

Southern Planning Committee

Date of Meeting: Wednesday 8th January 2020

Report Title: 18/2413C - Committee Report – relating to an appeal

Senior Officer: Frank Jordan, Executive Director Place

1. Report Summary

- 1.1 Southern Planning Committee resolved to refuse planning application 18/2413C on 29th May 2019 for the following reasons:

The proposed development site is adjacent to National Grid's High-Pressure Gas Pipeline – 'Feeder 21 Elworth to Mickle Trafford and Warburton to Audley'. A holding objection remains in place from National Grid in relation to the potential risks to people in the vicinity of the hazardous installation. The proposal is therefore contrary to policy GR7 of the Congleton Borough Local Plan First Review 2005, and SD1 of the Cheshire East Local Plan Strategy.

- 1.2 Following the determination of the application the Statutory Consultee - National Grid have formally withdrawn their objection to the application. The purpose of this report is to consider this additional information in advance of the submission a hearing statement for a lodged appeal against the refusal of application 18/2413C. The hearing statement is due on the 15th January 2020.

2. Decision required

- 2.1 To consider the additional information which has been submitted in relation to the reason for refusal; in advance of the submission of appeal documents to the Planning Inspector and the subsequent scheduled informal hearing.

3. Recommendations

- 3.1. Not to contest the reason for refusal at the appeal.

4. Reasons for Recommendations

- 4.1 For the purpose of defending the appeal based on the additional information which has been provided.

5. Other Options Considered

- 5.1. To defend the appeal and be at risk of cost being made against the Council for defending an appeal with no grounds.

6. Background

- 6.1 The application site was originally an open greenfield site located within the Open Countryside as identified by the Congleton Borough Local Plan First Review. However, the site is now surfaced with hardstanding and houses a Static Caravan and two tourers (at the time of the planning officer's site visit), and utilises the access off Dragons Lane, within the adjoining site. The site is situated adjacent to a Gas Governor and two High pressure gas pipe lines - Feeder 21 Elworth to Mickle Trafford and Warburton to Audley.
- 6.2 There are also three authorised traveller sites (7 pitches) within the wider triangle of land, and one other unauthorised traveller site (1 pitch).

7. Proposed Development

- 7.1 18/2413C was a full planning application for part retrospective permission for the change of use of land for stationing of caravans for residential purposes by 1 gypsy-traveller family with facilitation development (utility building, hard standing, septic tank, fencing and gates, shed and Dog Kennel).

8. Officer Comment

Reason for refusal – National Grid

- 8.1 The application was determined on advice from the Statutory Consultee - National Grid that there was an impact on the high pressure gas pipe line – Feeder 21 Elworth to Mickle Trafford and Warburton to Audley, and therefore the development potentially could impact on safety of the pipeline and the surrounding population. The Southern Planning Committee therefore in line with the Officer recommendation resolved to refuse the application solely on those grounds.
- 8.2 Since the decision was made, National Grid have formally withdrawn their objection and therefore the Council can no longer defend this reason for refusal at appeal.

Health and Safety Executive

- 8.3 During the application the Health and Safety Executive were consulted on the application through the Planning Advice Web Tool. The consultation raised no objections to the development, which is based on 1no. residential unit on the application site.
- 8.4 However, in a recent appeal on the same wider site the Health and Safety Executive have raised concerns, but not an objection, on the potential cumulative impact of development within this wider piece of land. The HSE state that they would object to a development of 3 or more residential units situated within the inner zone of the consultation zone. There are currently no residential units approved within the inner zone, however there is an appeal awaiting a decision (16/0962C) and another application for an unauthorised site which is awaiting a decision (19/3706C). However, currently there is no objection on HSE grounds.
- 8.5 For clarity, if in the meantime the appeal decision for 16/0962C is allowed, there will still only be one permitted residential unit within the inner zone, and therefore there will only be *potentially* 2 authorised pitches permitted if this appeal was also allowed. Therefore, regardless of the decision on 16/0962C the HSE would still not object to this proposal as there would not be more than 2 authorised permissions.

Conclusion

- 8.6 On the basis of the above, the reason for refusal can not be defended on the National Grids former objection; and although of note, the HSE's concerns are not a formal objection. Therefore it is not advised to use these concerns as an alternative reason for refusal.

9 Implications of the Recommendations

9.1 Legal Implications

- 9.1.1 The Borough Solicitor has been consulted on the proposals and raised no objections.

9.2 Finance Implications

- 9.2.1 There are no financial implications.

9.3 Policy Implications

- 9.3.1 There are no policy implications.

9.4 Equality Implications

- 9.4.1 There are no equality implications.

9.5 Human Resources Implications

9.5.1 There are no HR implications.

9.6 Risk Management Implications

9.6.1 There are no risk management implications.

9.7 Rural Communities Implications

9.7.1 There are no direct implications for rural communities.

9.8 Implications for Children & Young People/Cared for Children

9.8.1 There are no direct implications for children and young people.

9.9 Public Health Implications

9.9.1 There are no direct implications for public health.

9.10 Climate Change Implications

9.10.1 There are no climate change implications.

10 Ward Members Affected

10.1 Cllr Wray is the ward member for the area. The Ward member will be informed prior to the committee meeting.

11 Access to Information

11.1 Background Document – Application 18/2413C – Appendix 1

12 Contact Information

12.1 Any questions relating to this report should be directed to the following officer:

Name: Gemma Horton

Job Title: Senior Planning Officer

Email: gemma.horton@cheshireeast.gov.uk