

Application No: 22/2403N

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

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

Applicant: Mr & Mrs Finney

Expiry Date: 11-Jan-2023

SUMMARY

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

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

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

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

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

RECOMMENDATION: Approve subject to conditions

REASON FOR REFERRAL

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

- 1) This application appears to be an amendment to the previously withdrawn 20/5853N, which was subject to a call in. I ask that points from that 'call in' are considered, particularly: (a) the risk of flooding and the Environment Agency's stated request for the provision of a 'Comprehensive Flood Risk Assessment' and (b) the Inspector's comments in relation to the risk of urbanisation of a rural area should areas of hard standing be required/created.

- 2) Highways: (a) the need of a full repair to Finnaker Bridge; albeit a local Highway Authority matter (b) Consideration of the current impact on accessibility to the site and (c) need for the creation to safe walking routes for visitors.

DESCRIPTION OF SITE AND CONTEXT

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

The north-eastern boundary of the site is adjoined by a small stream and is demarcated by a simple post and wire fence. To the south-west of the site there is a two storey brick dwelling at Pinnacle Farm. The boundaries with this property also comprise post and rail fencing. To the east the site is adjoined by a dismantled railway line and is defined by a mature hedgerow boundary. Further to the east is the Shropshire Union canal which is partly within an embankment. Access from the site is taken via a field gate onto Coole Lane.

DETAILS OF PROPOSAL

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

SITE VISIT

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

RELEVANT HISTORY

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

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

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

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

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

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

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

POLICIES

National Policy

National Planning Policy Framework (NPPF)

Local Policy

Cheshire East Local Plan Strategy (CELPS)

Policy MP1 – Presumption in Favour of Sustainable Development

Policy PG 1 – Overall Development Strategy

Policy PG 6 – Open Countryside

Policy SD 1 – Sustainable Development in Cheshire East

Policy SD2 – Sustainable Development Principles

Policy SE 1 – Design

Policy SE2 – Efficient Use of Land

Policy SE3 – Biodiversity and Geodiversity

Policy SE 4 – The Landscape

Policy SE5 – Trees, Woodlands

Policy SE7 – Historic Environment

Policy SE13 – Flood Risk and Water Management

Policy EG1 – Economic Prosperity

Policy EG2 – Rural Economy

Policy EG4 – Tourism

Policy SC1 – Leisure and Recreation

Policy CS2 – Indoor and Outdoor Sports Facilities

Policy SC3 – Health and wellbeing

Policy CO1 – Sustainable Travel and Transport

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

PG9 Settlement Boundaries

GEN 1 Design Principles

EVN1&2 Ecology

ENV3 Landscape Character

ENV5 Landscaping

ENV6 Trees, Hedgerows and Woodlands

ENV15 New Development and Existing Uses

ENV16 Surface Water Management and Flood Risk

HER1 Heritage Assets

HOU10 Backland Development
HOU12 Amenity
INF3 Highways Safety and Access
RUR6 Outdoor sport, leisure and recreation outside of settlement boundaries
RUR8 Visitor accommodation outside of settlement boundaries
RUR9 Caravan and camping sites

Newhall Parish Neighbourhood Plan (NPNP)

LC1 – Character and design
LC2 – Landscape character
NEGS1 – Natural Environment and biodiversity
HER1 – Built heritage and conservation
LE1 – Rural economy
LE2 – Tourism
T2 – Sustainable travel
T3 – Vehicular access through the parish
CF1 – Community facilities
CF3 – Foul and surface water drainage

CONSIDERATIONS (External to Planning)

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

CEC Highways: No objection

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

CEC Tourism Officer – No objection and supports the proposal

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

United Utilities – No objection

View of the Parish/Town Council:

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

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

Newhall Parish Council – Objection on the following grounds:

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

Other Representations:

15 letter received regarding the following:

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

3 letters of support given spending to local business

OFFICER APPRAISAL

Principle of Development

The site lies within the Open Countryside as designated by the Adopted Cheshire East Local Plan, where policy PG6 states that within the Open Countryside only development that is essential for the purposes of agriculture, forestry, outdoor recreation, public infrastructure,

essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. There are also a number of exceptions:

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

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

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

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

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

The latter part of para 1 of Policy RUR8 advises:

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

Based upon the assessment of comparable proposals in the locality of a similar scale (Wrenbury Fishery & Sunny Oak Caravan Site, Whitchurch Road, Wirswall), it is clear that the proposal comprises a use that is appropriate to a rural area, conforming to Policy RUR8. Furthermore, it relates to a site-specific attraction: a lakeside setting and angling

The application proposal also relates to the expansion of an existing business at Sunnyside Caravan Park to the north and the existing fishery accommodation on site to the east therefore it is agreed that it makes sense to locate the proposed lodges adjacent to the existing park, within an area of low flood risk, associated with the creation of a more natural lake and associated wildlife habitat to replace the hatchery pools.

The Council's Visitor Economy Manager's has also been consulted who advises that the application proposal will meet the objectives identified within the Cheshire East Council Visitor Economy Strategy (2016- 2020). He states:

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

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

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

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

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

As a result given the benefit to the expansion of the existing business and the evidence of need for such tourism facilities/accommodation is considered that the proposal is essential for outdoor recreation and is a use appropriate to a rural area and therefore the principle of the development is acceptable from a pure land use perspective.

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

Character and Appearance

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

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

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

As a result, the actual visual impact is considered to be limited as the tallest structure would be the lodges at 3.4m high. Given that it is not unusual to see caravans in the open countryside, it is not considered that their presence would be overly harmful to the character/appearance of the area and to some extent would be viewed as an extension to the existing accommodation on site. As noted above the site also benefits from boundary screening which would limit the visual prominence of the development.

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

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

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

Heritage

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

The Councils heritage officer has been consulted who considers that the proposal in its current form would affect the setting of the Listed Building owing to the flat and open nature of the sites and would cause less than substantial harm to the heritage asset.

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

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

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

Rural Economy, Tourism & Leisure and Recreation

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

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

As explained in the principle section as this relates to an existing business the location is considered justified. The proposal seeks to utilise an existing fishery and holiday accommodation site so uses part of the existing access/roadway. The proposal seeks to provide the minimum development necessary as the buildings provided are just the lodges and pods. No separate toilet/shower blocks etc are provided and the internal access rack is limited to the areas serving the units only and the location of buildings on site are not scattered or isolated. Appropriate landscaping is provided to most boundaries with additional planning to the southern boundary to be secured through the imposition of a condition.

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

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

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

SC1 advises that proposal which support and promote the provision of better leisure, community and recreation facilities, where there is a need for such facilities will be supported where they are in highly assessable locations, no harm to the landscape, amenity, biodiversity and support the visitor economy and based on existing visitor attractions.

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

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

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

Residential Amenity

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

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

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

Access and Parking

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

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

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

Cycle parking will also be provided within the site

The Councils Highways Engineer has also been consulted and has advised that he has no objections.

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

Ecology

Great Crested Newts

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

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

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

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

Hedgehog and Reptiles

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

Other Protected Species

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

Lighting

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

Biodiversity Net Gain

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

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

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

Ecological Enhancement

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

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

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

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

Trees/Landscape

The site does not form part of any protected landscape.

The Councils Landscape Officer has been consulted and has not raised any objection to the proposal however he has suggested some amendments to the proposed landscaping to the southern boundary. This can be secured through the imposition of a condition.

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

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

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

Drainage/Flood Risk

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

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

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

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

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

United Utilities have also been consulted who raise no objection.

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

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

Other

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

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

CONCLUSIONS AND REASONS(S) FOR THE DECISION

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

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

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

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

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

RECOMMENDATIONS

APPROVE subject to the following conditions:

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

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

