

Application No: 24/1108C

Location: The Orchards Twemlow Lane, Holmes Chapel, Crewe, Cheshire East, CW4 8DS

Proposal: Proposed use of land for a zoo & wildlife conservation park including amenity buildings, visitor centre, animal enclosures, storage containers, access, parking and ancillary works (Resubmission of 22/1435C)

Applicant: Zoo2U

Expiry Date: 23 August 2024

SUMMARY

The proposed development seeks approval for use of the land for a zoo & wildlife conservation park including amenity buildings, visitor centre, animal enclosures, storage containers, access, parking and ancillary works (Resubmission of 22/1435C)

The proposal results in encroachment into the Open Countryside and would remove the open characteristics of the land and would have negative visual effects on the surrounding area. Furthermore, the proposal fails to make best use of existing infrastructure.

The proposal would not cause harm to residential amenity, the highway network, ecology, the PROW, or trees.

The application is therefore recommended for refusal.

RECOMMENDATION

REFUSE

PROCEDURAL MATTERS

The application was presented to the Southern Planning Committee (SPC) on 31st July 2024, after being called in by Cllr Chadwick on 14th April 2024.

The application was recommended for refusal. However, Members of the Southern Planning Committee resolved to approve the application against the officer recommendation.

Since the application was presented and approved by the Southern Planning Committee, a judicial challenge against the decision was lodged.

The grounds for the challenge were as follows:

Ground 1: Southern Planning Committee failed to apply the test for referral to the Council's Strategic Planning Board ("SPB") in the Scheme of Delegation and/or misunderstood it, contrary to the legal advice given by officers at the meeting; the SPC voted to grant approval before establishing the consequences of that vote, namely whether there would be a referral to the SPB or not (the latter question was left undecided in the SPC meeting; or alternatively the SPC failed to give adequate reasons as to why the officer's advice on the application of the test in the Scheme of Delegation was rejected.

Ground 2: The SPC failed to give adequate reasons as to why:

- a) it rejected the officer's recommendations and considered that the Scheme did not breach local plan policy;
- b) it reached a different view on the application of the same policies in relation to materially the same planning application that had previously been refused.

Ground 3: Animal welfare concerns are capable of being material considerations and so the SPC was entitled to take those concerns into account (if it chose to)

All parties (including the applicant) have signed a Consent Order, consenting to judgment and the decision was quashed. It is important to note that whilst the grounds listed above formed part of the Claimant's challenge, the Council (and the Interested Party- the Applicant) only consented to judgment on one of the Grounds; namely Ground 2(b) - that Southern Planning Committee failed to give their reasons for reaching a different view on the application of relevant development plan policies to the view that had been taken on a previous planning application for materially the same development.

For completeness, although Southern Planning Committee were not clear on why they reached a different view from the previous refusal. In moving to approve the now quashed decision they felt the location was appropriate, adjacent to the existing business of Bidlea Dairy and the balance of harm to open countryside favoured approval such that it complied with policy.

The Head of Planning has exercised his discretion in accordance with the Council's Constitution to present the application to Strategic Planning Board. Given that members of SPB have not considered this application previously, they will be able to consider and determine the application afresh.

Original Call-in Request

Cllr Chadwick submitted a call-in request from for the following reasons:

'The rationale behind this request stems from several key factors that underscore the importance of this project to the community. Foremost among these is the substantial local interest that has been expressed, indicating a collective desire for the proposal to be deliberated upon in a more open and participatory manner. The high level of local support is demonstrated by our existing business (Zoo2U's) 6000+ online follower base. More specifically in 2 recent events 483 supporting signatures were collected for this planning application. 255 of these are from Cheshire East residents.

In addition, the zoo project presents numerous benefits that extend beyond its immediate

scope. These include social benefits, by providing a new space for community engagement and education; sustainable benefits, through the incorporation of environmentally friendly practices and conservation efforts; economic benefits, by contributing to local employment and tourism; and community benefits, by offering new opportunities for volunteering and community engagement / participation.

Furthermore, it is essential to consider the unique nature of such a project and the limited alternatives for its location. Put simply, where else would you put a zoo? Following a lengthy search and over 90 sites reviewed, Cheshire East representatives concluded the best location would be a farm. The proposed site is at Bidlea Dairy in Twemlow and will support the farm's diversification efforts. The specific requirements and sensitivities associated with zoo operations, including the need for appropriate environment should be assessed by committee.

In light of these considerations, I believe that the application warrants a thorough and inclusive review, one that adequately reflects the interests and concerns of the community. This action would not only demonstrate a commitment to democratic processes and community engagement but also ensure that all potential impacts and benefits of the proposed zoo are fully considered.'

DESCRIPTION OF SITE AND CONTEXT

The application relates to open land to the northeast of Bidlea Dairy on Twemlow Lane. The site is situated in the Open Countryside. The site is 1.3km to the north of Holmes Chapel and 1.1km to the south of Goostrey. The Jodrell Bank Observatory is situated at an elevated location 3km to the northeast.

DETAILS OF PROPOSAL

The application seeks permission for the proposed use of land for a zoo and wildlife conservation parking including amenity buildings, visitor centre, animal enclosures, storage containers, access, parking and ancillary works.

The application is a resubmission of refused application 22/1435C. The application was refused as the proposal was considered to result in encroachment into the open countryside and was not required in conjunction with a particular countryside attraction. The application was also considered unacceptable as the development removed the existing open character and appearance of the site and would not result in a positive contribution to the surrounding area.

Since the previous refusal, an application was approved (23/1714C) for the use of the land and buildings at Bidlea Dairy to the southwest of the site as an ancillary farm shop/café/ice cream parlour. The car park and planting to the east of the building fall outside of the red line boundary for the current application.

RELEVANT HISTORY

22/1435C - Proposed use of land for a zoo & wildlife conservation park including amenity buildings, visitor centre, animal enclosures, storage containers, access, parking and ancillary works- Refused - 27-Mar-2023. The reasons for refusal were as follows:

1. *The proposed development would result in encroachment into the open countryside through development of open land and cause harm to its character and appearance. The development cannot be seen to make the best use of existing infrastructure or be required in conjunction with a particular countryside attraction as the existing facilities and hardstanding are unlawful. The proposal therefore fails to accord with Policies EG4 (Tourism) and PG6 (Open Countryside) of the Cheshire East Local Plan Strategy, Policy RUR10 (Employment Development in the Open Countryside) of the Site Allocations and Development Policies Document and Paragraph 84 of the National Planning Policy Framework.*

2. *By virtue of design and layout, the proposed development would remove the existing open character and appearance of the site from the surrounding area. The elongation of built form would enclose the land and remove its open characteristics. The blank elevation of built form present from Twemlow Lane would also not result in a positive contribution to the surrounding area due to its lack of features and simplicity. The proposal would therefore have a significant impact on the character and appearance of the surrounding area, contrary to Policy SE1 (Design) and SD2 (Sustainable Development Principles) of the Cheshire East Local Plan, Policy GEN1 (Design Principles) of the Site Allocations and Development Policies Document, and the National Planning Policy Framework.*

Adjacent but overlapping site:

23/1714C - Use of the land and buildings as an ancillary farm shop/café/ice cream parlour and associated extensions and outbuildings (retrospective application) - Approved with conditions 20-Feb-2024

POLICIES

Cheshire East Local Plan Strategy (CELPS)

EG2 – Rural Economy

EG4 - Tourism

MP 1 - Presumption in Favour of Sustainable Development

PG6 – Open Countryside

SD 1 – Sustainable development in Cheshire East

SD 2 - Sustainable Development Principles

SE1 - Design

SE2 – Efficient Use of Land

SE3 – Biodiversity and Geodiversity

SE4 – The Landscape

SE5 – Trees, Hedgerow and Woodland

SE7 – The Historic Environment

SE13 – Flood Risk and Water Management

SE14 – Jodrell Bank

Appendix C Parking Standards

Site Allocations and Development Policies Document (SADPD)

GEN1 – Design Principles

GEN5 – Aerodrome Safeguarding

ENV1 – Ecological Network

ENV2 – Ecological Implementation
ENV3 – Landscape Character
ENV5 – Landscaping
ENV6 – Trees, Hedgerow and Woodland Implementation
ENV16 – Surface Water Management and Flood Risk
HER1 – Heritage Assets
HER9 – Jodrell Bank World Heritage Site
HOU12 – Amenity
HOU13 – Residential Standards
RUR6 – Outdoor sport, Leisure and recreation outside of settlement boundaries
RUR10 – Employment Development in the open countryside
INF3 – Highway Safety and Access

Neighbourhood Plan

There is no Neighbourhood Plan in Twemlow.

Other Material planning policy considerations

National Planning Policy Framework (The Framework)
National Planning Practice Guidance

CONSULTATIONS (EXTERNAL TO PLANNING)

Jodrell Bank – No comments received.

Natural England – No comments received.

Environmental Protection (CEC) – No objection subject to conditions and informatives.

Public Rights of Way (PROW) – No objection subject to conditions/compliance with plans

CEC Highways – No objection subject to conditions in respect of visibility splays and signage

Twemlow Parish Council – It is felt the zoo would benefit the local community and are in support of the application.

REPRESENTATIONS

272 objections, 73 letters of support and 2 general observations have been received as part of this application.

The letters of objection are summarised below:

- Tear up the countryside and zoo is already existing in Alsager.
- Preserving the land/nature more important in current climate.
- Captivity of animals.
- Additional traffic to the area and pollution.
- Loss of green spaces.
- Site unsuitable for extensive building work due to flooding concerns and access.

- Contrary to Policy REC1 of the SADPD.
- Modern styled buildings not in keeping with the surrounding area.
- Zoos are outdated.
- Business on premises of local badger cull director.
- Concerns regarding noise and smells and disruption on local roads.
- Park will not help conservation.
- Diseases could be easily spread.
- Animals will be enclosed and on view with little or no privacy and therefore not exhibiting normal behaviour.
- Likely to be newts, toads and frogs in the area as there is a pond in the field.
- Area with bars, owls, nesting birds, therefore their food requirements should be present.
- Animals proposed not endangered.
- Encroachment into the countryside
- The accidental escape of non-native species at Zoo2u could have severe consequences on UK wildlife.
- Up to 95% of animals in British zoos are not endangered.
- Failure to demonstrate how it would improve the economic, social and environmental conditions of the area.
- Increase in visitors will demand more than the local infrastructure can sustainably support, from roads to healthcare services, without significant investment and planning.
- About time that this application is put to rest permanently.
- Already developed some buildings without planning consent.
- Climate change problems and there will be extreme heats and lack of water in the summer months.
- What would happen if the kookaburras and meerkats should escape from the planned enclosures? Such an accident (or even by deliberation - of an animal rights group for example) could cause a major problem with unknown consequences.
- Outrageous that the applicants are planning to cage red squirrels, these animals in the wild travel via trees.
- Risk to local waterways as a result of drainage will be high and has the potential to destroy the landscape and ecosystem of the surrounding areas.
- Pollution from the site will get into watercourses.
- If approved, to promote tourism in Cheshire East Council and to promote sustainable travel, S106 funding should be sought to provide a bus service as a minimum of every 90 minutes to Holmes Chapel and to a railway station (Goostrey or Holmes Chapel) Monday-Saturday.
- The roads around Twemlow Green are not suitable for the heavy traffic.
- Although an Ecological Assessment has now been submitted, as required, recommending certain ecological mitigation factors, there is no obligation for the Applicant to implement them.
- Big impact on the surrounding neighbourhood's, who would have problems accessing their normal routes to Holmes Chapel shops, and to the schools with the added volume of traffic.
- Cars will inevitably be parked on the road causing reduced visibility.
- Site is unsuitable for a large-scale business as proposed.
- An eyesore in the countryside.
- The devastating impact this development, if allowed, would have upon the lives of

animals is incontrovertible.

- The access the Zoo is using was installed as a farm track, not an access road for a zoo.
- The lane is also used by local cycle groups as well as local families with small children on bikes using the lane for leisure purposes.
- The disposal of animal waste also needs to be questioned.
- Meerkats are natives of South Africa where they live in rocky crevices and in large burrow systems on plains in a harsh desert habitat. The meerkat is listed as Least Concern on the IUCN Red List so there is no argument for conservation.
- Meerkats are omnivores and their diet includes small birds and eggs, so any escape could be an ecological disaster.

The applicant has also provided a document outlining support and this totals 1,376 signatures.

APPLICANTS SUBMISSION

The applicant has submitted a supporting statement, including details of a wider site search. In addition, and due to the previous quashed decision, the Applicants have recently provided a detailed submission providing explanation as to why:

- The Council is entitled to issue a decision contrary to the previous decision,
- The Council is entitled to issue a decision contrary to the recommendation of the planning officer, and
- Animal Welfare Standards will be fully met if approval is given.

The applicants submit the Council is entitled to issue a decision contrary to a previous decision dated 27th March 2023 because:

- a. The Council has the power to do so, but should give reasons to satisfy case law;
- b. This application is materially the same as one that has been refused but external factors are materially different;
- c. The Council can take into account factors relating to Bidlea Dairy on this application that it could not when considering the previous decision because Bidlea Dairy was not a lawful development at the time the previous application was considered;
- d. Additional landscaping and changes to fencing mean that concerns regarding the elongated form impinging on the open landscape have been addressed;
- e. The planning officer having accepted that a zoo is an appropriate development for the countryside failed to then give due consideration to the legal requirements for a zoo to have boundary fencing to prevent the escape of animals.

The applicants submit the Council is entitled to issue a decision contrary to the recommendation of the planning officer because:

- a. The Council has the power to do so, but should give reasons to satisfy case law;
- b. The planning officer's recommendation does not correctly balance the considerations in
the relevant planning policies;
- c. The points regarding the impact of the elongated form can be dealt with by appropriate landscaping and other practical steps and made conditions of any decision;
- d. The application makes best use of existing infrastructure that is (a) available in the locality and (b) at the site and no other infrastructure that would be suitable for a zoo of

this type with the proposed animals has been identified despite extensive searches by the applicants and no such sites have been identified by the planning officer;

- e. The amenities, including car parking, will be jointly used by Bidlea Dairy farm shop/ice cream parlour, which will also reduce car, coach and other journeys for visitors who might otherwise have had to visit two sites;
- f. The planning officer having accepted that a zoo is an appropriate development for the countryside failed to then give due consideration to the legal requirements for a zoo to have boundary fencing to prevent the escape of animals.

Animal welfare standards will be fully met if approval is given:

- a. The judicial review of the 19 August 2024 decision was brought by Freedom for Animals who are ideologically opposed to zoos. However, zoos are legal. They have raised animal welfare concerns on an ideological basis but not identified any specific animal welfare concerns in relation to this zoo – because there are no such specific issues that they could legitimately raise. It is legitimate and legal for the Council to allow zoos;
- b. The Council has a team that (a) licences zoos and (b) conducts animal welfare visits and that Council team has already approved the zoo licence, and it is the appropriate Council team to deal with animal welfare concerns;
- c. The applicant, Melissa Mews, who will be in charge of running the zoo, has extensive previous experience running large scale animal enclosures, including at Reaseheath College;
- d. The applicants together have previously run a zoo on a different site, which is no longer suitable;
- e. Staff at the zoo all have experience of animal welfare.

OFFICER APPRAISAL

Principle of development

The site lies entirely within the Cheshire Open Countryside and is subject to Policy PG6 of the CELPS. Policy PG6 point 2 allows 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.

Policy PG6 point 3 then lists exceptions to development within the open countryside, which includes ‘for development that is essential for the expansion or redevelopment of an existing business’.

Permission was granted under LPA reference 18/3624C for the change of use from agriculture and farm shop building to Sui Generis (Zoo operator and A1) at Alsager Hall Farm, Unit 1, Crewe Road. This was approved in September 2018 and comprised of one skunk enclosure, one meerkat enclosure, one reptile room and an admin/food prep area.

The applicants are looking to move their small collection of animals to this new site from their previous premises at Hall Farm. Zoo2U started trading 10 years ago as an “animal encounters” business. In the first 5 years the business grew rapidly, leading to a growing animal collection and the need to employ staff due to increasing demand for its services.

Information submitted by the agent shows how the number of species have grown over time since the business commenced in 2012, through its tenure at Hall Farm and up to present. The information shows that over time, focusing on from 2016, the number of mammals has grown from 15 to 24, birds from 6 to 12 and reptiles from 17 to 28. The business has also increased their number of species by 8 since 2016. This information demonstrates the growth of the business as demand for its services necessitated an increase in the number of individual animals and species.

Zoo2U's outreach services include curriculum-based school/college/university workshops, therapy sessions in care and residential homes as well as special needs groups, children's parties, static animal displays at fairs and fetes, photoshoots and media.

At their former premises at Hall Farm, Alsager, Zoo2U offered animal experiences with meerkats, skunks and reptiles. They also offered junior and adult zookeeper educational experiences. They have taken on apprentices, full time and part time staff and have supported volunteers and work experience. Zoo2U has outgrown its premises at Hall Farm and is looking to relocate to a site at The Orchards Farm to broaden its wildlife conservation activities. The proposed zoo will initially be run with 6 staff and some volunteers.

The business premises at Hall Farm offered a limited amount of space. The growth of the business and the end of the businesses lease at Hall Farm means a new location is necessary.

In terms of Policy PG6, it is accepted that the keeping of animals is typically a use appropriate to a rural area. This proposal would house small mammals, skunks, meerkat, tortoise, reptiles and birds, all of which would be caged and would not be free to roam or graze. The keeping of animals on this scale is therefore considered to be appropriate within the open countryside.

Policy EG2 of the Local Plan states outside of principal towns, key service centres and local service centres, developments that encourage the expansion of existing businesses will be supported. This is supported by Paragraph 88 of the NPPF which states planning decisions should enable the sustainable growth and expansion of all types of businesses in rural areas, both through conversion of existing buildings and well-designed new buildings and should enable sustainable rural tourism and leisure developments which respect the character of the countryside.

Policy RUR10 of the SADPD states employment development in the open countryside will be supported where:

- the proposals make the best use of existing infrastructure such as existing buildings, utilities, parking and vehicular access;
- additional buildings, structures and ancillary development are restricted to the minimum level reasonably required for the existing or planned operation of the business; are well-related to each other and existing buildings and do not form isolated or scattered development;
- the proposal does not unacceptably affect the amenity and character of the surrounding area or landscape (including visual impacts, noise, odour, design and appearance) either on its own or cumulatively with other developments; and
- appropriate landscaping and screening is provided.

The proposed development would be situated to the northeast of Bidlea Dairy. The Planning

and Heritage Statement confirms the proposal would complement and support the ongoing farm diversification at Bidlea Dairy and support the local tourist economy. The proposal would make use of an existing vehicular access from Twemlow Lane but would result in new buildings and a new parking area that would be separate from the parking area associated with Bidlea Dairy. An existing area of hardstanding would be used for coach parking, however new hardstanding would be constructed to provide a pedestrian route to the enclosures and private car parking. A new vehicular access has been created to the east of Bidlea Dairy for the entrance to the site by car, which was not present in 2021. This access has not received permission and is thus currently unlawful.

The proposal is thus not considered to make the best use of existing infrastructure and thus would not accord with Policy RUR10 in this regard.

The buildings and structures associated with the proposed zoo would result in harm to the open countryside through significant encroachment onto land that is undeveloped and had no existing permission. The proposed development is therefore not considered to make the best use of existing infrastructure through the increase in hardstanding and built form. The additional structures would be situated approximately 45m to the northeast of Bidlea Dairy and would be situated on land which is very open in nature. The structures are thus considered to result in a scattered form of development which causes harm to the character and appearance of the area.

As a result, the proposals are not considered to comply with Policy PG6 and EG2 of the Local Plan and RUR10 of the SADPD.

Tourism

Policy EG4 of the Local Plan states proposals for tourist development outside the Principal Towns and Key Service Centres will be supported where:

- i. Either:
 - a. They are located within a Local Service Centre; or
 - b. They are located within an existing or replacement building; or
 - c. There is evidence that the facilities are required in conjunction with a particular countryside attraction.
- ii. And:
 - a. The scale, design and use of the proposal is compatible with its wider landscape or townscape setting and would not detract from the character or appearance of the area; and
 - b. It would not be detrimental to the amenities of residential areas; and
 - c. The proposals are served by adequate access and infrastructure; and
 - d. The site has access to local services and employment.

With regards to the first criterion, the farm shop/café/ice cream parlour adjacent to the site has now obtained planning permission (for a much-reduced scale than originally proposed and constructed). On balance, it is accepted that the proposal is required conjunction with a countryside attraction has been provided on the adjacent site.

In relation to the second criterion, the proposal is considered to detract from the character and appearance of the area as the proposal would result in encroachment into the open countryside and remove the open character of the site. The proposal thus fails to accord with Policy EG4 and thus tourist development in this location would not be supported.

Heritage

Policy SE7 of the CELPS refers to the Historic Environment. The crux of Policy SE7 is to ensure all new development avoids harm to heritage assets and makes a positive contribution to the character of Cheshire East's historic and built environment, including the setting of the assets and where appropriate, the wider historic environment.

Policy HER1 of the SADPD states all proposals affecting heritage assets and their settings must be accompanied by proportionate information that assesses and describes their impact on the asset's significance. Policy HER9 states development proposals within the Jodrell Bank World Heritage Site, its Buffer Zone or its setting that would lead to substantial harm to its significance should be wholly exceptional and will only be permitted in the circumstances set out in national planning policy.

The Orchards Farmhouse is located on the opposite side of the road to the southwest of the proposed development. The building does appear on the Tithe Map of the area and should be considered as a non-designated heritage asset. However, the proposal does not directly affect this building.

The location of the site is within a view of Jodrell Bank Observatory, a listed structure within a world heritage site. It is not considered that the proposed development would create a detrimental effect on the setting of the heritage asset on the basis of the separation distance and the scale of the development.

Design and 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. Policy SD2 of the CELPS states that development should contribute positively to an area's character and identity, creating or reinforcing local distinctiveness in terms of; height, scale, form and grouping, choice of materials, external design features, massing of development, green infrastructure and relationship to neighbouring properties and street scene. These policies are supported by the Cheshire East Design Guide SPD. Policy GEN1 of the SADPD states development proposals should create buildings and spaces that function well and be accessible and inclusive.

Policy SE4 of the Local Plan states the high quality of the built and natural environment is recognised as a significant characteristic of the borough. All development should conserve the landscape character and quality and should where possible, enhance and effectively manage the historic, natural and man-made landscape features that contribute to local distinctiveness of both rural and urban landscapes.

This is supported by Policy ENV3 of the SADPD which states development proposals should respect the qualities, features and characteristics that contribute to the distinctiveness of the local

area.

Layout and Scale

All of the proposed animal enclosures would be single storey and the reptile and small mammal enclosure would be the tallest with a maximum height of 3.7m. The built structures would be constructed in timber cladding to respect the rural setting of the countryside.

The proposal animal enclosures would be situated over 50m from Twemlow Lane and would be to the northeast of Bidlea Dairy. The existing boundary treatment along Twemlow Lane and the new hedgerow to the south, east and north of the proposed development would reduce views of the proposal from the surrounding area. However, the proposal would be situated on undeveloped land and therefore the proposal development would alter the existing open character and appearance of the site. The elongation of built form specifically along the south, east and west elevations, which have not been altered beyond the previous refusal, would enclose the land and remove its open characteristics from the surrounding area and countryside. It would also not result in a positive contribution to the character of the open countryside due to the blank elevation present from Twemlow Lane.

It is noted on the plans that hedgerow and tree planting will further screen the site. However, elevations showing the impact of this additional planting have not been provided and thus the impact of the screening implied is unknown.

Landscape

The Cheshire East Landscape Character Assessment states development should:

- Retain the character of the narrow rural lanes and avoid the over-engineering of roads which could create an urbanising influence within the strongly rural landscape.
- Ensure new and changing land uses do not degrade form the traditional rural character of the area.
- Retain the sense of enclosure and high levels of tranquility with the landscape and screen the visual and audible effects of existing and new intrusive features within the landscape where possible/appropriate.

The proposals are not considered to compliment the character area and do not appropriately conform to the above landscape character issues and guidance.

The mass, layout, rectangular site layout, large areas of hardstanding, inevitable illumination of routes/buildings/pens, layout of pens and other associated buildings, structures, do not sit cohesively and sensitively into the surrounding existing character area well. The existing character area is Lowland Wooded Farmland.

The proposals would be quite visually exposed, being visible from local highways/footpaths and possibly residential properties. The local landscape is mostly flat with little in the way of intervening woodland or topography to adequately screen proposals. It is located somewhat alone, scattered in the landscape setting, resulting in encroachment into the countryside and would not have a strong character relationship with neighbouring buildings.

The proposals would have a moderate negative visual effect on the surrounding area,

especially in winter months. The visual montages provided do not seem to follow the guidance as laid out in the Landscape Institute GLVIA3. The Landscape Visual Impact statement is weak in structure and does not follow best practice guidelines regarding methodology and judgements.

Increased traffic would reduce the tranquility of the lanes surrounding the site, impacting adversely on the local landscape character and the landscape plan would not offer sufficient screening of the development.

The hedgerow mix would do little to screen the development during winter due to its shallow width and use of mostly deciduous species and the location and number of trees is vague.

The proposed trees as shown are few in number, and the landscape design is poorly articulated in places, resulting in squashed boundary planting, no adequate woodland screening or bunding, with very few trees along access roads or in the parking areas. This would lead to large areas of hardstanding, some quite visible from the public footpaths and highways, which would result in a negative change in character from that of open pastoral fields. Moderate adverse landscape effects on local receptors are most likely.

Parking

Parking levels are considered to be appropriate for this location with the spaces located to the south of the proposed enclosures. The parking area would be set back from Twemlow Lane with hedgerow proposed for screening, and thus it is not felt that cars would dominate the street scene.

Summary

The proposed development would result in a detrimental impact upon the character of the surrounding area, contrary with policies SE1, SE4 and SD2 of the Cheshire East Local Plan, Policy GEN1, ENV3 and ENV5 of the SADPD and the NPPF.

Amenity

CELPS Policy SE1 states that development should ensure an appropriate level of privacy for new and existing residential properties. Policy HOU12 of the SADPD states development proposals must not cause unacceptable harm to the amenities of adjoining or nearby occupiers of residential properties, sensitive users or future occupiers of the proposed development due to:

1. loss of privacy;
2. loss of sunlight and daylight;
3. the overbearing and dominating effect of new buildings;
4. environmental disturbance or pollution; or
5. traffic generation, access and parking.

By virtue of separation distance to surrounding residential properties, there are not considered to be any impacts in terms of loss of light or privacy.

In support of the application, the applicant has submitted a Noise Impact Assessment (NIA).

The impact of noise from potential on-site noise sources, visitors, deliveries & zoo animal noise of the proposed development has been assessed in accordance with British Standards for rating and assessing industrial and commercial sound. The submitted reports methodology, conclusion and recommendations are accepted. Environmental Health recommend a condition requiring the mitigation recommended in the acoustic report to be implemented in full prior to the occupation of each unit. Environmental Health have also recommended conditions in relation to the hours of operation and deliveries, lighting, and EV infrastructure.

The proposals will not result in unacceptable harm to the residential amenity of adjacent neighbours in terms of overlooking, loss of privacy or overshadowing and as such complies with the principles of policies SE1 and SE12 of the Cheshire East Local Plan and Policy HOU12 and HOU13 of the SADPD.

Highways

Policy CO1 of the CELPS considers matters of highway safety. Appendix C of the Cheshire East Local Plan identifies minimum Parking Standards for residential development in Principal Towns and Key Service Centres and for the remainder of the borough. The LPA will vary from the prescribed standards where there is clear and compelling justification to do so.

The location is remote and with a lack of public transport and pedestrian infrastructure within the vicinity of the site, the proposal will be car dominated. There will be occasional coach arrivals from schools which the internal layout has catered for.

An entrance only point to the east of the site would be provided. An exit to the west of the site for customers would be provided, which will also be an entrance for coaches. Additional signage will be required for this to be made clear and should be conditioned. There would be a one-way operation within the site, with signage and surface markings to indicate this and the exit would provide visibility splays of over 200m which is acceptable subject to a condition for them to be kept clear.

The site will also be accessible from Goostrey to the north via the existing PROW.

The applicant has been operating the zoo at a different site near Alsager for 5 years and has provided information regarding staff numbers and likely vehicle trips.

Once the zoo establishes and grows it expects to have 13 employees and a small number of volunteers. At any given time, a maximum of 9 staff and 2 volunteers are expected on site.

The zoo is expected to attract 500 visitors per week during the peak months with 73% arriving by car with a car occupancy rate of 3 per car, which will result in approximately 100 cars arriving at the site per week. Tickets will be issued online for visits which are for 2 hours in either the morning or afternoon sessions.

Weekends are around twice as busy as weekdays and after customer numbers are split into morning and afternoon sessions, visitor car peak demand will be approximately 10. In addition, there will be a maximum of two pre-booked coaches per week during weekdays for school visits. Coaches will not be allowed unless they are pre-booked for a visit.

33 car parking spaces are proposed which is adequate to cater for the 10 visitors and 11 staff, with additional capacity if required as numbers will fluctuate week to week. Cycle parking is also shown on the site plan, adjacent to the car parking area.

Additional vehicle trips would be from delivering fresh food which will be via a car or van once a week; frozen food once per month; live food once every 2 weeks; refuse collection once every 2 weeks; and animal waste/byproducts fortnightly.

Twemlow Lane is a C-class road with an approximate width of 5.5m and is capable of catering for the limited number of vehicle trips the proposal would generate.

The proposal would therefore be in accordance with the parking standards as set down in Appendix C of the Cheshire East Local Plan and would not be detrimental to road safety or result in an undue loss of amenity to other road users.

Public Rights of Way

The development would affect Public Footpath 4 Twemlow as recorded on the Definitive Map and Statement of Public Rights of Way.

A plan has been received detailing how the public right of way would be altered by the proposal. The proposed PROW would include a new pedestrian crossing across the coach entrance and exit access with a 2m wide pedestrian route through the site to the east of this access.

Additionally, signage is proposed on either side of the crossing to indicate that pedestrians have the right of way. The proposal would therefore reduce the distance that pedestrians must walk within the access.

Regarding the proposed new footpath link to Goostrey, this will form part of a separate planning application by the landowner as part of accessibility improvements relating to the ongoing farm diversification proposals. It is envisaged that the path will be permissive.

The Definitive Map Officer had confirmed the PROW details plan is satisfactory and the Public Right of Way Team have agreed the proposed configuration of the plan incorporating a safe route for pedestrians using the public footpath.

For advice on the type of signage, it is recommended the applicant contacts the PROW Officer. Way markers may be supplemented by more overt signage.

It is advised that the permissive nature of the footpath link is made clear or that further advice is sought on permissive paths. However, as this part of the link would form part of a separate application, no further detail in this regard is required. An informative will be attached to remind the applicant that the footpath link to Goostrey has not been approved under this application and requires separate permission.

Trees and Hedgerows

Policy SE5 of the CELPS relates to trees, hedgerows and woodland. The crux of the policy is to protect trees that provide a significant contribution to the amenity, biodiversity, landscape or historic character of the surrounding area.

The site is not within a conservation area and there are no preservation orders. No trees are required to be removed to accommodate the proposal and new planting would be included to the boundaries of the site for screening. The proposal is acceptable in this regard.

Ecology

Policy SE3 of the CELPS requires all development to positively contribute to the conservation and enhancement of biodiversity and geodiversity and should not negatively affect these interests.

The Nature Conservation Officer has reviewed the proposal and can confirm the following:

- The site does not fall within the Cheshire East Council ecological network core areas which forms part of the SADPD.
- The site is not covered by a statutory or non-statutory nature conservation designation.
- We have no records of priority habitats or species present on site that are proposed to be impacted by works.

The site and local area have the potential to support nocturnal wildlife, including foraging and commuting bats. A sensitive lighting plan is therefore recommended to be conditioned to safeguard nocturnal wildlife, should any external lighting be proposed. A breeding bird survey is also advised to safeguard any nesting birds that could potentially utilise the site. Additionally, biodiversity enhancement measures are recommended in line with Local Plan Policy SE 3(5), which require all developments to aim to positively contribute to the conservation of biodiversity.

Native hedgerows are a priority habitat and hence a material consideration. The proposed development would result in the loss of section of hedgerow to facilitate the site access points. If the loss of hedgerow is considered unavoidable, sufficient compensatory hedgerow planting should be proposed to compensate for that lost. A revised landscaping scheme can be secured by condition.

This application was received prior to the introduction of mandatory Net Gain. Local Plan Policy SE3(5) however requires all developments to aim to positively contribute to the conservation of biodiversity and SADPD Policy ENV2 requires development proposals to achieve a Net Gain for Biodiversity. In order to assess the losses and gains of biodiversity resulting from the development the applicant has undertaken an assessment using the Defra biodiversity 'metric' methodology.

The metric as submitted shows that the proposed development would result in a net gain of 20.46% for area-based habitats and 225.33% for hedgerows and so comply with SE3(5) and ENV2.

A condition is recommended requiring the submission of a habitat creation method statement and a 30-year habitat management plan for the retained and newly created habitats on site.

Flood Risk

United Utilities records show that there are no known public sewers in the vicinity of the

proposed development.

National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) advise that surface water from new developments should be investigated and delivered in the following order of priority:

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

United Utilities will request evidence that the drainage hierarchy has been fully investigated and why more sustainable options are not achievable before a surface water connection to the public sewer is acceptable.

Jodrell Bank

Jodrell Bank have not provided comment on this application, suggesting they have no objection to the proposal. As part of the previous application 22/1435C Jodrell Bank confirmed that they did not intend to comment on that application.

Jodrell Bank were contacted following the decision to approve being quashed, however at the time of writing, no response or updated comments have been provided.

Animal Welfare

The error in the previous report in relation to Animal Welfare is acknowledged. Animal Welfare (concerns as well as benefits) may lawfully be a material consideration, and as such the SPB can give weight to animal welfare as part of their decision-making process.

The keeping of animals will be the subject of the Animal Welfare Act 2006. This sets out that animal owners have a positive duty of care, and outlaws neglecting to provide for their animals' basic needs, such as access to adequate nutrition and veterinary care. A licence will also be required for the operation of a zoo which would be determined under separate non-planning legislation administered by Cheshire East Council and having regard to the Cheshire East Council Animal Welfare Licensing Policy.

While animal welfare may be a material consideration, this matter is the subject of other legislation which falls outside of planning, and as such it is not considered that it would be a factor that would warrant the refusal of this application. Members may feel that there are also benefits for animal welfare given the circumstances of this application and the background concerning the need for relocation.

Ultimately, the matter should be considered by the Strategic Planning Board in their determination of the application.

CONCLUSIONS

Although there have been some minor changes to the previous refused scheme, including a

more recent approval on the adjacent Bidlea Dairy site, Officers remain of the view that the proposed development would have an unacceptable impact on the character and appearance of the countryside.

The general design, rectangular layout and form of development required for the proposal leads to significant encroachment into the open countryside. It would remove the open characteristics of the land and would still have negative visual effects on the surrounding area. Furthermore, the proposal fails to make best use of existing infrastructure as indicated in policy.

For the reasons set out above, and having taken account of all matters raised, Officers are of the view that the development is still not considered to be a sustainable proposal that complies with relevant development plan policies and is recommended for refusal.

In the light of the recent quashed decision, should SPB members wish to reach a different decision to the previous refused application and contrary to the officer recommendation then SPB will need to be clear as to their reasons with reference to that previous decision reached by the Council.

Refuse for the following reasons:

1. The proposed development would result in encroachment into the open countryside through development of open land and cause harm to its character and appearance. The development cannot be seen to make the best use of existing infrastructure. The proposal therefore fails to accord with Policies EG2 (Rural Economy), EG4 (Tourism) and PG6 (Open Countryside) of the Cheshire East Local Plan Strategy, Policy RUR10 (Employment Development in the Open Countryside) of the Site Allocations and Development Policies Document and the National Planning Policy Framework.

2. By virtue of design and layout, the proposed development would remove the existing open character and appearance of the site from the surrounding area. The elongation of built form would enclose the land and remove its open characteristics. The blank elevation of built form present from Twemlow Lane would not result in a positive contribution to the surrounding area due to its lack of features and simplicity. The proposal would not sit cohesively or sensitively into the surrounding existing character area. The development would be visually exposed from local vantage points and would have negative visual effects on the surrounding area. The proposal would therefore have a significant impact on the character and appearance of the surrounding area, contrary to Policy SE1 (Design), SE4 (The Landscape) and SD2 (Sustainable Development Principles) of the Cheshire East Local Plan, Policy GEN1 (Design Principles), ENV3 (Landscape Character) and ENV5 (Landscaping) of the Site Allocations and Development Policies Document, and the National Planning Policy Framework.

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning

has delegated authority to do so in consultation with the Chair of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.

