

Application No: 14/5721C

Location: CLEDFORD HALL, CLEDFORD LANE, MIDDLEWICH, CW10 0JR

Proposal: The proposal consists of 9no transit pitches and 1no permanent Wardens pitch, open space for play, and the conservation and conversion of an existing grade two listed barn within the site. The barn is to provide washing and toilet facilities and office accommodation for the resident warden. The barn is also to provide office accommodation for Cheshire East.

Applicant: CHESHIRE EAST COUNCIL

Expiry Date: 18-Mar-2015

SUMMARY

The site is located within the Settlement Zone but in an area with a distinctly rural character. Some concern is raised over the visual impact of the proposal in terms of the wider landscape and the setting of the listed building, most notably through the provision of a 2.5 metre high acoustic fence around the boundary of the site.

Balanced against this, the site is generally within the required 1.6km of the facilities referred to in policy H8 of the local plan, and is reasonably accessible, and no significant amenity, highway safety are raised. The development will secure the long term future of a grade II listed building, which may otherwise be difficult to achieve. In addition Cheshire East does not currently have a transit site for Gypsies and Travellers, and the provision of such would significantly help to reduce the number of unauthorised encampment across the Borough.

Unauthorised encampments can be costly, time-consuming and disruptive for local businesses and settled communities. Indeed the number of unauthorised encampments has fallen sharply in the Borough of Halton since a public transit site was provided, saving significantly on legal and clean-up costs. Meanwhile, the remaining Authorities in the Cheshire Partnership area see much higher rates of unauthorised encampments.

Consequently, subject to the successful outcome of ongoing discussions regarding the proposed boundary fence, and associated landscaping, and satisfactory receipt of the outstanding ecological information, it is considered that the benefits of the proposal outweigh any negative impacts.

SUMMARY RECOMMENDATION

Approve subject to conditions and the satisfactory receipt of outstanding information.

PROPOSAL

The application seeks full planning permission for the change of use of land to provide a transit site for Gypsies and Travellers. 9 transit pitches and one permanent warden's pitch are proposed with associated open space and car parking. The pitches will be available to rent for a fixed term period of up to 4 weeks. Visitors will not normally be allowed to return to the site and occupy a pitch within 3 months of their last stay. In addition it is proposed to convert the existing listed barn to provide washing and toilet facilities serving the transit site, office accommodation for the warden, and office accommodation for Cheshire East Council.

SITE DESCRIPTION

The application site comprises the remains of the now de-listed Cledford Hall building and a number of smaller equally dilapidated buildings, a grade II listed redundant agricultural barn, and a wider area of open agricultural land. A large industrial building is located to the north east of the site and immediately adjacent to the west and south of the application site is predominantly farmland with three residential properties located on the opposite side of Cledford Lane. The site is located within the Settlement Zone of Middlewich as identified in the Congleton Borough Local Plan.

RELEVANT HISTORY

06/1290/FUL - Conversion of existing farm buildings to 5 dwellings. Conversion of farmhouse to 2 dwellings. New garages and sewage treatment plant. Demolition of outbuildings – Approved 21.08.2007

06/1287/LBC - Conversion of existing farm buildings to 5 dwellings conversion of farmhouse to two dwellings, new garages, sewage treatment plant, demolition of out buildings – Approved 21.08.2007

NATIONAL & LOCAL POLICY

National Policy

The National Planning Policy Framework (the Framework) establishes a presumption in favour of sustainable development. The Framework sets out that there are three dimensions to sustainable development: economic, social and environmental. These roles should not be undertaken in isolation, because they are mutually dependent.

Planning Policy for Traveller Sites (PPTS) sets out the Government's planning policy for traveller sites. It should be read in conjunction with the Framework. The overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community.

Development Plan:

The Development Plan for this area is the Congleton Borough Local Plan First review 2004, which allocates the whole site as being within the Settlement Zone of Middlewich.

The relevant Saved Policies are:
GR1 (New Development)

GR2	(Design)
GR6	(Amenity and Health)
GR9	(Accessibility, Servicing and Parking Provision)
GR17	(Car Parking)
GR19	(Infrastructure)
GR20	(Public Utilities)
BH3	(Listed Buildings conversion)
BH4	(Effect on listed building)
BH5	(Effect on listed building)
PS8	(Open Countryside)
H6	(Residential Development in the Open Countryside and the Green Belt)
H7	(Residential Caravans and Mobile Homes)
H8	(Gypsy Caravan Sites)

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

Cheshire East Local Plan Strategy – Submission Version (CELP)

The following are considered relevant material considerations as indications of the emerging strategy:

- SD1 Sustainable Development in Cheshire East
- SD2 Sustainable Development Principles
- PG5 Open Countryside
- SC7 Gypsies and Travellers and Travelling Showpeople

Other relevant documents

Cheshire Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (March 2014)

Cheshire East Council Gypsy, Traveller and Travelling Showpeople Site Identification Study (April 2014)

CONSULTATIONS:

Environmental Health – No objections subject to conditions relating to lighting, noise mitigation and waste provision.

Strategic Highways Manager – No objections, internal layout, parking and access detail are acceptable

Middlewich Town Council – Initially supported reuse of listed building, but then a supplementary statement raised the following points:

- Like many other Councils, the principle of Cheshire East Council meeting its statutory requirement for allocation of Gypsy and Traveller sites, especially a Transit site, is supported.
- In view of the absence of a highways report there are concerns about access to the proposed site.
- The security of the site and the site boundaries have yet to be addressed, especially with regard to fencing, security and access arrangements.
- There is concern that the site warden can be approached in office hours only, contrary to assurances that the site would be fully manned and staffed at all times.

- The accommodation and arrangements for the Site Warden are neither clear nor defined, as is whether the buildings are to be used for commercial operations or just for the Warden & site tenants.
- It is unclear if the provision is sufficient to ensure that enough Travellers can be accommodated on this site at any one time, and if this is to be only Transit site for the whole of Cheshire East or one of many.
- The effect on the development due to its Listed Building status appears detrimental and against Policy.
- There are concerns that the site is now deemed suitable when it was dismissed early in the Gypsy and Traveller Assessment due to its Listed Building status.

Bradwall Parish Council – Object on the following grounds:

- Access is unsuitable for the proposed use
- Route to the proposed site from Booth Lane crosses an identified weak bridge which has a 7.5 tonne weight limit
- Entrance to Cledford Hall is close to a bend which means that vehicles approaching from the east cannot be seen
- Increased volumes of traffic using the lanes of Sproston and Bradwall
- Not in a sustainable location
- The presence of transit groups will be likely to cause antagonism and conflict both with the different settled groups of the travelling community and the other residents of the area. Members of the settled travelling community in Middlewich have already voiced this concern and registered their objection to the application.

REPRESENTATIONS

Neighbour notification letters were sent to all adjoining occupants, a press advert was placed in the local newspaper and a site notice was erected.

Approximately 60 letters, and 2 petitions with around 390 signatures, have been received objecting to this proposal, and the associated listed building consent application (14/5726C) on the following grounds:

- Outrageous cost (circa £4m) to house a few gypsy families
- Number of illegal encampments in Cheshire East (78 last year) would suggest the proposed site is too small to provide worthwhile solution
- Access road unsuitable for HGVs and vans towing caravans – weak bridge with 7.5 ton limit
- Number of occupants would overwhelm the local resident population
- Inappropriate use of Grade II listed building and taxpayers funds
- Middlewich already has the highest % of gypsies in the County
- Proposal does not wholly comply with policy SC7 in emerging local plan
- No net overall economic benefit
- Submission does nothing to reduce tensions between settled and traveller communities
- Remote location restricts occupants ability to integrate with settled community
- Occupants will be reliant on private car
- Visual impact of 2.4 metre high close boarded fence

- Impact upon living conditions of neighbours
- Detrimental to setting of listed building
- Impact upon listed building
- Peter Brett report identifies the site as not being suitable for Gypsy and Traveller use due to impact on listed building
- Cledford lane has no street lighting or footpath
- Guide to designing Gypsy sites advises that they should not be near refuse site or industrial processes – application site is very close to both.
- May result in trouble between rival travelling communities
- Impact on nature conservation
- When bypass is complete, Cledford Lane will be cut off from A533, resulting in a 5 mile trip to nearest shops and services
- Loss of property value
- Noise and rubbish pollution
- Caravans too close to each other, not required 6m apart
- Inadequate space for entry / exit of pitches
- Travellers prefer to have private toilet and shower facilities rather than communal building.
- HCV parking would be unsightly and would be detrimental to local amenity, a nuisance to neighbouring properties
- Lacks adequate screening and landscaping along boundary of the site.
- Caravans and tarmac are eyesores
- Loss of trees
- Increased traffic, and associated impact upon National Cycle Route 71
- No need for transit site
- Fear of crime
- Already long waiting lists at GP, hospital, etc. Schools are at full capacity.
- Illegally parked Gypsies and Travellers have previously caused trouble in local pubs and shops
- Encroachment into open countryside
- Health risks during demolition due to presence of asbestos

APPRAISAL

The key issues are:

- (a) Whether the site is in an appropriate location for the scale of use proposed having particular regard to accessibility to services and facilities as well as other sustainability considerations referred to in the Local Plan and Planning Policy for Traveller Sites;
- (b) The effect of the proposed development on the character and appearance of the area;
- (c) The impact upon the living conditions of neighbours;
- (d) The impact upon highway safety;
- (e) The impact upon nature conservation interests; and
- (f) Whether there is any harm and conflict with policy, there are material considerations which outweigh any identified harm and conflict with policy.

ENVIRONMENTAL SUSTAINABILITY

Paragraph 11 of the PPTS states local planning authorities should ensure that traveller sites are sustainable economically, socially and environmentally, and that planning policies should:

- a) Promote peaceful and integrated co-existence between the site and the local community;
- b) Promote, in collaboration with commissioners of health services, access to appropriate health services;
- c) Ensure that children can attend school on a regular basis;
- d) Provide a settled base that reduces the need for long distance travelling and possible environmental damage caused by unauthorised encampment
- e) Provide proper consideration of the effect of local environmental quality (such as noise and air quality) on the health and well being of any travellers that may locate there or on others as a result of new development;
- f) Avoid placing undue pressure on local infrastructure and services;
- g) Do not locate sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans;
- h) Reflect the extent to which traditional lifestyles (whereby some travellers live and work from the same location thereby omitting many travel to work journeys) can contribute to sustainability

Accessibility

The locational criteria set out within saved Local Plan Policy H8 are considered to be consistent with the thrust of the Framework and the PPTS. Policy H8 states that sites should, wherever possible, be within 1.6km (1 mile) of existing local shops, community facilities, primary school and public transport facilities.

There is a bus service between Sandbach and Middlewich along the A533 at a distance of around 1.2km from the application site. There is also a convenience store approximately 1.4km from the site, and a primary school 1.2km away. However most day-to-day facilities are available in Middlewich Town Centre approximately 1.8km from the site. It should be noted that there is also a distance of approximately 350 metres between the application site and Faulkner Drive that has no footway or street lighting, which may deter people accessing local facilities from the site on foot or by bicycle. However Cledford Lane is not a particularly busy road at this point and given the short distances involved walking and cycling would certainly be an option for occupants of the site for some trips. The application site is generally within 1.6km of the facilities referred to in policy H8, and whilst a wider range of shops and services is available in Middlewich Town centre, the proposal is considered to comply with the locational criteria in this policy.

Similarly, the use of part of the building as offices is considered to be acceptable in this location. There are transport options for employees other than the private car.

Character & Appearance

The application site is located within the Settlement Zone, however, as the site is approached from the A533 the character of the area changes dramatically from a commercial / industrial area to one that is distinctly rural. Then as you carry on along Cledford Lane past the application site a very substantial industrial building presents itself to this rural lane. In addition the Middlewich Eastern bypass is proposed to be constructed to the west of the application site. Therefore whilst the location of the site has rural qualities, there are also very

significant urban influences. The proposed use of the site is therefore not considered to be out of keeping with the mixed use nature of the local area.

Cledford Lane comprises what would best be described as a dispersed settlement of individual and small groups of dwellings. The proposed development would form another such small group, and therefore is not considered to dominate the settled community.

The existing buildings on the site are set back from Cledford Lane, with the closest, the redundant barn being approximately 40 metres from this highway. The vegetation to the southern boundary screens the building from Cledford Lane and the residential properties on the opposite side of the road. However, the redundant barn and to a lesser extent the remains of Cledford Hall can be seen from Cledford Lane as the site is approached from the west beneath the railway bridge. Parking for HCV vehicles is proposed close to the entrance on Cledford Lane. However, given the nature of the development as a transit site, and following discussions with the Council's Gypsy & Traveller Liaison Officer, it is not considered that these parking spaces are necessary. The applicants have therefore been asked to remove the HCV parking from the proposal. This will increase the potential for landscaping along the southern boundary and reduce activity levels around the nearest residential properties.

Policy C of PPTS makes clear that gypsy and traveller sites may be acceptable in rural settings and hence there can be no in principle presumption that they should be hidden from view or that a degree of harm to the character and appearance of the countryside is unacceptable. The sight of caravans in the countryside is not unusual. The proposed plots would extend the existing developed area of the site into the field between Cledford Hall and Cledford Lane, and by doing so the prominence of the developed area would increase significantly. Most notably by the potential provision of a 2.5 metre high acoustic fence, required to minimise noise impacts from the future bypass. Such a fence would also be contrary to the PPTS, where in Policy H it states that local planning authorities should attach weight to *"not enclosing a site with so much hard landscaping, high walls or fences, the impression may be given that the site and its occupants are deliberately isolated from the rest of the community"*.

Discussions are ongoing about potential ways to minimise the visual impact of the proposed fence and the outcome of these discussions will be reported in an update.

Listed Building

The list description for the barns is as follows:

"Outbuildings to Cledford Hall GV II Outbuildings to adjoining farmhouse. Dated 1822 on brick in longer range. Red brick, tile roofs. Long, narrow plan of two halves, the range to south with lower roof and more irregular form. Longer northern range of eleven bays, originally with eleven doors under round brick heads regularly spaced, some later blocked to for windows. Lower range with double doors under relieving arch, open roundels to loft above and with hinged doors under flat lintels below. Ventilation openings in gable end to side. Interiors: not inspected, but believed that the northern half retains contemporary roof structure. Included as a good dated range of outbuildings, with strong group value with Cledford Hall."

Context

The barn reads as part of a group with the previously listed Cledford Hall. The fire at the Hall, and as a consequence its de-listing, have devalued its significance and therefore the potential to repair and bring it back into use; a fate that often befalls listed buildings damaged to this

degree by fire. There is little motive or heritage rationale for it to be reconstructed as a consequence of that de-listing decision. From a built heritage aspect, that outcome is extremely unfortunate: the direct consequence and impact of a heritage crime against the asset. Therefore the group value has been lost.

However, the fact that it was listed in its own right with specific elements of significance mentioned, confirms the barn (excluding the largely collapsed smaller outbuilding adjacent to the Hall) is significant as a free standing asset in its own right. Consequently, the overriding objective must be to safeguard the presence of the remaining designated asset at the site for the benefit of future generations. But, the barn itself is in precarious circumstances. The originally intended purpose is no longer viable, given the developed and planned land use in the area and the loss of the Hall itself (and the associated use as a farm). It is also in a very poor state of repair, as is evident from the photos below and is deteriorating.

Peter Brett Associates have carried out research to identify Gypsy, Traveller and Travelling Showpersons sites across the Borough. Sites have been assessed to determine if they are suitable, available and achievable. The application site is identified within this study as not being suitable for Gypsy and Traveller use as it would have an unacceptable impact on a Listed Building. The study notes that if the Listed Building status was to be removed then the site has potential to be suitable for Gypsy and Traveller or Travelling Showperson use.

Principle

National advice indicates that the best and preferred use for the barns is that for which they were designed but this is not viable, as previously noted. Consequently, it is preferable for a Listed Building to have an alternative use provided that it is not unduly harmful to the asset or the contribution made by its setting.

The site has remained vacant for in excess of 10 years, and the use proposed does facilitate significant investment in the building, that may not otherwise come forward. Waiting for alternative uses leaves the building vulnerable to the type of incident that befell the Hall and led to its de-listing. Whilst works could be secured to halt further decline, this does not resolve finding a suitable end use for the building, nor would it address the security issues. It would remain highly vulnerable and at risk.

The conservation officer advises that, on balance subject to consideration of the detail, the principle of reusing the site and securing investment of the scale to repair and convert the building is supported.

Fabric considerations

Further information is required to demonstrate that the extent of work is the minimum necessary and the most appropriate strategy in conservation terms. But, the approach of creating new sub-dividing masonry walls in parts of the building leaving the outer skin of the building exposed and intact, selective underpinning and the repair and strengthening of roof structure and first floor is generally supported by the conservation officer. It is the extent of this, informed by the structural assessment that still needs to be verified.

In terms of fenestration, repair of the outer walls and the approach to the roof and lighting of the upper floor, there was a lot of discussion at pre-application and the approach is supported in general terms. But, it will need to be strictly controlled by condition.

Setting considerations

The main issue of concern about this proposal will be the impact of the proposed use and the associated operational development, principally fencing, upon the setting of the listed building. The site is presently characterised by the open views from the west across the valley of Sanderson's Brook. This open view of the barn will, at times, be characterised by caravans within the foreground of the listed building. Whilst landscaping will help to soften this, especially in spring and summer, at times, this will be the reality and the price to be paid for the investment in the building and giving it a viable use. The use itself is transient by nature and there will be times when the impact will be less.

However, the fencing is permanent and will be prominent, not least along the western boundary on the edge of the valley side. At present the acoustic fencing is shown right on the boundary edge with just space for a hedge on the western side of it, for only part of its length. This is a cause of concern because of its solidity, length and landscaping to the rear of it.

As noted above, discussions are ongoing regarding the impact of the fence.

Amenity

The nearest neighbours are a group of three properties which are located opposite the entrance to the application site on Cledford Lane. Background noise is currently very limited in this area; therefore any increase in activity is likely to be noticeable to existing residents.

The site proposes 9 transit pitches and 1 warden's pitch, and it is acknowledged that there will be an increase in activity over and above the existing redundant farming use. However, given the scale of the site, any resultant traffic associated with the proposed use of the site, or general activity within the site, would not significantly harm the living conditions of neighbours through noise or disturbance. Indeed the proposed acoustic fence would serve to further minimise noise emanating from the site, although it should be noted that the fence is not required for this purpose.

There are proposals to construct the Middlewich by-pass approximately 65 metres to the west of the application site. The by-pass is proposed to extend between Pochin Way in the north to the A533 Booth lane in the south. The impact of this road upon the living conditions of the residents of the site therefore needs to be considered. As does the impact from the adjacent industrial units. With the proposed 2.5 metre high acoustic fence Environmental Health advise that the impact upon the occupants of the site, both transit and permanent is acceptable.

The standards that have been applied are based on the end use being a permanent residential use, which requires the strictest standards, due to the presence of a permanent warden on site. If there was not a permanent warden present on the site, some relaxation of required noise standards could be incorporated due to the short transient nature of the majority of residents.

Overall it is considered that the impact upon the living conditions of existing neighbouring residents will be adequately maintained and an acceptable standard of amenity will be provided for future occupants of the site, in accordance with policies GR1, GR6 and GR8 of the Congleton Local Plan.

Ecology

The nature conservation officer has provided the following comments on the proposal:

The submitted ecological assessment is labelled “draft” and does not include a habitat map. A habitat map will be required in order to assess which habitats on site would be affected by the proposed development. This has been requested from the applicant and will be reported in an update.

Cledford Lime Beds Local Wildlife Site (LWS)

This LWS is located 150m from the application site. The submitted ecological survey raises a concern related to additional footfall associated with the proposed development adversely affecting the LWS. There is a public footpath through the LWS from Cledford Lane however access into the LWS from the footpath appears to be restricted by fencing.

Gardens

Gardens and allotments are a Local Biodiversity Action Plan priority habitat. The action plan is a pro-active strategy to promote the enhancement of gardens for wildlife. The loss of disused gardens at this site is unlikely to result in a significant loss of biodiversity.

Hedgerows

The submitted report identifies the presence of hedgerows on site. Hedgerows are a priority habitat and a material consideration. Once the habitat plan has been submitted it will be possible to assess the potential impacts of the proposed development upon this habitat. This will be reported in an update.

Barn owls

Barn owls are known to be active in this broad locality. The survey of the buildings at this site was limited to an external inspection due to the unsafe nature of the barns. No evidence of roosting barn owls was recorded during any of the ecological surveys on site so the nature conservation officer advises that on balance nesting/roosting barn owls are unlikely to be present or affected by the proposed development.

As barn owls are known to occur in this locality the incorporation of a barn owl nest box would be beneficial. This can be dealt with by means of the condition detailed below under breeding birds.

Bats

Evidence of bat activity in the form of a minor roost of a relatively common bat species has been recorded within the barn proposed for conversion. The usage of the building by bats is likely to be limited to small numbers of animals using the buildings for relatively short periods of time during the year and there is no evidence to suggest a significant maternity roost is present. The loss of the buildings on this site in the absence of mitigation is likely to have a low-moderate impact upon on bats at the local level and a very low impact upon the conservation status of the species as a whole.

The submitted report recommends the installation of bat boxes on the nearby trees and bat tiles within the roof of the converted barn as a means of compensating for the loss of the roost and also recommends the timing and supervision of the works to reduce the risk posed to any bats that may be present when the works are completed.

The submitted bat survey report does only deal with the buildings on site. Clarification is required from the applicant's ecologist as to whether any trees with bat roost potential would be affected by the proposed works. Full details of this and a full assessment of the impact upon this protected species against the tests contained within Habitats Directive will be reported in an update.

Great Crested Newts

Great crested newts have been recorded at the on-site pond and also within nearby ponds. The proposed development is likely to have a significant adverse impact upon this protected species. The protected species report does not include a detailed assessment of the potential adverse impacts of the proposed development and only outline mitigation proposals have been submitted.

The submitted mitigation/compensation strategy lacks details particularly in respect of the provision of compensatory habitat and the mitigation for the potential isolatory impacts of the proposed development. Therefore, the Council currently has insufficient information to confidently assess the potential impacts of the proposed development upon great crested newts in accordance with its policy and statutory obligations. Discussions are ongoing and it is anticipated that appropriate mitigation details can be achieved. Full details of this and a full assessment of the impact upon this protected species against the tests contained within Habitats Directive will be reported in an update.

Badgers

Badgers have been recorded as active being on this site. A detailed badger survey is therefore required in support of this application. The survey must be completed by a suitable qualified person and a report submitted to the LPA prior to the determination of the application. If any adverse impacts on badgers are identified the submitted report must include mitigation/compensation proposals to address this impacts. It is understood a badger survey has been carried out, but at the time of writing has not been received by the local planning authority. This will be reported in an update.

Common Toad

This priority species was recorded on site during the submitted surveys. The implementation of a robust mitigation and compensation strategy for great crested newts at this site is likely to address the potential impacts of the proposed development upon this species.

Hedgehog, polecat

These two priority species are known to occur in the broad locality of the application site but no evidence of them was recorded during the surveys undertaken on site. The nature conservation officer advises that on this basis these two species are not reasonably likely to be affected by the proposed development.

Reptiles

Grass snakes are known to occur in this broad locality. The submitted ecological assessment identifies suitable habitat for reptiles being present on site and advises that there is a risk of reptiles being killed during site clearance works. Reptiles are not however included in the list of ecological constraints identified by the report and no mitigation proposals have been provided. A reptile mitigation method statement is therefore required. The reptile mitigation strategy should work in tandem with the required great crested newt mitigation. This will be reported in an update.

Breeding Birds

Whilst the application site is unlikely to be of significant ornithological value a number of species of breeding birds are likely to be present including species considered to be a priority for conservation. If planning consent is granted, conditions requiring a breeding birds survey, and detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds are recommended.

Habitat Management

To ensure the onsite pond and other habitats are managed appropriately the nature conservation officer recommends a condition requiring the submission of a 10 year management plan for the site.

Trees / landscape

The submission includes an arboricultural report dated December 2014. The report states that it follows the methodology in BS 5837:2012 Trees in relation to design, demolition and construction. The survey covers 13 individual trees, 2 groups and a woodland. The tree population is described as variable, with a few large specimens, fruit trees, some saplings and the plantation woodland screen.

The design and access statement states that it is intended to retain the trees to the north and east, and some trees within the site, together with the hedge to the south. There is no reference to the existing vegetation and hedge to the west.

The development proposals indicate removal of individual trees and groups of trees from within the site although the more significant trees are identified for retention with protective measures during the construction period.

Subject to implementation of the tree protection measures and special construction techniques identified, no significant arboricultural concerns are raised in relation to retained trees. Nevertheless, the matter of retention/or removal of existing vegetation to the west needs to be clarified as this has bearing on new landscape proposals. This will be reported in an update.

The submission includes landscape proposals for the site which include a belt of tree planting to the south, a length of native species hedge to part of the western boundary and planting within the site.

As stated above, the design and access statement indicates the southern hedge would be retained. It is not clear whether any of the existing western boundary hedge /scrub is to be retained although as indicated above, a new hedge is proposed for part of the western

boundary. A 2.5m high acoustic fence is also proposed and would appear to be inside the hedge line.

The site is readily visible from Cledford Lane although the roadside hedge affords some screening. When approaching the site from the west on Cledford Lane, the site is at a higher level than the Sanderson Brook and is clearly visible on higher ground than the road.

Until any planting established, the fence and any caravans or vehicles taller than 2.5 metres would be prominent and exposed when viewed from Cledford Lane to the west. It would be preferable to secure a wider strip of screen planting along this boundary to soften the appearance of the fence and the site. Discussions are ongoing in this regard and will again be reported as an update.

Highways

The Head of Strategic Infrastructure has commented on the proposals and noted that pre-application discussions established the internal layout, parking and also the access detail into the site. The application detail provides all necessary vehicle tracking including for all service vehicles. Subject to all internal roads and parking facilities being provided prior to first occupation, the Head of Strategic Infrastructure raises no objections to the proposal. With regard to traffic generation, the amount of traffic generated by the proposal would not be sufficient to result in any significant harm to the local highway network. No highways safety objections are therefore raised.

SOCIAL SUSTAINABILITY

The PPTS makes it clear that sustainability is important and should not only be considered in terms of transport mode and distance from services. But other factors such as economic and social considerations are important material considerations. It is considered that authorised sites assist in the promotion of peaceful and integrated co-existence between the travellers and the local community. The provision of a transit site will ensure that unauthorised encampments can be moved on, either to this site or out of the Borough, and will help with easier access (albeit for a temporary period in this case) to GPs, schools and other services.

The Criminal Justice and Public Order Act 1994 is particularly important with regard to the issue of Gypsy and Traveller transit site provision. Section 62A of the Criminal Justice and Public Order Act allows the Police to direct trespassers (unauthorised encampments) to remove themselves, their vehicles and their property from any land where a suitable pitch on a relevant caravan site is available within the same Local Authority area. A suitable pitch on a relevant caravan site is one which is situated in the same Local Authority area as the land on which the trespass has occurred, and which is managed by a Local Authority, Registered Provider or other person or body as specified by order by the Secretary of State.

Need

In 2013 Opinion Research Services (ORS) was commissioned by the local authorities of Cheshire to undertake a Gypsy, Traveller and Travelling showpeople Accommodation Assessment (GTTSAA). The local authorities involved were: Cheshire West & Chester, Cheshire East, Halton and Warrington. Prior to this the last Gypsy and Traveller Accommodation and Related Services Assessment was published in 2007.

The study provides an evidence base to enable the Council to comply with their requirements towards gypsies, travellers and travelling showpeople under the Housing Act 2004, the National Planning Policy Framework 2012 and Planning Policy for Traveller Sites 2012. It provides up-to-date evidence about the accommodation needs of gypsies, travellers and travelling showpeople in the study area up to 2028.

Transit sites serve a specific function of meeting the needs of Gypsy and Traveller households who are visiting an area or who are passing through. A transit site typically has a restriction on the length of stay (in this case 4 weeks) and has a range of facilities such as water supply, electricity and amenity blocks. They do not have a function in meeting local need which must be addressed on permanent sites.

ORS note that Local Authorities are not able to use transit provision on private sites as part of their enforcement action policies and therefore, while it does provide an option for visiting households it is at the discretion of the site owner who is allowed on to the site. Therefore, a public transit site both provides a place for households in transit to an area and also a mechanism for greater enforcement action against inappropriate unauthorised encampments.

Evidence provided as part of the GTTSA process by stakeholders and the Local Authorities indicates that a significant number of encampments occur each year which a transit site may help to address. In particular the number of unauthorised encampments has fallen sharply in Halton (the one Local Authority with a transit site in the Cheshire Partnership area) since a public transit site was provided, saving significantly on legal and clean-up costs.

In order to accommodate visiting households and to provide a more powerful mechanism for addressing unauthorised encampments, ORS recommends that Cheshire East, Cheshire West and Chester and Warrington each provide a suitably located, publicly-provided transit site of between five and 10 pitches. This is generally considered to be the minimum size of site necessary to be effective for addressing unauthorised encampments and should be able to cope with typical levels of travelling.

Site Identification Study

Peter Brett Associates were appointed by the Council to carry out research to identify gypsy, traveller and travelling showpersons sites across the Borough. Sites have been assessed to determine if they are suitable, available and achievable. It is intended that the results of the study will be used to inform the development of relevant policies and allocations and to guide the consideration of planning applications.

Potential sites were established from a review of information relating to: a call for sites; existing authorised sites subject to full, temporary or personal consents or certificates of lawful use; existing unauthorised and tolerated sites and encampments; other sites owned by gypsies, travellers and travelling showpeople; surplus Council owned land; sites from previous and current land studies; housing allocations and potential urban extensions, and; sites owned by Registered Providers (housing associations).

It should be clarified that the site identification study does not allocate land for the proposed use, or confirm the acceptability in planning terms of the identified sites. It simply serves to highlight options available to the Council to meet the identified need for accommodation for gypsies, travellers and travelling showpeople within the Borough.

From this study, one site was identified as potentially suitable for residential or transit Gypsy and Traveller use to meet identified future needs in the short to medium term period. This was a site at Mill Lane in Sandbach, which is in private ownership. However, this site is the subject of a current planning application (14/2590C) for four permanent pitches for four Gypsy families, which indicates that the site is not currently available.

In terms of the current application site at Cledford Hall, the study notes that:

“The site is not suitable for Gypsy and Traveller use as it would have an unacceptable impact on a Listed Building. The building is on site and the Council are in discussions with the landowner concerning the Listed Building status. If the Listed Building status was to be removed then the site has potential to be suitable for Gypsy and Traveller or Travelling Showperson use. Although unsuitable at this moment in time, this site should be monitored in future reviews of this study.”

As noted above, the listed status of Cledford Hall has now been removed, but the listed status of the barn remains.

Alternatives

The Council has been seeking a suitable site for transit accommodation for Gypsies and Travellers for some time, and the application site is the one which is the most deliverable, available, suitable and achievable. There are no known alternatives.

ECONOMIC SUSTAINABILITY

With regard to the economic role of sustainable development, the proposed development has the potential to bring increased trade to nearby shops and businesses.

RESPONSE TO OBJECTIONS

With regard to the comments received in representation not addressed above, the cost of the development and the impact upon property values are not material planning considerations in this case. No evidence has been provided to indicate that illegally parked gypsies and travellers have caused trouble in local pubs and shops, however, the purpose of the proposed transit site is to avoid illegal encampments. The health risks during demolition due to the presence of asbestos, will need to be considered by the contractors on site, but is not material to the consideration of the planning application. The suggested impact upon local services is noted, however, given the scale of the development and its transit nature meaning that occupants will be temporary for a period of up to four weeks, the impact upon local services is not considered to be significantly adverse.

PLANNING BALANCE

The site is located within the Settlement Zone but in an area with a distinctly rural character. Some concern is raised over the visual impact of the proposal in terms of the wider landscape and the setting of the listed building, most notably through the provision of a 2.5 metre high acoustic fence around the boundary of the site.

Balanced against this, the site is generally within the required 1.6km of the facilities referred to in policy H8 of the local plan, and is reasonably accessible, and no significant amenity,

highway safety are raised. The development will secure the long term future of a grade II listed building, which may otherwise be difficult to achieve. In addition Cheshire East does not currently have a transit site for Gypsies and Travellers, and the provision of such would significantly help to reduce the number of unauthorised encampment across the Borough.

Unauthorised encampments can be costly, time-consuming and disruptive for local businesses and settled communities. Indeed the number of unauthorised encampments has fallen sharply in the Borough of Halton since a public transit site was provided, saving significantly on legal and clean-up costs. Meanwhile, the remaining Authorities in the Cheshire Partnership area see much higher rates of unauthorised encampments.

Consequently, subject to the successful outcome of ongoing discussions regarding the proposed boundary fence, and associated landscaping, and satisfactory receipt of the outstanding ecological information, it is considered that the benefits of the proposal outweigh any negative impacts.

RECOMMENDATION

For the reasons set out above, the application is recommended for approval, subject to the satisfactory receipt of the outstanding information.

Application for Full Planning

RECOMMENDATION:

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A01HP - Provision of car parking
4. A02EX - Submission of samples of building materials
5. A02HA - Construction of access
6. A05BC - Details of means of support
7. A07BC - Materials to match existing building
8. A10EX - Rainwater goods
9. A17EX - Specification of window design / style
10. A21EX - Roof lights set flush

11. Maximum duration of stay (4 weeks)
12. The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex A of Planning Policy for Traveller Sites
13. . hall be constructed.
14. No more than 2 caravans per pitch
15. Details of foul and surface water drainage to be submitted
16. No commercial activities shall take place on the land, other than those within the approved office space
17. Breeding birds survey to be submitted
18. Features for use by breeding birds including house sparrow, starling and barn owls
19. Habitat management plan to be submitted

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