

Application No: 21/6417N

Location: Fletchers Pool, BRIDGEMERE LANE, HUNSTERTON

Proposal: Change of use of land for the siting of 5 no. holiday lodges and ancillary works.

Applicant: Mr Fletcher Strickland

Expiry Date: 15-Mar-2022

SUMMARY

The application proposes the siting of five holiday lodges and ancillary works, including access improvements, The lodges would be sited to the south of the site, with a re-sited access to improve visibility.

The proposals would provide tourist accommodation within the open countryside, where Policy PG6 of the Cheshire East Local Plan Strategy allows for uses that are appropriate to a rural area. Policy EG2 of the Cheshire East Local Plan Strategy advises that proposals that create/extend rural based tourist/visitor attractions/recreational uses will be supported where they support the rural economy, could not be located in a designated centre, would not undermine delivery of employment allocations, adequate infrastructure and does not harm amenity or the character/appearance of the area.

Policy RUR8 of the Site Allocations and Development Policies Document allows for certain types of visitor accommodation that 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.

Information provided in support of the application sets out the need for the accommodation, with a recent appeal decision providing an opinion on how relevant development plan policies in respect of the provision of rural tourist accommodation should be applied.

The proposals would not detract from residential amenity of nearby properties, nor have any adverse impact on the local road network or the visual amenity, character and appearance of the locality, or have a harmful impact to ecology.

The proposals are acceptable and in general accordance with the Development Plan and therefore recommended for approval accordingly.

SUMMARY RECOMMENDATION

APPROVE subject to conditions

REASON FOR REFERRAL

The application is referred to Southern Planning Committee as the agent for the application is an immediate family member of members of staff employed within the development management service area and representations objecting to the application

have been received. A call-in request was received from Cllr Clowes and this will be referenced within the representation section of this report.

DESCRIPTION OF SITE AND CONTEXT

The application relates to an area of land measuring some 3.2 hectares, located to the south of Bridgemere Lane. The site is irregular shaped, sloping slightly to the south towards a pond/lake located to the southern boundary, with established hedgerows and tree planting.

To the north-east of the site, and immediately adjoining the wider site boundary, is a residential property, with further residential properties within the wider locality. Vehicle access to the site is via an existing field gate from Bridgemere Lane.

The surrounding area is rural in character, with farmsteads and hamlets spread sporadically across the surrounding landscape.

DETAILS OF PROPOSAL

The application proposes the change of use to allow for the siting of five holiday lodges and ancillary works, including access improvements. The lodges would be sited towards to south of the site, close to the pool/lake, with a re-sited access to improve visibility.

The lodges would be relatively small scale, providing two-bedroom accommodation (one double, one single), with a bathroom and open plan kitchen/dining/living room area. Each unit would have a footprint of approx. 11.6m by 3.9m, and with a height of approx. 3.9m.

A farm style access track comprising two x 1m wide parallel gravel running strips with grass down the centre would provide vehicular access to the lodges from Bridgemere Lane. The existing area of informal car parking along the northern boundary of the site would be retained. The existing site access would be closed up, with a new access created to the west. The existing roadside boundary to the west new site access would be re-positioned further into the site to provide the necessary visibility splay, with a new hedgerow proposed to be planted.

The number of lodges has been reduced from nine to five during the application process.

RELEVANT HISTORY

The most recent planning history relating to the wider site area is as follows:

16/4116N	Proposed fishermans retreat building	Planning permission refused on 09.01.2018
12/1349N	Proposed Fishermans Retreat Building	Planning permission refused on 27.06.2012

The application submitted in 2012 as noted above was refused on the grounds that the development was not considered to be essential for the purposes of outdoor recreation and the nature of the appearance of the building and use of inappropriate materials will have an adverse impact on the character and appearance of the open countryside.

In the case of the application submitted in 2016, it was considered that insufficient information had been submitted to demonstrate that the proposed development and use was essential for the purposes of outdoor recreation or that this leisure facility was needed, and that insufficient justification had been provided in respect of the scale of the proposed building.

POLICIES

Cheshire East Local Plan Strategy

MP 1 - Presumption in Favour of Sustainable Development

PG 1 - Overall Development Strategy

PG 2 - Settlement Hierarchy

PG 6 - Open Countryside

EG 2 - Rural Economy

EG 4 - Tourism

SD 1 - Sustainable Development in Cheshire East

SD 2 - Sustainable Development Principles

SE 1 - Design

SE 2 - Efficient Use of Land

SE 3 - Biodiversity and Geodiversity

SE 4 - The Landscape

SC 1 - Leisure and Recreation

CO 2 - Enabling Business Growth Through Transport Infrastructure

Appendix C: Parking Standards

Site Allocations and Development Policies Document

GEN 1 - Design Principles

ENV 2 - Ecological Implementation

ENV 3 - Landscape Character

ENV 5 - Landscaping

ENV 15 - New Development and Existing Uses

ENV 16 - Surface Water Management and Flood Risk

RUR 6 - Outdoor Sport, Leisure and Recreation Outside of Settlement Boundaries

RUR 8 - Visitor Accommodation Outside of Settlement Boundaries

RUR 11 - Extensions and Alterations to Buildings Outside of Settlement Boundaries

RUR 14 - Re-use of Rural Buildings for Residential Use
HOU 12 - Amenity
INF 3 - Highway Safety and Access

Wybunbury Combined Parishes Neighbourhood Plan

H4 - Design

E1 - Woodland, Trees, Hedgerows and Boundary Fencing

E2 - Wildlife Corridors

E3 - Biodiversity

E5 - Landscape Quality, Countryside and Open Views

LE1 - New and Existing Businesses

LE4 - Tourism and Visitors

TI1 - Traffic Management

TI2 - Parking

TI3 - Traffic Generation

TI4 - Drainage

Other Material Considerations

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

Cheshire East Design Guide SPD

CONSULTATIONS (External to Planning)

Environmental Protection: No objection subject to conditions in respect of contamination and informatives in respect of the timing of construction works and contamination.

Lead Local Flood Authority: No objection following submission of additional information.

Highways: No objection subject to a condition in respect of the provision of adequate visibility splays.

Visitor Economy Manager: Supports the provision of additional visitor accommodation within Cheshire East.

United Utilities: Advice provided in respect of sustainable drainage, water and/or wastewater services and United Utilities infrastructure close to the site boundary.

VIEWS OF THE PARISH / TOWN COUNCIL

Hatherton and Walgherton Parish Council: Object on the following grounds (summarised):

- Open countryside location, close to working farm
- Not a form of farm diversification and no business associated with the site
- Applicant does not live locally

- Visible from public highway
- No mains sewer in the area - septic tanks or cesspit therefore required
- Surface water run-off issues
- Number of people on the site - potential for 20 people
- Impact of associated paraphernalia (sheds, play areas, washing lines, bins)
- Increase in noise and disturbance for local residents
- Highway safety concerns - increase in traffic, no pavements or street lighting, unsafe site access
- No public transport links
- Increase in light pollution - impact on dark skies
- Requirement for permanent residence on site for staff member - eventual use as unrestricted dwelling

Doddington and District Parish Council: Object on the following grounds (summarised):

- Open countryside location, currently undeveloped
- Unsustainable location - users would need to travel outside of the area to access services and facilities.
- Adverse impact on character and appearance of locality - lack of screening/landscaping shown.
- Impact of development similar to the construction of small houses on the site
- Additional noise and disturbance
- Increase in light pollution.
- Increase in traffic.
- No public transport links.
- No information in respect of licensing of units or restricting the use of the units.
- No information in respect of refuse management, storage or collection
- Limited information in respect of the provision of services to the units (water, electricity, internet)
- No mains sewer in the area - detail required as to the provision of on-site foul waste handling.
- The Cheshire East Visitor Economy Strategy 2023-28 is not policy

VIEWS OF THE LOCAL MEMBER

Councillor Clowes: **Objection** on the following grounds (summarised):

- Open countryside location, greenfield site
- Highly rural location of primarily agricultural land
- No essential need for development demonstrated and not 'intrinsically linked' with the countryside.
- Within a local is part of the wider, nationally designated Nature Improvement Area (Meres and Mosses)
- Loss of agricultural land and inefficient use of best and most versatile agricultural land

- Bridgemere Lane is a narrow, rural lane interspersed with single lane sections, high hedgerows and limited passing places.
- No pavements and no street lighting
- Adjacent to the Green Waste Site access haul road that takes significant numbers of HGVs to the site at Whittaker's Green.
- Site is circumnavigated by Public Rights of Way which follow or cross the HGV access route.
- Fletcher's Pool is a man-made pool (formally an irrigation/storage pond) that was cleared and remodelled in 2021/22
- Planning permission previously refused for development on the site.
- No information in respect of mains water, foul drainage, electricity supply or waste storage.
- Lodges will be visible from the road and from footpaths that circumnavigate the site.
- Impact on the character of the open countryside
- Diminishing the 'quality of place' in this rural location
- Impact to dark skies and rural tranquillity
- Sustainability/longevity of access track
- Site is not served by public transport.
- No viable opportunities to improve access to the site by foot, by cycling or public transport in this location.
- Poorly located in relation to service centres, villages and essential amenities
- No local economic benefit to the local community
- Level of proposed landscaping inappropriate
- Need to retain roadside hedgerow at 1m will create alien feature.
- Lodges inappropriate in scale and design
- Holiday lodges are temporary residential dwellings.
- Impact on local residents in terms of noise, additional traffic on this unclassified rural lane and will contribute to light pollution.
- Highly engineered new access and site track required - isolated development in sustainable location.

OTHER REPRESENTATIONS

Sixteen representations have been received to the application which raise the following objections (summarised):

- Open countryside and unsustainable location
- No essential need for development and inappropriate location
- Inappropriate site layout
- No landscape impact assessment or detailed landscape scheme provided
- Impact of new site access and associated visibility splays on character and appearance of area
- Loss of hedgerow

- Proposed design and materials of lodges inappropriate - use of uPVC inappropriate
- Highways safety issues - poor/inappropriate site access and visibility splays, HGV's and farm traffic using Bridgemere Lane, no pavements or street lighting
- Issues with parking provision
- No public transport links
- No facilities or attractions in the area
- No business plan has been produced demonstrating the viability of the proposal in the longer term
- Length of stays should be restricted to 28 days
- Noise and general disturbance
- Light pollution
- Impact of associated paraphernalia (bins, barbeques, hot tubs, electric vehicle charging points, washing lines, play equipment, lighting, signage, storage)
- Would add little to the local economy
- Located within an area of meres and mosses
- Adverse effect on wildlife
- Pool not naturally occurring - was constructed without planning permission
- Size of pool restricts its usefulness as a fishing water and non-native species within pool
- Potential for pool to be sold off or not made available for fishing
- Security issues as no on-site supervision
- No public transport links in the area
- No attractions or facilities in the area
- No information in respect of drainage - no mains drainage available
- No information in respect of refuse/recycling storage
- Bridgemere Lane prone to flooding
- Proposed lodges more suited to a coastal location
- Loss of land used for food production
- Noise issues with the site in the past
- Potential for further development on the site in the future
- Existing works carried out on site without planning permission
- Planning permission previously refused for a fisherman's retreat building
- Precedent for refusal of similar proposals in Hatherton and Cheshire West

One representation has been received to the application which raises the following general observations (summarised):

- Potential for site/use to be extended in future - to be controlled by condition

Two representations have been received to the application which support the application for the following reasons (summarised):

- Only property to be impacted and share 'sensitive' boundary
- Sensible and good use of field
- Beneficial to local area

- Positive effect on enjoyment of neighbouring property
- Improved security having occupied site adjoining property
- Would provide tidy use of site

In respect of the amended application, four representations have been received to the amended application which raise the following additional objections to those outlined above (summarised):

- Ecological information as requested by Nature Conservation Officer should be provided before the application is determined.
- Insufficient new landscaping proposed.
- Unsafe location due to high voltage electricity distribution cable running across the site at a low level.
- Unviable business - significant costs in providing new site access, access to accommodation and utility services.
- No requirement for development - future trend of staycations appears likely to be on a downward curve.
- Red line covers a large site area and cuts across the pool - how will development be contained within site area.
- If approved would set precedent for similar development elsewhere in the area
- Music license previously refused for the site.

In respect of the amended application, one representation has been received to the amended application which supports the application for the following additional reasons (summarised):

- Only property to be impacted and share common boundary.
- Ideal use for parcel of land
- Great demand for recreational accommodation in the UK
- Virtually zero effect on rest of Hunterston and District

OFFICER APPRAISAL

Principle of Development

The application site is located in the open countryside as defined in the Cheshire East Local Plan Strategy (CELPS). Policy PG6 of the CELPS seeks to protect the open countryside from inappropriate development unless it is essential for the purposes of agriculture, forestry, outdoor recreation, public infrastructure, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area.

Policy EG2 of the CELPS sets out that proposals that create or extend rural based tourist attractions, visitor facilities and recreational uses and/or encourage the retention and expansion of existing businesses, particularly through the conversion of existing buildings and farm diversification, will be supported where they support the rural economy, could not be located in a designated centre by reason of the product sold,

would not undermine the delivery of employment allocations, would be supported by adequate infrastructure and do not harm residential amenity or the character and appearance of the area.

Policy EG4 of the CELPS sets out that proposals for tourist development outside the Principal Towns and Key Service Centres will be supported where either they are located within a Local Service Centre, they are located within an existing or replacement building or there is evidence that the facilities are required in conjunction with a particular countryside attraction. The policy also requires the scale, design and use of the proposal to be compatible with its wider landscape or townscape setting and not detract from the character or appearance of the area, not be detrimental to the amenities of residential areas, be served by adequate access and infrastructure, and have access to local services and employment.

Policy RUR8 of the Site Allocations and Development Policies Document (SADPD) sets out that 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. The policy also sets out, amongst other criteria, that proposals should make the best use of existing infrastructure such as existing buildings, utilities, parking and vehicular access, not unacceptably affect the amenity and character of the surrounding area or landscape (including visual impacts, noise, odour, design and appearance) either on its own or cumulatively with other developments, and provide appropriate landscaping and screening.

Policy LE4 of the Wyburnbury Combined Parishes Neighbourhood Plan (WNP) sets out that improvements to services and facilities associated with existing or new tourist attractions will be supported subject to the following: a) They comply with policies for the countryside and conservation/heritage b) Be appropriate to scale, character and location for the development c) They create no harm to the existing character of the local area d) They offer appropriate new tourist attractions well related to cultural and historic assets of the plan area e) They have no adverse impact on any adjoining residential amenities f) They do not conflict with matters of highway safety or on the existing PROW network.

In addition to the development plan policies noted above, Paragraph 84 of the NPPF requires policies and decisions to enable sustainable rural tourism and leisure developments which respect the character of the countryside.

Also, of relevance in the consideration of this application is a recent appeal decision against the Council's refusal to grant planning permission for the siting of four holiday lodges and the conversion of an existing building to a holiday lodge at Sevenoaks, Hearn's Lane, Faddiley (application reference 21/6250N, appeal reference APP/R0660/W/23/3317162). The main issue in the consideration of the appeal was the suitability of the site for new tourist accommodation. The Inspector acknowledged that

development plan policies direct tourist accommodation primarily towards specific settlements. However, and subject to certain requirements, it was set out that the plan also supports tourist accommodation outside of Principal Towns and Key Service Centres, with amongst other requirements, it being demonstrated that the accommodation is required in conjunction with particular countryside attractions and can't be met by nearby settlements because the type of accommodation is intrinsically linked with the countryside. The Inspector noted that the proposal would provide a glamping style of accommodation and set out that *'Given the nature of the site, its surroundings and the proposed accommodation, it would only be suitable for a rural location.'* The Inspector also noted that the Council's Visitor Economy Manager identified that Cheshire East has a lack of 'glamping' style accommodation which the proposal would comprise. Also of note is that the Inspector considered concerns raised by interested parties in respect of the proposal not being for outdoor recreation itself. However, it was advised that *'...the development plan is clear that tourist accommodation can also be acceptable, as set out above. Moreover, the plan does not set out any requirement for a business plan to be provided in support of a scheme.'*

Additionally, the Inspector noted that whilst the proposal would not be directly related to the visitor attractions named in the submission and that access to such attractions may not be possible by more sustainable modes of transport, it was set out that *'...although Policy EG4 requires developments to be related to particular countryside attractions, it is silent on what it considers these to be.'* In the appeal case, the appellant set out that the site would be well related to public rights of way, routes on the national cycle network and the Llangollen canal, with the Inspector considering that walking, cycling and making use of waterways are all, in their mind, attractions to the countryside.

In respect of the suitability of rural roads and a lack of public transport to access attractions/facilities, the Inspector noted that *'I recognise that walking along narrow and winding country lanes can be somewhat unsafe and unattractive. However, the use of these lanes to connect between public rights of way during countryside walks is not atypical and visitors would be aware of the potential need and risks associated. I find the same to be true for cycling.'* The Inspector also noted, given the sites rural location, that some journeys to reach services and facilities would be carried out by private motor vehicles, with it noted that *'I find that tourists having some reliance on private motor vehicles to reach attractions, hospitality or shops is to be expected outside of larger settlements such as towns and cities.'* As such, the lack of public transport links or the location of the site to attractions and/or facilities is not considered to be a reason for refusal in this case, with it acknowledged that the NPPF requires recognition that in rural areas, sites may need to be located beyond existing settlements and in locations not well served by public transport (paragraph 85).

Information submitted in support of the application details that the proposed use is a use which is appropriate to a rural area and relates to site-specific attractions (lakeside setting and angling) as well as enjoyment of the Cheshire countryside, local paths, cycle routes and good accessibility to Dagfields and Bridgemere Garden Centre, and Audlem, Wybunbury and Nantwich. As the Inspector in the Hearn Lane appeal

decision noted, development plan policies, whilst directing tourist accommodation primarily towards Principal Towns and Key Service Centres, allow for tourist accommodation in rural areas where it can be demonstrated that the accommodation is required in conjunction with particular countryside attractions and can't be met by nearby settlements because the type of accommodation is intrinsically linked with the countryside. As with the appeal proposal, the application seeks planning permission for the siting of five relatively small-scale lodges (approx. 45sqm) - a 'glamping' style of accommodation which given its nature, and as noted by the Inspector, along with the nature of the site and its surroundings, would only be suitable for a rural location. Whilst it is noted that concerns have been raised in respect of the suitability of the pool/lake for fishing and the requirement for the accommodation in relation to a specific countryside attraction (other than the pool/lake and associated angling), and also the potential for the lake/pool to be sold off or not be made available to visitors, information provided in support of the application sets out, as per the appeal site, that the site would be well related to public rights of way, cycle routes as well as being reasonable well located to nearby attractions and local towns/villages, with the Inspector at Faddiley considering that walking and cycling, in their mind, were attractions to the countryside.

As such, the proposal is therefore considered acceptable in principle, subject to the impact of the proposal in design, amenity and highway safety terms.

It is considered reasonable and necessary to impose a condition restricting the use of the lodges for holiday purposes only as the use of the buildings for un-restricted residential purposes has not been considered through this application and would be inappropriate in this location.

Design and Character of the Area

In addition to the policies as set out above, Policy SD2 of the CELPS states that all development will be expected to contribute positively an area's character and identity, creating or reinforcing local distinctiveness in terms of:

- Height, scale, form and grouping
- Choice of materials
- External design features
- Massing of the development (the balance between built form and green/public spaces)
- Green infrastructure; and
- Relationship to neighbouring properties, street scene and the wider neighbourhood

Policy SE1 of the CELPS details that development proposals should make a positive contribution to their surroundings in terms of a number of criteria. This includes ensuring design solutions achieve a sense of place by protecting and enhancing the quality, distinctiveness and character of settlements. In line with Policy SE1 of the CELPS, Policy GEN1 of the SADPD sets out that development proposals should, inter alia, contribute positively to the borough's quality of place and local identity through

appropriate character, appearance and form in terms of scale, height, density, layout, grouping, urban form, siting, good architecture, massing and materials.

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

Policy H4 of the WNP sets out that all development should, amongst other criteria, provide an appropriate level of landscaping which complements and enhances the rural character of the local area, respond positively to the local character of its immediate environment, provide sufficient external amenity space, refuse and recycling storage, car and bicycle parking and on all new housing developments, to ensure a high quality and well managed street scape and ensure that existing landscape features such as trees, hedges and historic field boundaries, water courses, ditches and ponds should be retained and incorporated into the overall design of any scheme to enhance local biodiversity and preserve the landscape character of the area.

Policy E1 of the WNP requires that any new development that involves the loss of or damage to local woodland trees, hedgerows, historic hedgerow boundary bunds or wide verges and Cheshire Fencing that contribute to the character and amenity of the plan area, must provide for appropriate replacement planting of native species or replacement Cheshire Fencing on the site, together with a method statement for the ongoing care and maintenance of the planting.

Policy E5 of the WNP states that development proposals should respect the qualities, features and characteristics that contribute to the distinctiveness of the local area as described in the Cheshire East Landscape Character Assessment (2018) or subsequent update, considering any cumulative effects alongside any existing, planned or committed development. All new development will be expected to respect and enhance the setting of the existing settlements and the surrounding countryside, maintaining, and where possible, enhancing locally important open spaces, significant local views and vistas.

It is acknowledged that the site is located within a rural location, with no built development currently on the site. It is noted that the site is visible from Bridgemere Lane, although other boundaries are relatively well screened by existing mature planting. Views of the site are relatively well contained to the immediate area given the undulating nature of the site and the immediate area. Whilst the lodges are likely to be visible from Bridgemere Lane, as set out above, these views would be relatively limited to the immediate locality. The holiday lodges are relatively small scale, with a maximum height of approx. 3.9m. They would be set back into the site by approximately 150m (at the nearest lodge), with areas of new tree and hedgerow planting proposed along the roadside frontage and the eastern and western boundaries of the site to mitigate any adverse visual impacts. Given the small-scale nature of the units and that they are

located within a relatively visually discrete location, it is not considered that the siting of the lodges as proposed would result in a significant adverse impact to the visual amenity, character and appearance or rural tranquillity of the area. Given the undulating nature of the site, it is recommended that a condition is imposed requiring details of the existing and proposed land levels and the slab levels to be submitted to ensure a satisfactory form of development, in the interests of the visual amenity of the site. It is also recommended that the number of units of accommodation is restricted by condition to five (as proposed), with relevant permitted development rights removed to prevent the use of other parts of the site as campsite or for the siting of tents, caravans, motorhomes etc, in the interests of the visual amenity of the locality. It is further recommended, for the avoidance of doubt and in the interests of the visual amenity, that a condition is imposed requiring the lodges to be sited as per the submitted site plan. A condition requiring details of the lodges to be provided (including dimensions, materials, finishes, design, colour and internal layout) and any associated decking/raised platform areas is also recommended given a note shown on the submitted elevation and floor plans (*'Dimensions and external finishes of the lodges may differ, depending upon availability. Maximum footprint to be 13.4 x 4.9 metres*) and to ensure a satisfactory development, in the interests of the visual amenity of the locality. It is expected that the lodges would be of the size/scale as shown on the submitted plans (11.6m by 3.9m).

The application site is currently access by an existing field gate, with the proposal involving the re-siting of the access to provide improved visibility. The existing area of car parking along the boundary with Bridgemere Lane is shown to be retained for angler parking with the lodges accessed by an agricultural style gravel strip and grass track. The submitted site layout plan shows the planting of areas of woodland copses to the western, eastern and northern boundary of the site, with a number of trees (seven) planted throughout the site. It is noted that the new access arrangement would create an altered appearance to the roadside frontage, including the replacement of an existing section of metal railings with a post and rail fence and hedgerow planting, however subject to the submission/agreement and implementation of a suitable landscaping scheme (including details of the access track, parking areas (including the area shown as anglers parking) and footpath materials, boundary treatments and replacement hedgerow planting), it is not considered that the impact of the proposed development on the character and appearance of the site and wider locality would be sufficient to warrant refusal in this case. New hedgerow planting is proposed along the roadside, with the existing hedgerow to the eastern side of the new site access shown to be retained (albeit retained at a maximum height of 1m). In the interests of the visual amenity of the locality, it is also recommended that a condition is imposed requiring details of the closing up of the existing site access to be submitted.

It is noted that concerns have been raised in respect of the visual impact of associated paraphernalia and also bin storage areas. It is acknowledged that some of associated paraphernalia noted such as barbeques, hot tubs, washing lines, play equipment, signage, storage (if provided) cannot be controlled as the siting/provision of such items is not development. However, given the small scale nature of the proposed use, that

occupancy is likely to be restricted to a maximum of four people per lodge and that additional landscaping is proposed which would provide screening of the proposed lodges, it is not considered that any associated paraphernalia would be so significant to the character and appearance of the locality to warrant refusal of the application in this case, with any paraphernalia viewed within the context of the holiday accommodation use on the site. It is however recommended that a condition is imposed removing permitted development rights in respect of the erection/construction of gates, fences, walls and other means of enclosures to prevent the subdivision of pitches and to retain an open plan appearance between units. In respect of bin storage areas, it is considered reasonable and necessary to impose a condition requiring details to be submitted to ensure that they are appropriately located. In respect of external lighting, and whilst it is likely that some form of lighting would be required for safety reasons, it is recommended that a condition is imposed requiring details of external lighting to be agreed. To ensure that dark skies are retained, such external lighting could be, for example, limited to certain areas of the site, the subject of sensors so that it only illuminates when it detects motion, provide lighting downwards only and limited in respect of the level of illuminance/luminance.

With the above in mind, it is not considered that the proposed development would have any significant impact on the rural character and appearance of the site or wider locality. As such, it is considered that the development complies with relevant development plan policies in this regard.

Amenity

In addition to the policies outlined above, policies SD2 and SE1 of the CELPS seek to ensure an appropriate level of privacy for new and existing residential properties. Policy HOU12 of the SADPD sets out, amongst other criteria, that development proposals must not cause unacceptable harm to the amenities of adjoining or nearby occupiers of residential properties, sensitive uses, or future occupiers of the proposed development due to loss of privacy, loss of sunlight and daylight, the overbearing and dominating effect of new buildings, environmental disturbance or pollution or traffic generation, access and parking.

Policy H4 of the WNP additionally sets out that all development should demonstrate that there would be no significant adverse effect on the amenities of neighbouring dwellings through overlooking, loss of light or outlook, over-dominance or general disturbance.

Concerns raised in respect of neighbouring amenity are noted, in particular the impact of noise, evening/night-time activity, light pollution and traffic movements. The nearest non-associated residential properties are located some 75m to the northeast, 60m to the north and 120m to the east of the siting of the proposed lodges.

The proposed accommodation is relatively small scale (approx. 45sqm). Occupancy of the accommodation is therefore likely to be limited to a maximum of four people

(although it is noted that one of the bedrooms appears to be a single room), with a maximum of twenty people likely on the site at any one site.

Given the nature of the accommodation and the location of the site, the proposal is unlikely to attract parties or large groups of guests who would cause unacceptable levels of noise. The Inspector noted in the Hearn Lane appeal that '*...I find that any noise would be akin to that generated by a large domestic garden and would not be unacceptable*' and it is considered that this would also be the case with this application proposal. However, notwithstanding this, a condition could be imposed requiring the submission and agreement of a management pack for future guests of the site, which would provide a code of conduct for future guests, including details such as limiting the number of people allowed per unit to four, limited the number of vehicles allowed per unit, restricting the use of the site by parties, no arrivals at night time, no fireworks, no amplified music at any time and requiring campers to keep noise levels to a minimum between 10pm and 8am, as well as the manager's right to refuse entry/eject people from site who are causing nuisance. It is understood that the applicant lives within the vicinity of the site.

Whilst acknowledging that there would be an increase in vehicle movements to/from the site as a result of the development, given that only five lodges are proposed, it is considered that vehicle movements would be relatively minimal and that there would be no detrimental impact upon the amenities of the occupiers of the neighbouring residential in this regard.

With the above in mind, it is not considered that the proposed development would have any significant impact on neighbouring residential amenity. As such, it is considered that the development complies with relevant development plan policies in this regard.

Highways

In addition to the policies outlined above, policy CO2 of the CELPS identifies that 'proposals should adhere to the current adopted Cheshire East Council Parking Standards for Cars and Bicycles set out in Appendix C (Parking Standards)', with Policy SD1 of the CELPS seeking to ensure that developments, wherever possible, provide sufficient car parking in accordance with adopted highway standards.

The application proposes the siting of five holiday lodges along with a re-sited access to improve visibility. The proposed accommodation is relatively small scale, providing two-bedroom accommodation with an open plan kitchen/dining/living room area with occupancy likely to be limited to a maximum of four people. Parking would be provided close to each lodge.

Whilst acknowledging that there would be an increase in vehicle movements to/from the site as a result of the development, given that only five lodges are proposed, it is considered that vehicle movements would be relatively minimal.

The Local Highway Authority (LHA) have raised no objection to the application subject to conditions requiring the visibility splay to be provided in accordance with the submitted plan. It has been advised that traffic flows on Bridgemere Lane are low and traffic flows average at approximately one vehicle per minute during the peak hour, with the proposal generating little additional traffic which Bridgemere Lane is capable of accommodating.

It is considered necessary to require the parking, turning and access facilities to be available prior to first use/occupation of the site, and a condition to this effect is recommended. To encourage potential alternative modes of transport to the site, it is recommended that a condition is imposed requiring details of secure cycle parking/storage to be submitted.

Whilst acknowledging that objections have been raised in respect of the acceptability of the site access and the suitability of Bridgemere Lane for the proposed use, as noted above, no objections have been raised in respect of highway safety or the unsuitability of the proposals by the LHA.

With the above in mind, it is not considered that the proposed development would have any significant impact to highway safety, with sufficient on-site parking proposed. As such, it is considered that the development complies with relevant development plan policies in this regard.

Other Matters

Ecology

Policy SE3 of the CELPS indicates that all development (including conversions and that on brownfield and greenfield sites) must aim to positively contribute to the conservation and enhancement of biodiversity and geodiversity and should not negatively affect these interests. The policy continues that when appropriate conditions will be put in place to make sure appropriate monitoring is undertaken and make sure mitigation, compensation and offsetting is effective.

Policy ENV2 of the SADPD sets out that development proposals should provide for a net gain in biodiversity in line with the expectations of national policy and be supported by a biodiversity metric calculation, and that in accordance with the mitigation hierarchy, all development proposals must make sure that significant harm to biodiversity and geodiversity is: i. firstly avoided; then ii. if impacts cannot be avoided, identify and implement measures to acceptably mitigate these impacts; then iii. finally, and as a last resort, if impacts are unavoidable and cannot be acceptably mitigated, compensation measures should be provided.

Policies E2 and E3 of the WNP seeks to protect the natural environment from harm, preserve special habitats and seek opportunities to increase biodiversity.

The Council's Nature Conservation Officer has advised that other protected species are active in this locality, however, due to the distance between the proposed development and the identified other protected species, the development is unlikely to have an adverse impact upon this species. It has however been advised that as the status of other protected species on a site can change within a short time scale a condition must be attached to secure the submission of an updated other protected species survey prior to the commencement of development. It is considered reasonable and necessary in this case, to ensure the protection of a protected species, to impose the suggested condition.

In respect of the proposed removal of a section of hedgerow, if the loss of hedgerow is considered unavoidable, sufficient compensatory planting has been indicatively shown. A condition requiring the submission of a detailed landscape plan showing the required hedgerow planting has been recommended and is considered reasonable and necessary to ensure that sufficient compensatory planting is provided.

A number of ponds are located within 250m of the proposed development and great crested newts have been recorded at two of these. It has been advised that the application proposals would not result in the fragmentation or isolation of great crested newt habitat and that the revised site access largely retains the existing hedgerows which significantly reduces the potential impacts of the development upon this species. The potential impacts of the proposed development have been advised as being 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'. It has been advised that provided these measures are implemented the proposed development would be highly unlikely to result in a breach of the Habitat Regulations and consequently, it is not necessary for the Council to have regard to the Habitat Regulations during the determination of this application. A condition requiring the development to proceed in strict accordance with the Great Crested Newt Reasonable Avoidance measures detailed within the submitted survey has been recommended and is considered reasonable and necessary to avoid harm to protected species.

Additionally, it has been advised that the application provides an opportunity to incorporate features to increase the biodiversity value of the final development in accordance with Policy SE3 of the CELPS as noted above. It has therefore been recommended that a condition should be attached which requires the submission of an ecological enhancement strategy. This is considered to be reasonable and necessary to increase the biodiversity value of the final development.

Subject to the imposition of conditions requiring the submission and implementation of a landscaping scheme (to include replacement hedgerow planting), an updated other protected species survey being carried, the development being carried out in accordance with the Great Crested Newt reasonable avoidance measures as detailed within the submitted report and the submission of an ecological enhancement strategy,

and given the advice received from the Council's Nature Conservation Officer, it is that the development complies with relevant development plan policies in this regard.

Flood Risk and Drainage

Policy SE13 of the CELPS sets out that developments must integrate measures for sustainable water management to reduce flood risk, avoid an adverse impact on water quality and quantity within the borough and provide opportunities to enhance biodiversity, health and recreation, in line with national guidance, by ensuring that, amongst other criteria, all development follows the sequential approach to determining the suitability of land for development, direct new development to areas at lowest risk of flooding and where necessary apply the exception test; improvements are sought to the current surface water drainage network and be designed to manage surface water; and new development enhances and protects surface and ground water quality and complies with the Water Framework Directive in ensuring that development does not cause a deterioration in the status of inland waters, unless suitable mitigation measures are in place.

Policy ENV16 of the SADPD details that in order to manage surface water drainage effectively and reduce the risk of flooding elsewhere, in accordance with LPS Policy SE 13 'Flood risk and water management', development proposals should, amongst other criteria, demonstrate how surface water runoff can be appropriately managed - with surface water runoff should be managed to achieve: i. on greenfield sites, at least no increase in runoff rates, and a reduction in rates where possible; and ii. on previously developed sites, a reduction in existing runoff rates in line with the Non-Statutory Technical Standards for Sustainable Drainage Systems (2015) or any subsequent replacement standards.

Limited information has been submitted with the application to detail the proposed drainage arrangements for the proposed lodges. United Utilities and the Lead Local Flood Authority have been consulted on the application.

United Utilities (UU) have provided advice in respect of the disposal of surface water in accordance with the drainage hierarchy as set out in the NPPF and possible connections to water and/or wastewater service from UU. It has been noted by UU that there are no known public sewers in the vicinity of the proposed development.

The Lead Local Flood Authority (LLFA), having considered additional information provided, have raised no objections in principle to the proposed development. It has been advised that a flood risk assessment is not required for the development given the floorspace of the proposed lodges and the permeable nature of the access track, with the development proposals having negligible impact on the pond and not causing any quantifiable changes to the current drainage method.

Subject to the imposition of a condition requiring the submission of a drainage strategy for the development, and given the advice received from United Utilities and the Lead

Local Flood Authority, it is that the development complies with relevant development plan policies in this regard.

Contamination

Policy SE12 of the CELPS sets out, amongst other criteria, that the council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon surface water and groundwater and soil contamination. Developers will be expected to minimise and mitigate the effects of possible pollution arising from the development itself, or as a result of the development during both the construction and the life of the development. Where a proposal may affect or be affected by contamination or land instability (including natural dissolution and/or brine pumping related subsidence), at the planning application stage, developers will be required to provide a report which investigates the extent of the contamination or stability issues and the possible affect it may have on the development and its future users, the natural and built environment. In most cases, development will only be deemed acceptable where it can be demonstrated that any contamination or land instability issues can be appropriately mitigated against and remediated, if necessary.

The Council's Environmental Protection team have advised that the application is for a proposed use that would be particularly vulnerable to the presence of contamination, and information within the application refers to an area of the site as a "dumping ground". Furthermore, it has been advised that the site has historically been used for non-agricultural activities and it is not known if these may have left a potential contamination issue. As such, it has been advised that a proportionate risk assessment should be undertaken prior to development commencing. Additionally, should any soil be imported to site for use in areas of garden/landscaping, this should be demonstrated to be chemically suitable for its proposed use. The conditions as recommended by the Council's Environmental Protection team are considered to be reasonable and necessary in this case, to ensure the development is suitable for its end use and the wider environment and does not create undue risks to site users or neighbours during the course of the development.

Other Issues

In respect of concerns raised with regards to previous permissions being refused on the site, it is noted that submitted application are required to be considered on their merits and against relevant development plan policies at such time, with applications are previously refused for different proposals.

In respect of any future extension of the site/use, or applications for other tourist accommodation within the area, the merits of such proposals would be considered at the time of the submission of any such application and against relevant development plan policies.

It is noted that concerns have been raised in respect of the viability of the business, given the cost of the level of works proposed and a downward curve in staycations. Whilst these concerns are noted, there is no requirement for a business plan to be submitted in support of such proposals or for it to be demonstrated that proposals would be viable.

With regards to the safety of future users of the site given that a high voltage electricity distribution cable running across the site at a low level, it is considered that this is outside of the scope of consideration.

CONCLUSIONS AND REASONS FOR THE DECISION

The application proposes the siting of five holiday lodges and ancillary works, including access improvements. The lodges would be sited to the south of the site, with a re-sited access to improve visibility.

The proposals would provide tourist accommodation within the open countryside, where Policy PG6 of the Cheshire East Local Plan Strategy allows for uses that are appropriate to a rural area. Policy EG2 of the Cheshire East Local Plan Strategy advises that proposals that create/extend rural based tourist/visitor attractions/recreational uses will be supported where they support the rural economy, could not be located in a designated centre, would not undermine delivery of employment allocations, adequate infrastructure and does not harm amenity or the character/appearance of the area.

Policy RUR8 of the Site Allocations and Development Policies Document allows for certain types of visitor accommodation that 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.

Information provided in support of the application sets out the need for the accommodation, with a recent appeal decision providing an opinion on how relevant development plan policies in respect of the provision of rural tourist accommodation should be applied.

The proposals would not detract from residential amenity of nearby properties, nor have any adverse impact on the local road network or the visual amenity, character and appearance of the locality, or have a harmful impact to ecology.

The proposals are considered acceptable and in general accordance with the relevant policies of the Cheshire East Local Plan Strategy, the Site Allocations and Development Policies Document and the Wybunbury Combined Parishes Neighbourhood Plan along with guidance within the NPPF, and therefore the application is recommended for approval accordingly.

Approve subject to the following conditions:

1. Standard Time
2. Approved Plans
3. Details of Lodges (dimensions, materials etc) – details to be submitted
4. Number of Units
5. Siting of Units
6. Visibility Splays – implementation of approved details
7. Contamination – details to be submitted
8. Landscaping – details to be submitted
9. Ground and Slab Levels – details to be submitted
10. Updated Badger Survey – details to be submitted
11. Biodiversity Enhancement – details to be submitted
12. Drainage – details to be submitted
13. Contamination (Verification Report) – details to be submitted
14. Closure of Existing Access – details to be submitted
15. Parking, Turning and Access Facilities – implementation of approved details
16. Management Pack – details to be submitted
17. Refuse and Recycling Facilities – details to be submitted
18. Cycle Storage Facilities – details to be submitted
19. External Lighting – details to be submitted
20. Great Crested Newts – implementation of reasonable avoidance measures
21. Soil Brought onto Site – details to be submitted
22. Unidentified Contamination
23. Landscaping – implementation of approved details
24. Holiday Purposes Only
25. Removal of Permitted Development Rights – gates, fences, walls and other means of enclosures

In order to give proper effect to the 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.

