

Application No: 09/3544M

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

**Proposal: CHANGE OF USE OF LAND TO ALLOW THE SITING OF 23
TIMBER CLAD TWIN UNIT CARAVANS (EXTENSION TO
PREVIOUSLY APPROVED SITE)**

For MR & MRS D NOAD

Registered 23-Oct-2009

Policy Item Yes

Grid Reference 387422 366436

Date Report Prepared: 31 December 2009

SUMMARY RECOMMENDATION

Approve

MAIN ISSUES

- Impact upon the character and appearance of the area
- Traffic generation and sustainability
- Impact upon nature conservation interests

REASON FOR REPORT

Members will recall a previous application (09/1509M) was refused in August 2009 by the Northern Planning Committee contrary to officer recommendation. This application has sought to address Member concerns regarding the impact of the proposal upon the character and appearance of the area.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises 1.83 hectares of grassland adjacent to a semi-natural woodland, located approximately 2.5km 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*". Two highways, Back Lane and Macclesfield Road, border the site.

DETAILS OF PROPOSAL

This application seeks full planning permission for the change of use of land to allow the siting of 23 static caravans as an extension to a previously approved caravan park (06/2254P), currently under construction. The two schemes together will result in a total of 55 caravans at the site.

The 23 caravans would be positioned around a large central pond/pool and 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, in keeping with 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 will be gained via the existing access on Back Lane through the existing caravan park.

The main difference from the previous application is an enhanced landscaping scheme, including the mounding to the A536, additional boundary planting and additional internal planting. More details have also been submitted outlining the effectiveness of the proposed mitigation planting.

RELEVANT HISTORY

09/1509M – Change of use of land to allow the siting of 23 timber clad twin unit caravans - Refused 14.08.2009

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

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 18.11.2008

06/2254P - Change of use of land to site 32 timber-clad twin-unit caravans, alterations to access and landscaping - Refused 06.11.2006, Appeal allowed 03.12.2007 (Costs awarded against the Council)

POLICIES

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 material considerations

- Good Practice Guide for Tourism
- PPS7 (Sustainable Development in Rural Areas)
- PPG13 (Transport)
- 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 requiring the submission of a drainage scheme to the LPA, and an informative also related to drainage.

Environmental Health – No objection

Highways Service – No objection subject to conditions as attached to previous appeal decision

Manchester Airport – No objection

Public Rights of Way – No objection

Campaign to Protect Rural England - Comments not received at time of report preparation

Eaton Parish Council – No need for this extension, top water from this site drains onto surrounding land resulting in waterlogging, hiding the new site will not stop its impact.

North Rode Parish Council – Object on the grounds that the proposal will have a detrimental visual impact, increase road use on narrow lanes, and there is no demand for this type of development.

OTHER REPRESENTATIONS

To date, four letters of representation have been received from local residents and neighbouring landowners objecting to the proposal on the following grounds:

- Current application ignores other concerns raised during previous submission.
- Proposal would be out of character by establishing a centre of habitation.
- Unacceptable to discharge outflow from sewage treatment to existing farm ditch.

- Effluent treatment plant labelled as water treatment plant on plans which is misleading.
- Increased water run off will exacerbate flooding on surrounding land.
- No benefit to local community.
- Description of buildings as caravans is misleading.
- Tourism benefit would only be for owners of the lodges.
- Site licence should have been agreed with the applicant prior to considering the application. Also no site license for phase 1, where lodges are for sale.
- No need exists.
- A large bank of soil will not protect the landscape.
- Additional screening will not create a sustainable development.
- Landscaping will “box in” existing open rolling countryside, altering the character of the landscape.
- Drainage remains an unknown entity, and is likely to be problematic.
- No drainage system in place from the previous application.
- Site can be seen from a public road.

APPLICANT'S SUPPORTING INFORMATION

The following documents have been submitted on behalf of the applicant:

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

Each of these documents can be viewed in full on the application file.

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 (of the former Macclesfield Borough Council) 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. These considerations apply with equal rigour to the current proposal.

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 therefore 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 the 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 impact upon the character and appearance of the area was the sole reason for refusal on the previous application (09/1509M). The applicant has therefore attempted to address Members concerns regarding this issue within their submission.

A Visual Impact Assessment has again been submitted with the application, which identifies 17 viewpoints around the site. The assessment identifies that there will be slight or moderate adverse impacts upon 5 of these viewpoints, 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 any adverse impact are:

Viewpoint 1 – Back Lane (slight)

Proposed mitigation: 5 metre wide buffer strip of planting on south western and north western edge with additional nursery stock tree planting.

Viewpoint 3 – A536 approaching from the north (moderate)

Proposed mitigation: Landscape buffer planted on mound set on edge of site, boosting existing hedgerow. Buffer zone will be planted with advanced nursery stock trees to give instant screening at high level as well as evergreen holly hedge set on the ridge top of the mound for winter screening.

Viewpoint 6 – Dwelling on A536 (moderate)

Proposed mitigation: 10m wide buffer strip planted on mound to strengthen existing boundary hedge. Extensive planting around the temporary entrance is also proposed. Buffer zone will be planted with advanced nursery stock trees to give instant screening at high level as well as evergreen holly hedge

Viewpoint 7 – Track on A536 (moderate)

Proposed mitigation: Planting outside existing Larch lap fence line.

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

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

Additional mitigation is proposed in the form of enhancement works to the boundary of the woodland block to the North and North East. This area will accommodate compensatory planting. New woodland groups will also be established within open glades formed by the removal of failed and dead trees.

The Landscape Officer has commented on the proposal and notes that although the dwelling on Macclesfield Road has views into to the site now, the proposed mounding with a large percentage of evergreen native shrubs and trees should over time minimise the impact. It is also noted that since the previous application the smaller pond contained by a retaining wall has been removed and more structural planting around the caravans has been incorporated into the design. This will give the caravans more privacy and a better landscape setting. The larger pond now includes islands which will give a more interesting smaller scale landscape, which is more appropriate with this type of development.

The proposed landscaping scheme which comprises a large proportion of evergreen native shrubs and trees is considered to significantly reduce the visual impact of the proposal and the impact upon the character and appearance of the area is therefore considered to be acceptable.

Trees

The northern section of the current application site was identified for tree / woodland planting as part of the landscaping scheme for 06/2254P. This involved the planting of 7500 square metres of open land which has been off set to the north of the existing woodland on other land under the applicant's control. The majority of the off set planting has been identified within Rode Heath woodland, within open areas, weak areas, edge planting, and within an open area where a number of trees have recently been removed.

The proposed drainage plan identifies an on site water treatment plant. The Arboricultural Officer has discussed the implications for the woodland with the applicant, United Utilities and the Environment Agency. Any flooding or partial flooding of this area will inevitably lead to the demise of a number of protected trees. The applicant will have to demonstrate that the proposals can be implemented without having a detrimental impact or connect directly into the mains sewer, which can be dealt with by an appropriate condition. The proposed drainage and external works serving the caravan units will not impact directly on any of the retained trees

Traffic generation

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 - 12.00pm daily. 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".

Further to this, paragraph 5.4 of The Good Practice Guide on Tourism 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 Highways Service raises no objections to the proposal subject to the compliance with the relevant highways conditions attached to the original appeal decision. It is also noted that an existing field gate granted approval under application 08/2729P for a temporary period to allow for the delivery of the caravans is shown on the submitted plans. A condition is recommended to ensure that this access does not become a permanent feature. The transport statement also highlights the developer's commitment to implement a Travel Plan as with the previously allowed appeal scheme.

Sustainability

As outlined above, application 06/2254P was refused by Macclesfield Borough Council on the grounds 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 of this facility by individual owners would be likely to reduce travel demand.

Further to this, the Good Practice Guide on Tourism indicates that there may 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.

Other considerations

Two primary concerns raised by local residents in letters of objection are matters of lack of need for such tourist accommodation and drainage.

Need/Prematurity

In terms of need, it should be noted that the original site is still being developed with only five of the approved 32 chalets currently on the site; therefore it is reasonable to assume that whatever demand exists might be capable of being met by the existing planning permission. Relevant tourism documents applicable to this area all serve to promote tourism within the Borough. *Tourism Matters* produced by Macclesfield Borough Council in 2002 identifies the demographic of older ABC1s of 45 years plus, relatively well educated and with interests in walking, historic properties and gardens as one of the principal market sectors in the Borough. This grouping has a high propensity to take short breaks, and the applicant has indicated that it is this demographic that is showing interest in the site. Similarly, *Growing our Visitor Economy – A refreshed framework fro Cheshire and Warrington to 2015* (March 2008) highlights the “lazy outdoors countryside experience, perfect for recharging the batteries after a busy week at work”. The proposed development serves to increase the choice available to visitors and the severe constraints of Green Belt policy are likely to prevent a saturation of such sites, particularly across the northern half of the Borough.

Neither local nor national policy requires applicants to demonstrate a need for tourist accommodation as part of their submission. In the absence of other identified harm to matters of public interest, little weight can therefore be afforded to this issue. The Inspector in the previous appeal decision adopted a similar position with regard to the “need” issue. In such a policy vacuum he took the view of letting the market determine.

Drainage

With regard to drainage, details are shown on drawing M8/994-1035/05. The surface water is shown on the plans to be directed towards the central pond within the site, and other permeable areas such as planting areas. The access roads are identified as being porous granular road surfaces. The foul water drains are shown to connect to a water treatment plant within the site. The Environment Agency raises no objection subject to a condition requiring the submission of details of a scheme to

dispose of foul and surface water. Subject to the receipt of these details, there is nothing to suggest that these drainage methods are not acceptable to serve the site. Issues relating to the flooding of neighbouring land are a private matter between the applicant and adjoining landowners, and are not considered to present any identifiable harm to matters of public interest.

CONCLUSIONS AND REASON(S) FOR THE DECISION

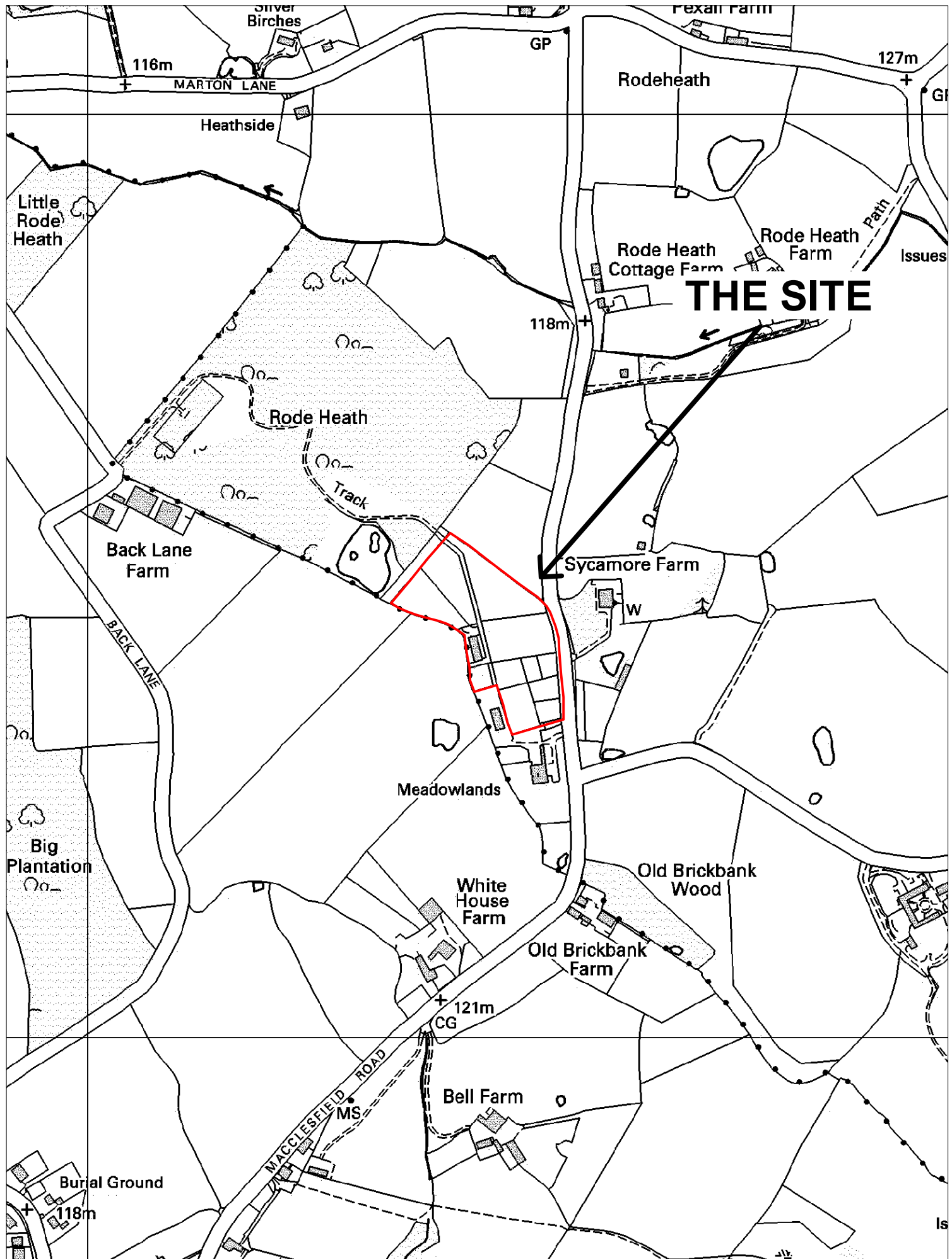
It is considered that the proposed development will have a limited impact on visual amenity and will not harm the character of the area, due to the extent of proposed landscaping / mitigation scheme, which minimise the visual impact of the development. This landscaping has been improved since the earlier submission and is considered to be fit for its purpose.

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



09/3544M - LAND BETWEEN BACK LANE AND, MACCLESFIELD ROAD, NORTH RODE, CONGLETON, CHESHIRE
 N.G.R. - 387,450 - 366,440

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Application for **Full Planning**

RECOMMENDATION : Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A04LS - Landscaping (implementation)
3. A06NC - Protection for breeding birds
4. A01TR - Tree retention
5. A02TR - Tree protection
6. A04TR - Tree pruning / felling specification
7. A07TR - Service / drainage layout
8. Submission of drainage details
9. Incorporation of features for nesting birds
10. External appearance of caravans in accordance with details approved under 06/2254P
11. Lighting details to be approved
12. Details of roads, parking spaces, hardstanding, storage of materials & parking of contractors vehicles to be in accordance with application 06/2254P
13. Ecological Management Plan to be in accordance with scheme approved under application 06/2254P
14. Refuse storage and recycling to be in accordance with details approved under application 06/2254P
15. The caravans shall be occupied for holiday purposes only
16. The caravans shall not be occupied as a person's sole or main place of residence
17. The site owners/operators shall maintain an up to date register of the names of all the occupiers of the caravans
18. No caravan on the site shall be occupied between 14 January and 1 March in any year
19. Access and visibility off Back Lane shall be in accordance with details approved under 06/2254P
20. No gates or other means of obstruction shall be placed across the access within 15 metres of the boundary of the highway
21. Provision of turning space to be submitted
22. Passing places along Back Lane
23. Footpath to the A536
24. Bus stop to be upgraded
25. Provision of cycle parking facilities

26. Timing of removal of temporary access from A536