

**Application No: 09/1509M**

**Location: LAND BETWEEN BACK LANE & MACCLESFIELD ROAD,  
NORTH RODE, CONGLETON, CHESHIRE**

**Proposal: CHANGE OF USE OF LAND TO ALLOW THE SITING OF 23  
TIMBER CLAD TWIN UNIT CARAVANS**

**For MR & MRS DAVID NOAD**

**Registered 26-May-2009**

**Policy Item No**

**Grid Reference 387417 366440**

**Date Report Prepared: 13 July 2009**

**Date Report Updated: 30 July 2009**

### **SUMMARY RECOMMENDATION**

Approve with conditions

### **MAIN ISSUES**

- Impact of the development on the character and appearance of the area
- Traffic generation and sustainability
- Ecology

### **DETAILS OF PROPOSAL**

This application seeks full planning permission for the change of use of land for the stationing of 23 static caravans at Rode Heath Wood, as an extension to an approved caravan park, which is currently under construction.

Planning permission was granted at appeal in 2007 for the siting of 32 static caravans at Rode Heath Wood. The proposed development seeks to extend the site by adding a further 23 units, resulting in 55 caravans in total.

The application site comprises 1.83 hectares of grassland adjacent to a semi-natural woodland, located approximately 2 ½ km north of Congleton. The site is roughly rectangular and lies to the between the residential property of Novar to the south (the applicant's residence), and Phase 1 of the approved caravan site – "*Ladera*". The A536 Macclesfield Road lies to the east of the site, which is the main rod between Macclesfield and Congleton.

The 23 caravans would be positioned around a large central pond/pool and smaller pond to the south east of the site. The perimeter of the site will be mounded and screened with mature landscaping.

The caravans will be twin units, single storey in height, with a pitched roof, clad in timber, as per the caravans on the adjoining site. Each caravan will measure a maximum of 6.8 metres in width, 20m in length and have an internal ceiling height no greater than 3.05m.

The static caravans fall within the statutory definition of a caravan under the Caravan Sites Act 1968, as amended by the Caravan Sites Act 1968 and Social Landlords (Permissible Additional Purposes) (England) Order 2006 (Definition of a Caravan) (Amendment) (England) Order 2006.

Reception, office facilities and a visitor car park are to be shared with the Phase 1 of the development – to the west of the site.

An internal road would be provided within the site to give vehicular access to each unit – which would have one parking space. Access to the site as a whole will be gained via the existing upgraded access on Back Lane.

This application raises a number of significant issues, which require consideration. These relate to matters of planning policy, the impact of the proposal on the character and appearance of the area, traffic generation, sustainability and the impact on nature conservation.

## **RELEVANT HISTORY**

- 06/2254P      Change of use of land to site 32 timber-clad twin-unit caravans, alterations to access and landscaping  
Refused by MBC 06/11/06  
**Appeal allowed 03/12/07** (Costs awarded against the Council)
- 08/2291P      Variation of conditions 5 (lighting), 7 (ecology) and 21 (drainage) on application 06/2254P (pre-commencement conditions) to allow works to commence on the internal road only, in accordance with the badger licence granted by Natural England  
**Withdrawn 18/11/08**
- 08/2729P      Creation of temporary access (in location of existing field access) to allow delivery of static caravans, and erection of boundary fence and gates  
**Approved with conditions 26/03/09**

## **POLICIES**

### **National Planning Policy**

Good Practice Guide for Tourism  
PPS7 (Sustainable Development in Rural Areas)

PPG13 (Transport)

### **Regional Spatial Strategy**

DP1 = Spatial Principles

DP4 = Make the Best Use of Existing Resources and Infrastructure

DP5 = Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility

DP8 = Mainstream Rural Issues

RDF2 = Rural Areas

W7 = Principles for Tourism Development

### **Local Plan Policy**

RT13 = New Tourist Attractions

GC5 = Countryside Beyond the Green Belt

### **Other relevant documents**

- Tourism Matters – A report on Tourism in Macclesfield Borough (2002)
- A Vision and Strategy for tourism to 2015 - Cheshire and Warrington Tourism Board (2004)

### **CONSULTATION RESPONSES**

**Environment Agency:** No objection, subject to a condition in respect of the submission of a drainage scheme, and an informative in respect of the submission of an adequate drainage scheme to the Environment Agency.

**Environmental Health:** No objection.

**Forestry Officer:** No objection, subject to conditions.

**Highways:** No objection, subject to conditions.

**Landscape Officer:** No objection, subject to conditions.

**Local Plans:** No objection.

**Manchester Airport Aerodrome Safeguarding:** No objection

**Nature Conservation Officer:** No objection, subject to conditions.

**Public Rights of Way:** No objection

**University of Manchester (Jodrell Bank):** No response received to date.

### **VIEWS OF THE PARISH COUNCIL**

**Eaton Parish Council** raise a number of concerns in respect of the proposals. They feel they do not know the full impact of the 1<sup>st</sup> application for 32 units, and that the Inspector was not made aware of the 2<sup>nd</sup> application. There is evidence of flooding in the vicinity of the site, and no application has been made to the Environment Agency to date.

They consider 55 units is excessive being in mind Eaton village is the same size. The entrance on Back Lane is going to be put under pressure.

The proposal is a major departure as it is on open countryside land rather than in a woodland setting. The development is for housing development rather than tourism uses.

If approved the proposal would set a precedent for similar “tourism” developments.

The existing development of 32 units is more than adequate to meet tourism requirements.

They consider the Local Planning Authority lacks the power and finance to resist the development. There has been an apparent disregard of local opinion by the Local Planning Authority, which undermines the Parish Council and local democracy.

**North Rode Parish Council** formally object to the application. They advise that the proposal will have a detrimental visual impact in this location, being situated in an open field adjacent to the Macclesfield Road. The proposal is also outside of the woodland development granted on appeal. Particularly, the field in the previously granted application was proposed for woodland planting, in mitigation for the loss of trees in Rode Heath Wood.

The enlarged development in this location will further increase the road use on the narrow lanes and its associated nuisances, especially to villagers who use the lanes for recreational purposes, such as walking and cycling.

The village of Eaton will have a suburb of log cabins, which will have a detrimental impact on its character.

## **OTHER REPRESENTATIONS**

20 letters of objection have been received to date (30/07/09). It should be noted that the objection made by Mrs. Johnson of Novar was made in error and has been formally withdrawn.

The key concerns raised are in respect of the following:

### **Assessment**

- This application should be assessed as a new “stand alone” application, not as an extension to the caravan park approved under application 06/2254P
- The application should be assessed as a cumulative total of 55 caravans
- The licence agreement limits the occupation of the units to the owners and their immediate families, however, there is no way of discerning who the owners or their immediate families are
- Question No. 15 in respect of contamination has not been answered
- All of the conditions should be satisfied prior to this application being entertained
- The proposal is a major departure
- There is no feedback as to the impact of the current development of the environment and services in Eaton
- Has a sequential test been carried out to find a more sustainable location for the proposed development?
- The proposal will have an adverse effect on the local Community
- The conditions on the original application are not being complied with
- There is no demand for caravans in the area
- Log Cabins represent a fire risk
- Site could become a “*gypsy camp*”
- There are discrepancies in the statements submitted by the consultants in support of the application – namely that the Singleton Clamp statement refers to the sit as being “*within a secluded and densely wooded area*” which is incorrect

### **Residential Amenity**

- Adverse impact on the residential amenity of the occupants of Meadowlands due to the noise and disturbance generated from visitors to the caravan park
- The proposal will result in noise being generated at night which will disturb local residents

### **Location / Impact on the landscape**

- The proposal represents overdevelopment within a small village and will harm the character of the village
- The number of units proposed represents the size of a village
- The impact on the village infrastructure will be eroded
- The land is designated “Countryside beyond the Green Belt” and should be safeguarded from development
- The proposal represents “urban sprawl”
- The site is different to the woodland as it is an open field, the development will harm the character of the field
- The proposal will result in a loss of woodland
- The site is not a “quiet rural location” given the proximity of Macclesfield Road

- The services that will be required for this form of development will harm the surrounding environment and wildlife/ protected species
- The proposal would have a “substantial adverse impact” on visual amenity when viewed from the dwelling on the opposite side of Macclesfield Road
- The development will be a blot on the landscape, and will have an adverse visual amenity
- The visual impact assessment does not consider the impact of vehicles on School Lane, Fords Lane and Cocksmoss Lane
- The landscaping scheme is inadequate/inappropriate the proposal will have an adverse impact on visual amenity
- The proposal will be visible for some time, given that it will take time the landscaping to establish
- The proposal will result in pollution from light, noise and foul water

### **Drainage/Flooding**

- The proposal will create foul and surface water drainage problems
- Proposal will result in pollution into local watercourses
- Back Lane is liable to flooding which would prevent access to the site
- The proposal would add to the current drainage problems in the area (11 photographs attached as evidence)
- Discharging foul water/chemicals into the Brook could result in harm to livestock
- The Environment Agency has not given their approval for the drainage scheme, and therefore there is a breach of condition No. 21 on application 06/2254P
- No information has been provided in respect of the drainage of the site
- Planning permission should not be granted unless the Council is satisfied that a condition in relation to drainage could be met
- Approval should be obtained from the Environment Agency for the drainage of 55 units
- The approved drainage scheme (produced by Egniol in November 2008) for phase 1 of the development as does not take the 2 existing domestic properties of Novar and Meadowlands into consideration.

### **Use of caravans**

- The caravans are being advertised in Bridgefords in Prestbury as “luxurious lodges” available for purchase as **second homes**. They will not be used as tourist accommodation
- The proposal is therefore for an extension to a housing estate
- The proposal is a housing estate

### **Traffic generation / Sustainability / Access**

- Back Lane is a narrow rural road, which is unsuitable for the type and volume of traffic generated from this form of development
- Highway verges will be damaged by large vehicles

- The proposal will result in a significant increase in vehicle movements, including traffic generation from service vehicles/deliveries
- The proposal is not a sustainable form of development and will result in an over-development of the site
- No on-site commercial facilities are available, resulting in visitors having to travel by car to local attractions and shops
- A traffic survey of Phase 1 should be carried out and appropriate conditions be attached
- The highway safety mitigation proposals (passing places, turning circle and improved visibility splays) are insufficient to overcome potential hazards
- Employment figures are disproportionate – 2½ employees for 23 caravans as opposed to 14 jobs for the 32 units
- No additional passing places are being proposed along Back Lane, despite the increase in traffic generation
- The temporary access on Macclesfield Road is indicated on the plans – this could cause a Highway Safety issues if customers were to start using it
- The proposal represents a 72% increase in caravans, yet no additional information has been provided to reduce the number of trips by private car (the previous scheme proposed a mini bus within the travel plan) no additional mini buses are being proposed yet there is a conflict with how the mini bus will be used

## **APPLICANT'S SUPPORTING INFORMATION**

The following documents have been submitted in support of the application, which are available to view on the planning file and on the Council's website ([www.cheshireeast.gov.uk](http://www.cheshireeast.gov.uk)):

- Planning, Design and Access Statement
- Transport Statement
- Ecological Appraisal
- Landscape Visual Impact Assessment and Mitigation Proposals

An email has been submitted from the agent in response to a query raised in respect of the completion of the application forms. He confirms that question 15 on the application forms was duly completed, and there is no known land contamination on site.

Additional plans have also been submitted which indicate that an area of open land to the north of the woodland or Phase 1 of the development to be planted with native woodland planting. In addition a minor amendment to the line of the pedestrian access to the bus stop has been submitted, as requested by the Landscape Officer.

The agent has confirmed that the applicant is prepared to sign a legal agreement in respect of the submission and implementation of a Woodland

Care Management Plan, a Travel Plan, and for the owner to issue a Licence agreement to all licensees in respect of the occupation of the caravans.

## **OFFICER APPRAISAL**

### **Principle of Development**

In November 2007 a Public Inquiry was held following the Council's refusal of planning application 06/2254P, for the change of use of land to site 32 timber-clad twin-unit caravans, alterations to access and landscaping.

The application was refused by the Planning Sub-Committee for three reasons:

1. The site would not operate in a sustainable manner due to lack of access to public transport;
2. The site was isolated from existing tourist facilities and local amenities;
3. The proposal would be tantamount to a residential rather than recreational use

The appeal was allowed, and a partial award of costs was granted against the Local Planning Authority in respect of reason for refusal No. 3, as the Inspector felt it was unreasonable.

The Inspector concluded that there were no technical highway, landscape or ecological reasons to indicate that the site was not suitable for the proposed development. Furthermore, he acknowledged that a quiet rural retreat requires a quiet rural location, and that the development complied with national policies designed to promote sustainable development.

The principle of this form of development has been established at this site, and as there have been no material changes in relevant planning policy, no objection can be raised to the principle of the development.

### **National Planning Policy**

National Planning Policy guidance in respect of tourism development is contained within the Good Practice Guide on Planning for Tourism, PPS7 & PPG13.

The Good Practice Guide on Tourism was published in May 2006, and supersedes PPG21 - Tourism. The guidance contains specific advice in relation to holiday, touring caravan and chalet parks. It advises that holiday parks are the largest provider of rural tourism bed spaces and that planners should carefully weigh the objective of providing adequate facilities and sites with the need to protect landscape and environmentally sensitive sites.

The guide advises that sites close to settlements will generally be more sustainable but recognises that there will be some occasions where



development for tourism is sought in a location where it will be difficult to meet the objective of access by sustainable modes of transport and that the choice of location may have been determined by a functional need.

Paragraph 15 of PPS7 - Sustainable Development in Rural Areas acknowledges that some leisure and recreational opportunities require a countryside location. Paragraph 34 acknowledges that tourism and leisure activities are vital to many rural economies. It advises that Local Development Documents should support sustainable rural and leisure developments, even when they are statutorily designated for their landscape, nature conservation or historic qualities.

Paragraph 36 advises that facilities may be justified in the countryside where there are no suitable buildings or developed sites available for re-use.

Paragraph 39 advises that local authorities should carefully weigh the objectives of providing adequate facilities and sites with the need to protect the landscape and environmentally sensitive areas.

PPG13 – Transport gives advice in respect to tourism and leisure development which generate **large amounts of traffic**. At the appeal the appeal the Inspector concluded that the development was a low traffic generator.

### **Local Planning Policy**

The Macclesfield Borough Local Plan (2004) has no saved policies in respect of the provision of static caravans. Policy RT13 encourages the provision of new tourist attractions. Policy RT16 allows the development of new touring caravan sites in the open countryside so long as there is no harm to the character of the area, the road network is appropriate and infrastructure is made available.

The suitability of site under this policy framework has already been assessed by the Planning Inspector, and he concluded that the site was appropriate for tourism purposes.

## **CONSIDERATION OF THE PROPOSALS**

### **Impact on the character and appearance of the area**

The application site comprises an open field/paddock, which lies adjacent to a semi-natural woodland (to the west). The site is relatively level and benefits from some screening around the perimeter.

A Visual Impact Assessment has been submitted with the application, which identifies 17 viewpoints surrounding the site. The assessment considers that 5 of these viewpoints have a moderate or substantial adverse impact, and recommends mitigation proposals in these areas to reduce the impact of the development on the character and appearance of the area.

The five viewpoints considered to have a moderate or substantial adverse impact are:

***Viewpoint 1 – Back Lane***

Proposed mitigation: 5 metre buffer strip of planting

***Viewpoint 3 – A536 approaching from the north***

Proposed mitigation: Buffer planted on mound set on edge of site

***Viewpoint 6 – Dwelling on A536***

Proposed mitigation: 10m wide buffer strip planted on mound to strengthen existing boundary hedge, extensive planting around the temporary entrance is also proposed

***Viewpoint 7 – Track on A536***

Proposed mitigation: Larch lap fencing to be removed when planting is established

***Viewpoint 8 - Novar (Applicant's residence)***

Proposed mitigation: Existing Conifer hedge will be encouraged to grow into a full screen

The views of the Landscape Officer are awaited in respect of the proposals, in particular whether the mitigation proposals are sufficient to screen the development from surrounding viewpoints.

**Traffic generation**

Concerns have been raised by local residents in respect of expected increase in traffic generation as a result of the proposed development.

A Transport Statement prepared by Singleton Clamp has been submitted in support of this application. Section 5 considers the anticipated transport impact of the proposed development.

Traffic flow data has been taken from TRICS (Trip Rate Information Computer System) and trip rates have been taken from two similarly sized caravan parks; Ribblesdale Park, Gisburn and Bassenthwaite Lakes, Keswick.

From the trip rates derived from the data sources and assuming 100% occupancy of both phase 1 & 2 of the caravan park, it is anticipated that the proposed development would generate a maximum of **15 trips per hour** (onto Back Lane) in the busiest hour, between 11.00am - 12.00 noon daily.

At the appeal, the issue of traffic generation was considered in detail. The Inspector considered that a 45% occupancy rate was realistic, (although this was disputed by the Highway Authority) and this should be the basis for calculating traffic generation. Based on this level, the existing and proposed development would generate a maximum of **7 trips per hour** in the busiest hour.

The Inspector concluded that even at 100% occupancy, **9 trips per hour was a low traffic generator**. It is considered that 15 trips per hour would not be significantly different to this, and could not be termed a “high traffic generator”.

The Good Practice Guide on Tourism provides us with specific advice in respect of traffic generation, at paragraph 5.4 it advises:

*“For small scale schemes, the traffic generated is likely to be fairly limited and additional traffic movements are therefore unlikely to be a reason for refusal for otherwise suitable tourism developments”.*

It is considered that the volume of traffic generated from the proposed development is not significant, and will not have an adverse impact on the rural highway network.

The views of the Highway Engineer are awaited in respect of this application, and are considered to be of particular importance in the determination of this application.

## **Sustainability**

As outlined above, the application 06/2254P was refused on the basis that the site was isolated from existing tourist facilities and local amenities, and would not operate in a sustainable manner due to lack of access to public transport.

In his consideration of the proposal the Inspector advised:

*The proposal includes the provision for a footpath through the appellant's land to bus stops on the A536 which would be improved as part of the proposal. A travel plan is submitted which includes the provision of cycle parking and information relating to footpaths and cycle routes. Further, a minibus would be provided which would pick up and drop off staff, collect owners from bus and rail stations and Manchester Airport, take owners to local shops, pubs and restaurants and collect food orders. It would also be available for organised trips to local attractions.*

The Inspector concluded that these measures would provide owners with an opportunity to use other modes of transport than the private car and acknowledged that the use by individual owners would be likely to reduce travel demand.

It was acknowledged that the Good Practice Guide in relation to tourism indicates that there may even be occasions where tourism developments are

sought in locations difficult to access by sustainable modes of transport and that where these were small scale and the traffic generated likely to be fairly limited, then additional traffic movements are unlikely to be a reason for refusal for otherwise suitable tourism developments.

## **Ecology**

The Nature Conservation Officer considers that the proposal will not result in any significant adverse ecological impacts. The proposed tree planting and lake creation is likely to lead to an overall gain for biodiversity in accordance with PPS9.

Conditions are recommended to prevent any disturbance of birds during the breeding season and to ensure that additional provision for nesting birds is provided as part of the scheme.

## **CONCLUSIONS AND REASON(S) FOR THE DECISION**

The three key considerations in respect of this application relate to the impact on the character of the area, traffic generation and the impact on ecology.

It is considered that the proposed development will have a limited impact on visual amenity and will not harm the character of the area, due to the volume of existing screening around the perimeter of the site, and due to the proposed landscaping / mitigation scheme, which will infill any gaps in the vegetation.

Based on TRICS data, and traffic flows taken from two similar caravan parks, it is anticipated that the existing and proposed caravan site would generate a maximum of 15 trips per hour down Back Lane. This is not considered to be a high traffic generator, and following the advice from the Good Practice Guide on Tourism, this should not be a reason for refusal for an otherwise suitable tourism development.

An ecological appraisal has been submitted in support of this application, which advises that the proposed development could proceed without significant impact on wildlife, important habitats or legally protected species. The Nature Conservation Officer concurs with this, and raises no objection to the proposals, subject to conditions.

On the basis of the above information, and following the receipt of the views of the outstanding consultees, a recommendation of approval is made, subject to conditions, and the applicant entering into a legal agreement.

## **HEADS OF TERMS**

A section 106 legal agreement is required in respect of the following:

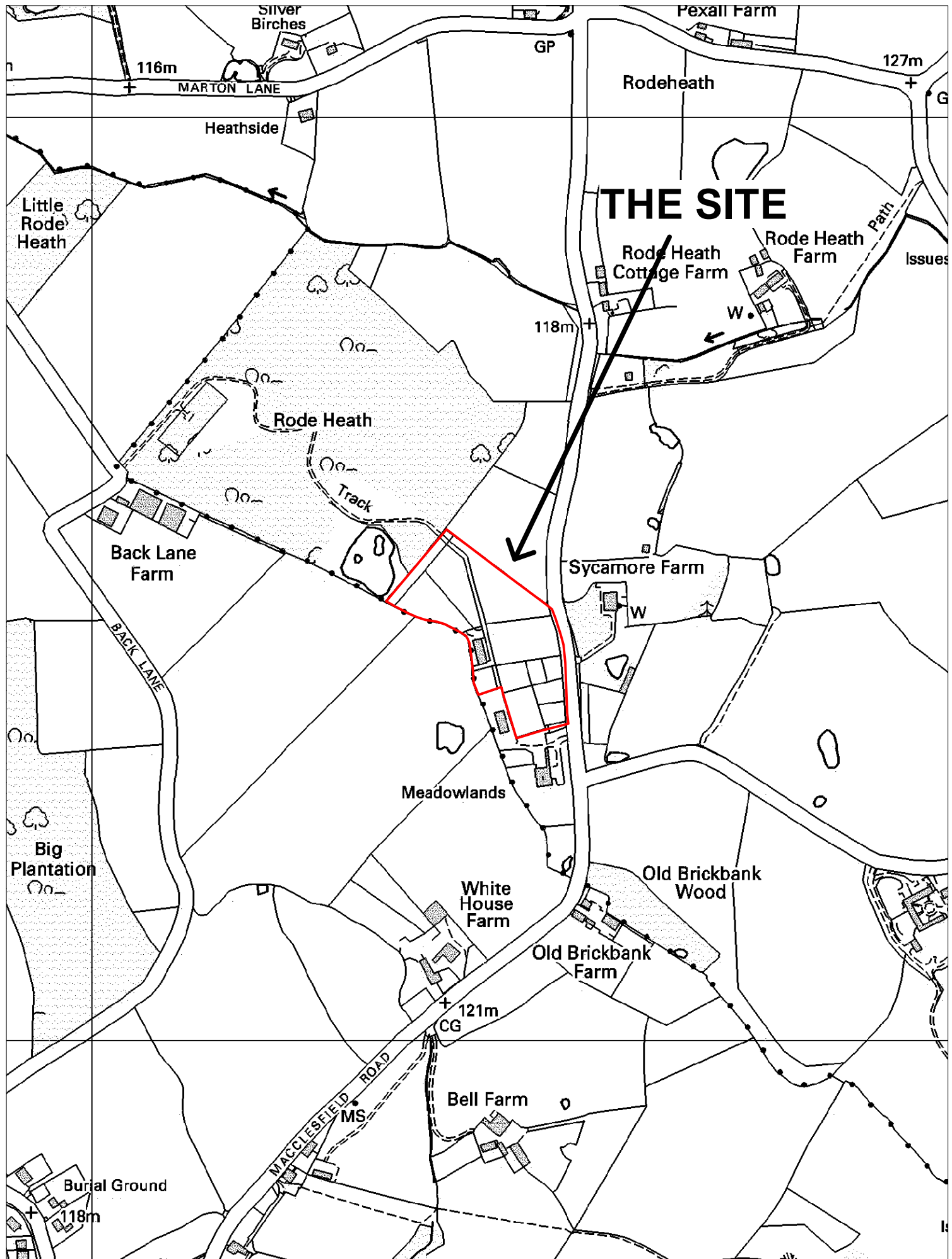
- Submission and implementation of a Woodland Care Management Plan

- Submission and implementation of a Travel Plan
- Preparation and issuing of a Licence agreement to all licensees in respect of the occupation of the caravans

#### **ANY OTHER RELEVANT INFORMATION**

Members will recall that this application was deferred from Northern Planning Board on 22 July 2009 to allow for a Committee Site Visit.

The site visit has been arranged for Friday 7 August at 10.00am.



09/1509M - LAND BETWEEN BACK LANE & MACCLESFIELD ROAD, NORTH RODE, CONGLETON

N.G.R. - 387,440 - 366,450

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## Application for **Full Planning**

### **RECOMMENDATION : Approve subject to following conditions**

1. A03FP - Commencement of development (3 years)
2. A06NC - Protection for breeding birds
3. A14TR - Protection of existing hedges
4. A02TR - Tree protection
5. A04TR - Tree pruning / felling specification
6. Submission of a landscape management plan
7. Landscaping - submission of additional / revised details in respect of the raised water feature
8. Implementation of landscaping scheme
9. External appearance of caravans as per details approved under application 06/2254P unless otherwise agreed in writing
10. Lighting layout as per submitted scheme
11. Details of roads, parking spaces, hardstanding, storage of materials & parking of contractors vehicles as per application 06/2254P unless otherwise agreed in writing
12. Ecological Management Plan as per scheme approved under application 06/2254P unless otherwise agreed in writing
13. Refuse storage and recycling as per details approved under application 06/2254P, unless otherwise agreed in writing
14. The caravans shall be occupied for holiday purposes only
15. The caravans shall not be occupied as a person's sole or main place of residence
16. The owners/operators shall maintain an up to date register of the names of all the owners/occupiers of the caravans
17. No caravan on the site shall be occupied between 14 January and 1 March in any year
18. Access and visibility off Back Lane as per details approved under application 06/2254P unless otherwise agreed in writing
19. No gates or other means of obstruction shall be placed across the access, within 15 m of the boundary of the highway
20. Provision of turning space to be submitted and approved in writing
21. Development shall not be occupied until the passing places along Back Lane have been provided
22. Development shall not be occupied until footpath to the A536 has been provided

23. Development shall not be occupied until bus stops opposite Novar on the A536 have been upgraded - scheme to be submitted and approved in writing
24. Cycle parking facilities as per details approved under application 06/2254P unless otherwise agreed in writing
25. Development shall not be occupied until details of foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority
26. Prior to the commencement of development the applicant shall submit detailed proposals for the incorporation of features into the scheme suitable for use by nesting birds
27. Submission of a revised plan omitting temporary access onto Macclesfield Road
28. Implementation of supplementary native woodland planting in area to north of existing wood