional self-catering proposition and the growing popularity of camping and glamping.”

According to Visit England, demand for this type of accommodation is continuing to grow with the shift in holiday habits and the growth of “staycations”.

As a result it is clear that there remains a need for this type of use/tourist accommodation despite other similar uses in the locality therefore the proposal is considered to be essential for outdoor recreation and is a use appropriate to a rural area and therefore the principle of the development is acceptable from a pure land use perspective.

Issues of character, design, amenity, economy, flood risk are addressed below.

Character and Appearance

The proposal seeks the remodelling of hatchery ponds to create a new lake, use of land for the siting of 19 no. holiday lodges, 2 no. mobile camping pods, accessways, parking & ancillary works.

The lodges and pods would be sited around the lake. The lodges measure 4.1m wide, 12.7m length and 3.4m high (including the supporting legs). The pods measure 3.5m wide, 6.5m length and 3m high. As such the height of the lodges is fairly limited.

On top of this the site benefits from existing 2m high hedging to the existing site to the north, hedging and trees to the west facing the road, hedging and existing buildings to the east to the rear of the site and some limited young trees to the southern boundary to Pinnacle House. Therefore, the lodges would not be overly prominent when viewed from the wider setting and would have a similar visual relationship to the consented site to the north where only a small section of roof is visible above the planting. To some degree the proposal would be seen in

context with the existing consented site to the north and the existing building to the east of the site and thus would be clustered rather than being viewed as isolated development.

It is also not unusual to see caravans in the open countryside and it is not considered that their presence would be overly harmful to the character/appearance of the area and to some extent would be viewed as an extension to the existing accommodation on site. As noted above the site also benefits from boundary screening which would limit the visual prominence of the development. As a result, the actual visual impact is considered to be limited.

Additional hard standing is proposed to the northern boundary to access the pitches and a section outside each pitch for parking. However this would be predominantly screened from view by the sites enclosure. However to be consistent with the decision to the north the detail of the hard standing can be secured by condition to ensure that only the least required hard standing is provided to prevent any urbanising impact.

It is also accepted that given the in principle policy support for such uses in the open countryside it is inevitable that such development would have some visual impact.

Therefore, no significant harm to the overall character/appearance of the area. Therefore, the proposal complies with Policy SE1, GEN1 , RUR8 of the CELPS & SADPD.

Heritage

The neighbouring property known as Pinnacle Farm House is a Grade II Listed Building. The nearest lodge would be sited 70m away from this building.

The Councils heritage officer has been consulted who considers that the proposal in its current form would affect the setting of the Listed Building owing to the flat and open nature of the site, thus the lodges would be visible from the heritage asset and as such would cause less than substantial harm to the heritage asset.

The heritage officer has however suggested that with appropriate screening to the southern boundary, the harm to the setting would be prevented. At present there is very limited planting to the southern boundary. To off-set this it would appropriate to secure a planting scheme by condition. The standard condition for planting only requires protection for 5 years, after which point there is no control over the retention of the planting. If the planting was removed then the harm to the setting of the Listed Building would remain.

Therefore a landscape management plan condition is required which would secure retention of the planting for a 30 year period which would allow the planting to be planted and established over a longer period of time to screen the proposal.

Therefore it is considered that harm to the Listed Building can be prevented through the imposition of a condition and would comply with Policies SE7 & HER1 of the CELPS & SADPD.

Rural Economy, Tourism & Leisure and Recreation

RUR6 advises that proposals for outdoor sport, leisure and recreation in the open countryside will be permitted provided they accord with other policies in the development plan and:

- i. it can be demonstrated that a countryside location is necessary for the proposal;
- ii. the proposals make the best use of existing infrastructure such as existing buildings, utilities, parking and vehicular access;
- iii. additional buildings, structures and ancillary development are restricted to the minimum level reasonably required for the operation of the site(14); are well-related to each other and existing buildings and do not form scattered development or development isolated from the main sports, leisure or recreation use of the site;
- iv. the proposal does not unacceptably affect the amenity and character of the surrounding area or landscape either on its own or cumulatively with other developments; and
- v. appropriate landscaping and screening is provided.

As explained in the principle section, as this relates to existing enterprises, the countryside location is considered justified rather than being sited elsewhere. The proposal seeks to utilise the existing infrastructure as this shares existing access/roadway into the site. The proposal seeks to provide the minimum development necessary as the buildings provided are just the lodges and pods. No separate toilet/shower blocks etc are provided and the internal access rack is limited to the areas serving the units only and the location of buildings on site are not scattered or isolated. Appropriate landscaping is provided to most boundaries with additional planning to the southern boundary to be secured through the imposition of a condition.

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

The proposal would clearly benefit the rural economy as it would support retention/creation of jobs and local spending power from visitors/users of the site. Given the nature of the use relying on the access to the countryside it would not be appropriate for the use to locate within a designated centre and this also relates to existing uses on site and to the north so clearly this countryside location is appropriate. The low level nature of the lodges would not cause significant harm to the appearance of the countryside. There are shops in Audlem 2.1 miles away and in Nantwich 6 miles away which provides facilities for users of the site. Furthermore, the rural roads and footpaths in the area make recreational cycling and walking an attractive proposition. Therefore it is considered that the site has adequate infrastructure.

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

SC1 advises that proposal which support and promote the provision of better leisure, community and recreation facilities, where there is a need for such facilities will be supported

where they are in highly assessable locations, no harm to the landscape, amenity, biodiversity and support the visitor economy and based on existing visitor attractions.

The proposal is not considered to cause significant harm to amenity given the separation distances to nearest neighbouring properties and the use itself is not expected to generate significant noise/disturbance over and above the permitted use. In terms of biodiversity it is not expected that the additional units would pose any significant harm to wildlife. The use is considered to support the visitor economy. The existing visitor attractions are the countryside itself and the offer of walking and cycling. The issue of accessibility and impact on the landscape has been addressed above, as is the countryside attraction.

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

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

Residential Amenity

The nearest neighboring property is sited to the south, The closest unit would be sited over 70m away to this property and 35m to the shared boundary. These separation distances are considered significant to prevent any significant harm to the living conditions of the occupiers of these properties through overbearing/overshadowing or loss of privacy.

Some element of noise disturbance would already be expected from the existing fishery and holiday accommodation uses. It is not considered that the siting of further holiday lodges would result in any significant increase in noise/disturbance that would justify a refusal of planning permission and this is not considered to be a noisy or unreasonable use for this location. Similarly, the separation distances, along with the proposed intervening planting, is not expected that the proposal would pose any significant increase in noise and disturbance over and above that associated with the existing use.

Therefore, the proposal would have no adverse impact on existing levels of residential amenity.

Access and Parking

The site is located adjacent to the existing fishery and the proposal is for additional holiday units which will utilise an existing vehicle access onto Coole Lane.

The 120m visibility splays conditioned with a previous application approval remain acceptable. The access width and gate set back distance are sufficient to serve the development and there will be an acceptable level of car parking within the site.

Due to the location the development is unlikely to generate a significant number of pedestrian movements. The national cycle route 552 runs past the site frontage on Coole Lane, which is a C-class road with adequate width to cater for the limited number of vehicle movements that the proposal will generate.

Cycle parking will also be provided within the site.

At the February planning committee some concerns were expressed about the suitability of the local road network to accommodate the proposal and as such the application was deferred to allow members to visit the site. In the meantime the applicant has provided an updated highways report to look at accident reports and traffic data. This has been assessed by the Councils Highways Engineer along with a speed assessment commissioned by Audlem Parish Council which took place in November 22. The Councils Highways Engineer advises that he continues to have no objections advising”

“The highways technical note forecasts that the development will generate approximately 50 two-way vehicle trips during a typical day, with the vehicle trips not condensed into a normal peak hour, and this is considered a reasonable assessment. Some of these would come to/from the south and some to/from the north and given the width of Coole Lane the highways impact is considered negligible.

Coole Lane is part of the national cycle route and is considered safe for cyclists and there have been no accidents on Coole Lane involving pedestrians. Coole Lane has sufficient width for pedestrians and vehicles, and has good forward visibility.

The PC submitted speed survey data but this is a distance from the site and not considered to be relevant to this application. The speed surveys carried out as part of the adjacent Sunnyside Touring Park are more relevant, and the splays already conditioned with this current application and more than enough to accommodate these speeds.

Following concerns from members of the planning committee about the safety of the area for pedestrians, the applicant has also recently provided a private footway link between Coole Acres and the Marina site, which is mutually beneficial to both parties with visitors being able to access the Marina and its facilities more directly. Similarly, visitors to the Marina will be able to access the fishing lakes.

Ordinarily the footpath link would be secured by condition/ legal agreement, however the land owners have made it clear that they are not prepared to do this. The applicant has however engaged SCP to review the highway situation on Coole Lane, including trip rates, recorded speeds and pedestrian safety. SCP has also reviewed the additional survey information that has been provided and confirm that this does not change their opinion which is based upon the TRICS data base for comparable developments:

“The development proposals would be anticipated to lead to an imperceptible increase in traffic movement, pedestrian movement and cycle movement via the existing site access. As such it is concluded that the development proposals would not alter the existing conditions along Coole Lane with the bridge reopened.

It is therefore concluded that the assessments undertaken by the Highways Officer are correct and his conclusions are therefore supported by this assessment."

Therefore whilst it would be preferable to secure retention of the footpath by condition/legal agreement, given that it has not been demonstrated to be reasonably necessary to make the proposal safer, it is not deemed reasonable to do so and would not pass the relevant tests for a lawful condition. However given the fact that the footpath has already been provided there is a clear intent for this to be used. There is also a benefit to both the application site and the marina for users to cross sites which is beneficial to both sites suggesting it is likely to remain in situ.

Therefore, it is not considered that the proposal would in any serve highway safety impacts and accords with Policies CO1 & INF3 of the CELPS and SADPD.

Ecology

Great Crested Newts

The majority of ponds within 250m of the application site are unsuitable for great crested newts due to the presence of fish or because they lack sufficient open water. One pond has been identified as potentially offering suitable breeding habitat for this species. The application site however offers very limited habitat for great crested newts and the proposed development would not result in the fragmentation or isolation of great crested newt habitat.

The potential impacts of the proposed development are limited to the low risk of any newts that venture onto the site being killed or injured during the construction process. In order to address this risk the applicant's ecological consultant has recommended a suite of 'reasonable avoidance measures'

The Councils Ecologist advises that provided these measures are implemented the proposed development would be highly unlikely to result in a breach of the Habitat Regulations. Consequently, it is not necessary for the Council to have regard to the Habitat Regulations during the determination of this application.

However, he advises that if planning consent is granted a condition should be attached requiring compliance with the newt reasonable avoidance measures.

Hedgehog and Reptiles

Whilst both hedgehogs and reptiles could occur on the application site on a transitory basis the application site is unlikely to be significantly important for these species. The Councils Ecologist therefore advises that these species are not reasonably likely to be present or affected by the proposed development.

Other Protected Species

No evidence of this species was recorded during the submitted survey and the Councils Ecologist advise that it is not reasonable likely to be present or affected by the proposed development.

Lighting

The proposed lighting is considered to be acceptable by the Councils Ecologist subject to condition that any lighting installed is done to the agreed details.

Biodiversity Net Gain

Local Plan Policy SE 3(5) requires all developments to aim to positively contribute to the conservation of biodiversity. The application is supported by an assessment of the residual ecological impacts of the proposed development using the Defra biodiversity version 3.1 'metric' methodology.

The application is supported by a revised Biodiversity metric and additional habitat creation measures have been incorporated into the proposed development. The proposed development would now result in a net gain for biodiversity as required by Local Plan Policies.

The Councils Ecologist however advises that a condition should be imposed requiring the Habitat Creation, Monitoring and Management measures detailed in the submitted Biodiversity Net gain report prepared by Elite Ecology dated October 2022 to be implemented in full.

Ecological Enhancement

This planning application provides an opportunity to incorporate features to increase the biodiversity value of the final development in accordance with Local Plan Policy SE 3. The applicant has submitted proposals for the provision of hedgehog boxes, Reptile hibernacula and a number of other features,

If planning consent is granted the Councils Ecologist recommends a condition to secure the implementation of these measures.

The suggested conditions are considered reasonable and necessary and can be added to any decision notice.

Therefore subject to conditions it appears that the proposal can be accommodated without significant ecological harm and complies with Policies SE3, EVN1&2 of the CELPS and SADPD.

Trees/Landscape

The site does not form part of any protected landscape.

It is accepted that there would be some inevitable impact on the landscape setting given the in-principle support for the proposal.

The site is also predominantly screened from view of the wider setting by the existing and proposed boundary planting.

The Councils Landscape Officer has been consulted and initially required further information/plans to ensure the proposals integrate more landscaping between the proposed units and to strengthen the southern edge boundary hedge with more 'native hedge planting and remove the existing recently planted junior Cupressus x leylandii hedge.

As a result a revised landscaping plan has been provided with additional planting to the western boundary. This has been re-assessed by the Councils Landscaping Officer who advises that the current landscape proposals have begun to address his initial comments and recommends that if the scheme is approved conditions be added to require a landscaping scheme to include removal of a Cupressus x leylandii hedge and the planting of a native hedge in same location and addition of occasional planting of some Pinus sylvestris within the native tree planting mix to help with screening. He has also suggested a landscape management plan condition. These can be secured by condition.

Therefore subject to additional planting being secured to the southern boundary it is considered that the proposal could be secured without significant landscape harm and complies with Policies SE4 & ENV5 of the CELS and SADPD.

Drainage/Flood Risk

The application site is located within a Flood Zone 1 to 3 but the lodges are sited in Flood Zone 1. Therefore a Flood Risk Assessment (FRA) has been provided.

This concludes that the proposal can be developed and operated safely for its life time in respect of the modelled flood risk and in accordance with national planning guidance. The developed lodges should have FFL above 5035mm AOD and any ground raising within the extend should be compensated elsewhere without increasing existing flood risk.

Surface water generated by the proposed development will be managed in accordance with the proposed drainage strategy.

The Environment Agency have been consulted who initially raised a holding objection as no FRA was provided. However they have since removed their objection on receipt of the FRA and now raise now objection subject to condition requiring compliance with the FRA.

The Councils Flood Risk Team have also been consulted who advise that based on the recently submitted JBA Flood Risk Assessment ((FRA) and the Environment Agencies comments acceptance, they have no objection in principle to the proposed development at this location. However, they advise that all construction must be undertaken in strict accordance with the approved FRA and a drainage strategy is required with can be secured by condition.

United Utilities have also been consulted who raise no objection.

Therefore it is considered reasonable to attach a condition requiring compliance with the FRA and surface water drainage strategy.

As a result the proposals will not cause any significant issues from a flooding/drainage perspective and complies with Policies SE13 & ENV16 of the CELPS and SADPD.

Other

The majority of comments made through representations have already been addressed above in the report however a few comments remain unaddressed which are considered below:

- Lodge onsite is subject to an enforcement notice – *this is not relevant to the above application as each one is judged on its merits*
- Lodges could be used as permanent accommodation – *this would be prevented by condition*
- Previous appeal for sunnyside and urbanising impact– *each case needs to be considered on its own merits and the appeal relates to the site to the north not this site. In any case the concern related to the urbanising impact of the hard standing. In this instance the only new hard surfacing is to the northern boundary and to serve each lodge. The final material can be secured by condition to ensure the minimum necessary to prevent an urbanising impact*
- Wardens lodge forward of build line – *the wardens lodge has since been removed from the proposal*
- Front walls not in keeping – *these do not form part of the application*
- Cumulative impact from other consented sites – *the proposal has been considered alongside other uses*
- Hard standing is excessive – *details of hard standing material to be secured by condition*
- What materials will lodges be made from - *this will be secured by condition*
- Lighting should not impact on amenity – *this will be secured by condition*
- How will waste disposal be handled – *waste storage area shown to the north*
- Roadway and bridge already in poor state of repair – *this is not relevant to the current application and no repair requests have been made by the highway engineer*
- Need for Flood Risk Assessment – *provided and deemed acceptable by both the EA and Councils Flood Risk Team*
- Accessibility of the site/safe walking – *this relates to an existing use which has already been deemed a suitable location for the use*

CONCLUSIONS AND REASONS(S) FOR THE DECISION

The proposal is considered to be acceptable in principle being essential for the purposes of leisure and recreation and other uses appropriate to a rural area.

The proposal would not cause significant harm to the character/appearance of the area, landscaping setting, ecology, trees, amenity, highway safety, ecology or flood risk.

A condition requiring additional planting can prevent harm to the setting of the heritage asset on the adjacent site.

The proposal is also supported in terms of providing towards the rural economy, sport and recreation and the visitor economy.

As a result, the proposal is considered to constitute sustainable development and should be approved.

RECOMMENDATIONS

APPROVE subject to the following conditions:

- 1) Time limit**
- 2) Plans**
- 3) Materials**
- 4) Compliance with the FRA**
- 5) Drainage strategy to be provided**
- 6) Lighting as per approved details**
- 7) Implementation of Great Crested Newt Reasonable Avoidance**
- 8) Implementation of Habitat Creation, Monitoring and Management measures**
- 9) Implementation of ecological enhancement measures**
- 10) Electric Vehicle Charging provision**
- 11) Contaminated land – risk assessment**
- 12) Contaminated land – verification report**
- 13) Contaminated land – soil testing**
- 14) Contaminated land – unexpected contamination**
- 15) Submission of a landscaping scheme including management for the landscaping of southern boundary**
- 16) Implementation of landscaping and management scheme**
- 17) Occupancy condition**
- 18) Log of users**
- 19) Details of hard standing**

In order to give proper effect to the Board`s/Committee`s intent and without changing the substance of its decision, authority is delegated to the Head of Planning (Regulation) in consultation with the Chair (or in their absence the Vice Chair) to correct any technical slip or omission in the resolution, before issue of the decision notice.

