

Application No: 19/5261N

Location: Baddington Park, BADDINGTON LANE, BADDINGTON,
CW5 8AF

Proposal: Extension to existing Gypsy and Traveller site to provide 6
No. additional Gypsy Traveller pitches comprising 6 no.
mobile homes, 6 no. touring caravans, 6 No. semi-detached
utility blocks and associated works including allocation for
parking and hardstanding.

Applicant: J Florence

Expiry Date: 06-Mar-2020

SUMMARY:

The site is located within the Open Countryside on a parcel of land identified within emerging planning policy (the Publication Draft Site Allocation and Development Policies Document) for the extension of the existing gypsy and traveller site at Baddington Park.

The development is considered to be acceptable in terms of design, trees, ecology and landscape. The access and turning areas are acceptable in highway safety terms.

On this basis the application is recommended for approval.

RECOMMENDATION:

Approve subject to conditions.

REASON FOR REFERRAL

This application has been referred to Southern Planning Committee by the Acting Head of Planning due to the issues of current and emerging planning policy.

DESCRIPTION OF SITE AND CONTEXT

The application site relates to a parcel of agricultural land accessed from an existing access off Baddington Lane. The site is bounded by existing hedgerows along the eastern boundary and a timber post and rail fence along the northern and southern boundary. The eastern boundary comprises a post and rail fence and a close boarded timber fence.

The application site is generally flat and is located within the Open Countryside as defined by the Crewe and Nantwich Local Plan.

DETAILS OF PROPOSAL

This is a full planning application for the extension to the existing gypsy and traveller site to provide 6 No. additional gypsy/ traveller pitches comprising 6 no. mobile homes, 6 no. touring caravans, 6 no. semi-detached utility blocks and associated works including allocation for parking and hardstanding.

RELEVANT HISTORY

Relating to the application site:

19/3655N - Extension to existing Gypsy and Traveller site to provide 6 No. additional Gypsy Traveller pitches comprising 6 no. mobile homes, 6 no. touring caravans, 6 no. semi-detached utility blocks and associated works including allocation for parking and hardstanding – withdrawn

Relating to the neighbouring, existing gypsy and traveller site;

15/2774N – Erection of amenity block – approved 11th August 2015

14/3448N - Material Change of use of land to use as a residential caravan site including extension to existing hardstanding and erection of 3 amenity buildings (Resubmission of 13/5131N) – approved 11th September 2014

13/0708N - Material change of use of land to use as residential caravan site, including extension to existing hardstanding (4 permanent pitches) resubmission – approved 26th March 2013

POLICIES

Local Plan Policies

Cheshire East Local Plan Strategy (CELPS) (Adopted)

MP1 - Presumption in Favour of Sustainable Development

SD1 - Sustainable Development in Cheshire East

SD2 - Sustainable Development Principles

PG1 - Overall Development Strategy

PG6 - Open Countryside

PG7 – Spatial Distribution of Development

IN1 – Infrastructure

EG2 – Rural Economy

EG3 – Existing and allocated employment sites

SC 7 – Gypsies and Travellers and Travelling Showpeople

SE1 - Design

SE2 - Efficient Use of Land

SE3 - Biodiversity and Geodiversity

SE4 – The Landscape

SE5 - Trees, Hedgerows and Woodland

SE12 – Pollution, Land Contamination and Land Instability
SE13 – Flood Risk and Water Management

Borough of Crewe and Nantwich Replacement Local Plan (CNLP) (Saved Policies)

NE.5 - Nature Conservation and Habitats
NE.13 - Rural Diversification
NE.20 - Flood Prevention
BE.1 - Amenity
BE.3 - Access and Parking
BE.4 - Drainage, Utilities and Resources

Cheshire Gypsy and Traveller and Travelling Showpeople Accommodation Assessment (GTAA)

National Policy

National Planning Policy Framework (NPPF)
Planning Policy for Traveller Sites (PPTS)

CONSULTATIONS (Summary)

Ecology – no objection subject to conditions

Highways – no objection

United Utilities – no objection

Landscape – no objection subject to conditions

Forestry – no objection

Flood Risk and Drainage – no objection

Environmental Protection – no objection subject to conditions

VIEWS OF LOCAL PARISH COUNCIL:

Sound and District Parish Council – objects on the following basis;

1. The existing site has permission (13/0798N) for 4 plots (each plot traditionally provides for a static / residential caravan, a touring caravan and parking), and permission (14/3448N) for 3 amenity buildings which provide washing facilities for the occupants of the 4 plots. The plots were (and it is assumed) are occupied by the Applicant and members of his family.
2. The current layout of the site is inconsistent with the planning permissions referred to above and with the landscape design and

lighting conditions imposed by Cheshire East Council on the granting of those permissions, such conditions being intended to mitigate the impact of the development on the open countryside.

3. The application site lies in open countryside.
4. The current application is for an additional 6 plots. Each plot would consist of a residential caravan, touring caravan and semi-detached bathroom block and parking. It is proposed that the 6 plots should be along the northern and eastern perimeters of the site and therefore some distance away from the existing site. It is suggested that, at some future date the Applicant may intend seeking planning permission for a further 5 plots. That future application, if made, will infill the open space between the current 4 plots and the 6 plots which are the subject of the current application. Preserving the open space in the centre of the site for the proposed future application simply means that the negative effects of the current application on the open countryside are greatly enhanced rather than mitigated. The current site is visible from the junction of Coole Lane and Baddington Lane which is about 300 metres away and the site can be seen from well before that junction by anyone driving away from Nantwich. There is no hedging between the junction of Coole Lane and Baddington Lane, only Cheshire railings and such railings continue down Baddington Lane towards the site. The current application, if granted, will extend the site by a further 100 metres towards Coole Lane and will thus make it even more visible to users of Baddington Lane and users of the Coole Lane / Baddington Lane junction.
5. In 2014, consultants, Peter Brett Associates, instructed by Cheshire East Council, prepared a Gypsy, Traveller and Travelling Showpeople Site Identification Study. That Study supports our contention that the proposed application will intrude into open countryside. In Appendix 3 to that Study, the following was stated by Peter Brett in relation to the site at Baddington Park:

“this is an existing Gypsy and Traveller site which needs to be safeguarded. The site is not suitable for further pitches as it would have an unacceptable impact on landscape character. This is an existing site which is locally prominent and incongruous within a moderately open and flat landscape; the elaborate new entrance walls draw attention to the site and there are clear views of the park homes and caravans from the road and the surrounding landscape. Further subdivision of the field north of the access is evident with a post and rail and close-boarded fencing. Any further extension of the site will increase the adverse effects of the development and should be avoided.”
6. The view of Cheshire East’s own consultants set out above supports the view that the proposal to extend the existing site further into open countryside is wholly inappropriate.
7. It is surprising, therefore, that the site is included in the Publication Draft Site Allocations and Development Policies Document as having

an allocation of 8 [new] Gypsy and Traveller pitches. It is unfortunate, because it may lead to confusion in the mind of the public, that the consultation currently being carried out by Cheshire East in respect of that document refers to the site as 2 Railway Cottages rather than by its current name, Baddington Park.

8. Along the northern perimeter of the proposed site, which faces Coole Lane, there is some existing fencing which consists of tall wooden panels nearest to Baddington Lane but which soon reduces to post and rail fencing further to the east. There is no proposal in the Application to change this fencing or to provide landscaping in the form of trees or hedging so as to hide it from the views mentioned in 5 above. To replace the post and rail fencing with a continuation of the tall wooden panels would be out of keeping with the open countryside and any landscaping in the form of trees or hedgerows will take a long time to mature. It is submitted that the appearance of the proposed development, even with landscaping, will cause unacceptable harm to the character and appearance of the open countryside.
9. Access to and from the site is straight onto Baddington Lane, immediately before (as you drive away from Nantwich) the hump-back railway bridge. There is no footway or street lighting in the vicinity. The bridge is in poor condition and there are traffic lights on either side of the bridge as it is only possible for single lane traffic to go over the bridge. During peak hours, traffic waiting at the lights to cross the bridge tails back beyond the Baddington Park access. The additional volume of traffic which would be generated by the proposed application would, given the highway layout in the vicinity of the site, constitute a risk to highway users. There have already been a number of road traffic collisions in the vicinity of the bridge in the last 5 years and at least 2 of those have been serious accidents.
10. Policy H of the national Planning Policy for Traveller Sites stipulates that traveller sites should respect the scale of, and not dominate, the nearest settled community. The nearest settled community, being the houses on the other side of Baddington Lane from the site, will be dominated by the site if permission is granted for a further 6 plots.
11. It is submitted that there is a potential for protected species to be present on the site and therefore a habitats survey ought to be obtained by the Applicant before the Application proceeds further.
12. The application is factually incorrect as the existing site had a change of use to a residential caravan site on 11th September 2014 (14/3448N). This new application is for an extension to existing gypsy and traveller site. Which it is not, it is a residential caravan site. Therefore the application is invalid. Further the existing residents and expected new residents do not qualify as gypsy travellers as they do not lead a nomadic lifestyle according to the definition contained in Cheshire East, Cheshire West and Chester, Halton and Warrington

Gypsy, traveller and travelling show people Accommodation Assessment. Final report (amended) August 2018. Further it is inappropriate to have a gypsy traveller site bordering a residential caravan site and dwarfing it.

13. The present and proposed entrance is on an accident black spot, too close to the blind spot formed by the crest of the bridge. There is the potential for many commercial vehicles, cars and towed caravans entering and exiting at this point. A visibility splay will not help as the blind spot on the bridge is too close. When the residential barns opposite were converted it was a precondition that the existing farm entrance, that was opposite where the Baddington Park entrance now is, had to be removed. This has I believe set a precedence which cannot be ignored.
14. Sustainability. No bus route stops here other than the school bus which is provided only because the road is deemed too dangerous to walk on. There is no footpath in either direction or indeed room for one. Extra school buses would be required for such an increase in population. Every journey made by the existing and new residents would require a motor vehicle. Cycling is not an option, as there has already been at least one death of a cyclist at this location. Therefore sustainability is unproven and environmental impact huge.
15. Nantwich is a town which relies on it's attractive appearance to host various events and businesses. There will be a significant economic impact on these events and businesses by placing a gypsy/travellers site in this location and drastically changing the appearance of one of the main roads into Nantwich. The existing site has never been adequately screened and there can be no expectation they will with this one. Whatever screening is provided it will always be visible from the bridge. Thus it contravenes the councils intention to maintain the character of the countryside whilst supporting the livelihoods of those who live and work there. (Draft Site Allocations and Development Policies Document East Cheshire)
16. Great crested newts are present in the pond opposite their present development adjacent to a culvert/ditch which passes under the road and exists in the vicinity of Baddington Park. It is highly likely they exist in the pond adjacent to the proposed site. There are also grass snakes present in the area and seen on both sides of the road. Therefore on environmental grounds there is a net loss of habitat that is avoidable. (Draft Site Allocation and Development Policies Document East Cheshire)
17. Drainage has been an increasing issue since the present units arrived exasperated by the runoff from the existing structures. I soak away is inadequate and would pollute surrounding land and adjacent pond. Mains drainage and sewage is required for such a large development. Overloading of present utilities should be considered. Part of the

present electrical supply comes from the empty cottage owned by the applicant for which we can find no wayleaves.

18. The Site Allocation Development Plan requires local authorities to use their own sites before considering private sites for Gypsies and Travellers. The East Cheshire Gypsy and Traveller Study Report lists numerous Council owned potential development sites
19. DRMB sightlines for road with a 60mph speed limit are recommended to be 215 metres, and 160 metres for an HGV to stop safely (excluding the 2 second reaction time). The access point to the site fails these sightline tests.

OTHER REPRESENTATIONS:

Ten letters of representation have been received and are summarised below;

- Contrary to planning policy
- Impact on landscape and character of the area
- Unsuitable location and unsympathetic to the area
- Lack of proposed landscaping including trees and hedges
- Boundary treatment is out of character
- Unsustainable location
- Impact on highway safety
- Drainage issues
- Impact on protected species and biodiversity
- Impact on amenity and light pollution
- Inaccurate submission documents
- Ongoing enforcement issues at the neighbouring existing site

SUPPORTING INFORMATION

Planning Statement
Ecology Surveys
Landscape Design Statement
Various Planning Appeal decisions

OFFICER APPRAISAL

Principle of Development

Policy PG 6 (Open Countryside) of the CELPS allows only for development that is essential for the purposes of agriculture, forestry, outdoor recreation, public infrastructure, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area and that particular attention should be paid to design and landscape character so the appearance and distinctiveness of the Cheshire East countryside is preserved and enhanced.

Policy SC7 (Gypsies and Travellers and Travelling Showpeople) of the CELPS sets out the Council's approach to Gypsies and Travellers and Travelling Showpeople. Point 1 of Policy SC7 notes that sites will be allocated or approved to meet the needs set out in the most recent GTAA. Point 2 sets out various considerations that should be taken into account in determining the acceptability of new sites. Point 3 of the policy puts in place a presumption against the loss of existing permanent consented Gypsy and Traveller or Travelling Showperson sites where this would result in, or exacerbate, a shortfall unless equivalent provision is made.

Point 1 of SC7 sets out the overall need for Gypsies and Travellers and Travelling Showperson provision between 2013 - 2028 in line with the Cheshire Gypsy and Traveller and Travelling Showpeople Accommodation Assessment (GTAA) (March 2014).

In August 2015, revisions to the PPTS changed the definition of Travellers for planning purposes. The key change was the removal of *'those who have ceased to travel permanently'* meaning that they will now no longer fall under the planning definition of a 'Traveller' for the purposes of assessing accommodation need in the GTAA. This change in definition came after the completion of the 2014 GTAA.

The Council, in support of the preparation of the second part of the Local Plan; the Site Allocations and Development Policies document ("SADPD") updated its evidence base on a sub-regional basis, on the need for additional Gypsy and Traveller and Travelling Showperson accommodation. The updated GTAA reflects the change in definition set out in the revised PPTS and has a base date of May 2017.

The 2018 GTAA now provides updated evidence on need which reflects current national planning policy. It has formed part of the evidence base to the SADPD and will be tested formally at a future public examination. The 2018 GTAA also covers the full Local Plan period compared to the 2014 GTAA which only covered the period up to 2028. The accommodation needs in the 2018 GTAA study, for Cheshire East, up to 2030, are shown below:

	Total
Gypsy and Traveller residential pitches	32
Transit site pitch provision	5-10
Travelling Showperson Plots	5

The CELPS in paragraph 12.67 confirms that the SADPD will allocate sites to meet needs set out in the GTAA. It is the Council's position that it cannot currently demonstrate a five year supply of deliverable Gypsy and Traveller sites. It should also be noted that planning permission at a site at Three Oakes, Booth Lane, Sandbach for 24 pitches, lapsed on the 18 June 2018. There is an ongoing requirement therefore to provide for pitches over the Plan period in line with the requirements of the GTAA and to secure a five year supply of sites.

Publication Draft Site Allocation and Development Policies Document (PUBSADPD)

The Gypsy, Traveller and Travelling Showpeople Site Selection Report included in the PUBSADPD document library and consulted upon alongside the PUBSADPD sets out the steps that have been taken towards looking for and establishing a list of sites assessed in terms of their suitability and availability. This follows 3 separate formal 'call for sites stages' in 2013/14, 2017 and 2018.

Following a re-assessment of all the site options, the PUBSADPD includes the application site (Site G&T 1) for 8 permanent Gypsy and Traveller pitches as a proposed allocation. The proposed allocation of the site in the SADPD is intended to make a positive contribution to the needs identified by the GTAA.

The red line boundary of the planning application extends to cover the same area identified in the proposed allocation in the PUBSADPD, to include the proposed drainage swale. The application also proposes 6 pitches whereas the PUBSADPD proposes 8 pitches on the site.

The proposed allocation in the PUBSADPD (Site G&T 1) also includes a number of proposed policy requirements, including ensuring that hedgerows are retained and incorporated into a comprehensive landscaping scheme, using permeable materials as hardstanding, providing for a drainage strategy and demonstrating an appropriate visibility splay and access arrangements from Baddington Lane. The supporting information to the proposed allocation also requests a habitats survey for any planning application.

The draft SADPD shows a clear direction of travel and confirms an intention to make plan-led allocations to address Gypsy and Traveller accommodation needs, including providing for a 5 year supply of sites. However, given the stage that the SADPD has reached and that outstanding objections remain on the Plan, only limited weight can currently be given to the allocation proposed in the SADPD.

The revised site plan recently received by the applicant provides a focus of the proposed 6 pitches on the eastern site boundary corresponding with the boundary with the existing adjacent permanent residential Gypsy and Traveller site of 4 pitches. As a consequence there is a significant area of land shown within the site boundary shown on the site plan as a proposed wildflower area and including the drainage swale. It is considered that should the application be approved, appropriate planning conditions can be imposed to ensure that only the permitted number of pitches are delivered and the extent of any approved pitches clearly identified on the site plan.

The principle of development in this location is considered acceptable subject to compliance with the other relevant policies as detailed within this report.

Design

Policy SE1 (Design) of the CELPS sets out the design criteria for new development and states that development proposals should make a positive contribution to their surroundings.

Layout

The surrounding area is characterised by sparse, rural development including some limited residential development opposite and the existing Baddington Park gypsy/traveller site to the south.

Following on from planning officer comments the layout has been revised so that the proposed new units are sited close to the shared boundary with Baddington Park. The remaining field would be laid to grass with a wildflower area and a drainage swale. An internal access road is proposed that continues from the existing access off Baddington lane and into the site and parking areas/touring caravan storage is proposed next to the proposed access with paved and gravel areas. Two of the units would have their own shower/utility blocks that would be positioned close to the mobile home locations. Where the shower blocks are to be shared they would be positioned between the mobile homes. Large areas of proposed native tree planting and buffer planting are proposed that will help minimise any additional impact on the landscape character of the area over and above the existing scenario and it is considered that the layout is acceptable on balance.

Design of the units and proposed structures

The double utility/shower blocks will be single storey with a maximum height of 4.2 m, a length of 6.7 m and a width of 5.1 m.

The single utility/shower blocks would have a maximum height of 4.1 m, a length of 3.5 m and a width 5.0 m.

The buildings would have a simple, functional appearance with small openings, a dual pitched roof and small openings. The design of the utility/shower blocks is not considered to be contentious.

Design of mobile homes

No elevational detail has been provided however the agent has advised that the proposed mobile homes will be similar to the existing mobile homes at Baddington Park and will be in compliance with the legal definition of a 'caravan'. The existing mobile homes are single storey and of a standard design.

It is considered that the proposal is of appropriate overall design and would cause no significant harm to the street scene, the character and appearance of the surrounding area and therefore complies with policy SE1 (Design) of the CELPS.

Impact on Amenity

Policy BE.1 (Amenity) of the Local Plan advises that new development should not be permitted if it is deemed to have a detrimental impact upon neighbouring amenity in terms of overlooking, visual intrusion or noise and disturbance.

Due to the positioning of the proposed development and its position with neighbouring properties it is not considered that the proposed development would give rise to adverse impacts on the amenity of neighbouring properties. The application site is located at least 70 m away from the nearest residential property to the north east (Shrewbridge Walk). As such, it is not considered that the proposed development would cause any levels of visual intrusion, overshadowing or loss of privacy. Furthermore, it is not considered that the proposed development would cause any significant additional air, noise pollution or traffic generation over and above the existing traffic along Baddington Lane.

Environmental Protection have advised that there are no objections subject to conditions and informatives.

In light of that, it is not considered that the proposal would have a significant impact upon residential amenities and, therefore, complies with Policy BE.1 of the Crewe and Nantwich Replacement Local Plan.

Impact on Highway Safety

The proposal is for a gypsy site which would use an existing access onto Baddington Lane. The site does not provide a safe pedestrian access to any destination including to any bus stop, and given the location it is not possible to provide footway provision from the site to any destination. The development would therefore be a car dominated one but nevertheless the number of vehicle movements the proposal would generate would be minimal.

The access has sufficient width and a site visit confirmed that there was adequate visibility in both directions, which is helped by the alignment of the carriageway. The access is currently in use and there have been no recorded accidents at it over the last 3 years, and vehicle speeds in both directions are reduced by the traffic lights for the bridge which are approximately 60 m to the south of the site access.

There is sufficient parking and turning area within the site. No objection is raised by the Strategic Infrastructure Manager (Highways).

Impact on Biodiversity

Great Crested Newts

A number of ponds are located within 250m of the proposed development. The application site however offers very limited habitat for great crested newts and does not support any features likely to be utilised by newts for shelter and

protection. Whilst some access is available to the site from one of the identified ponds, the other nearest pond is partly isolated by a nearby road. Whilst a culvert under the road does provide some access to the application site for amphibians, the presence of a flowing ditch, the convoluted route between the pond and the application site and the poor quality habitat presented by the application site mean that the presence of newts associated with this pond on the application site are very low. The proposed development would not result in the fragmentation or isolation of great crested newt habitat.

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

I advise that provided Great Crested Newt 'Reasonable Avoidance Measures' are implemented the proposed development would be highly unlikely to result in a breach of the Habitat Regulations. Consequently, it is not necessary for the Council to have regard to the Habitat Regulations during the determination of this application.

If planning consent is granted the Council's Ecologist recommends that a condition be attached which requires the submission of a Method Statement of Great Crested Newt Reasonable Avoidance measures prior to the commencement of development.

Grass snake and badgers

No evidence of badgers was recorded during the submitted survey. Grass snakes are known to occur in this broad locality, however the Council's Ecologist advises that the habitats on site are not particularly suitable for these species and these species are not reasonable likely to be affected the proposed development.

Biodiversity net gain

Local Plan Policy SE 5 (5) required all applications to seek to make a positive contribution to the conservation of biodiversity. The Council's Ecologist advises that grassland habitats affected by the proposed development habitats are of limited botanical value and the submitted layout plan includes proposals for native species planting and wildflower seeding within the vicinity of the drainage swale. The Council's Ecologist advises that these proposals if implemented correctly, and assuming great crested newts are not affected by the proposals, would be sufficient to meet the objectives of this local plan policy.

The Council's Ecologist has advised that no objections are raised subject to conditions relating to a landscaping and habitat creation strategy.

Flood Risk and Drainage

The Council's Flood Risk Engineer has advised that there are no objections to the scheme and that it is recognised that the site does contain a small area of medium / high surface water flood risk. Whilst it is noted that the developer is planning to mitigate this risk via a drainage swale, it is worth noting that the applicants should plan accordingly.

Forestry

The Council's Forestry Officer has advised that There do not appear to be any significant forestry issues associated with this application.

Landscape

The submission is supported by a landscape design statement and landscape proposals together with a schedule of proposed conditions. The Council's Landscape Officer has advised that should the principle of development be accepted, it would be important to secure appropriate landscaping of the site. Conditions would be appropriate to include a fully specified hard/soft landscape scheme and landscape implementation and a boundary treatment scheme. The Landscape Officer has also recommended that conditions should be imposed on any planning approval restricting commercial activities and permitted development rights at the application site.

Conclusion

The site is located within the Open Countryside on a parcel of land identified within emerging planning policy (the Publication Draft Site Allocation and Development Policies Document) for the extension of the existing gypsy and traveller site at Baddington Park. The development is considered to be acceptable in terms of design, trees, ecology and landscape. The access and turning areas are acceptable in highway safety terms.

RECOMMENDATION:

Approve subject to the following conditions:

1. Time (3 years)
2. Plans
3. Materials for utility blocks
4. Boundary treatment
5. Landscaping (hard/soft) scheme (including habitat creation)
6. Landscaping implementation
7. Great Crested Newts reasonable avoidance measures
8. No commercial activities
9. Remove PD rights for boundary treatment
10. Land contamination
11. Verification report
12. Importation of soil

13. Unidentified land contamination

In order to give proper effect to the Southern Planning Committee's intent and without changing the substance of its decision, authority is delegated to the Head of Development Management 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.

