

Application No: 21/1205C

Location: Former CLEDFORD HALL FARM, CLEDFORD LANE, MIDDLEWICH

Proposal: Erection of 10 gypsy and traveller transit pitches and associated amenity block.

Applicant: Mr Tim Allen, Cheshire East Council

Expiry Date: 03-Aug-2021

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, most notably through the provision of a 2.5-metre-high acoustic fence around the boundary of the site. The fence also conflicts with the aims of the Planning Policy for Traveller Sites (PPTS) in terms of enclosing the 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. Although this is tempered somewhat by the presence of existing vegetation that will screen the fence both internally and externally to the site. The issues associated with the fencing weigh moderately against the proposal.

There is also a section of Cledford Lane that has no footway or street lighting, which may deter people accessing local facilities from the site on foot or by bicycle. However, given the relatively short distances involved, walking and cycling would certainly be an option for occupants of the site for some trips, and therefore this is considered to only attract limited weight against the proposal.

Balanced against this, the site is generally within walking distances of several local facilities and public transport links, and is reasonably accessible, and no significant amenity, ecology, tree, highway safety, flood risk or contaminated land issues are raised. 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 encampments across the Borough, and meet an identified need, which is a significant benefit of the proposal that carries substantial weight. Unauthorised encampments can be costly, time-consuming and disruptive for local businesses and settled communities.

The site is also allocated for 10 transit pitches in the draft SADPD, which was submitted for examination in April 2021. However, whilst the SADPD has been through a consultation process, it is still a draft document with outstanding objections to it, which limits the weight that can be afforded to it. However, there are no known alternative locations for a transit site and the site has previously had planning permission for nine transit pitches and one permanent Warden's pitch (ref 14/5721C). Therefore, the scale of the site, and the principle of its use, in a rural / semi-rural area has been accepted previously.

Consequently, having regard to the information above, including those comments received in representation objecting to the proposal, it is considered that the factors in favour of the proposal for a transit site outweigh any negative impacts, and a recommendation of approval is therefore made.

SUMMARY RECOMMENDATION

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

PROPOSAL

The application seeks full planning permission for the erection of 10 gypsy and traveller transit pitches and an associated amenity block and open space. The pitches will be available to rent for a fixed term period of up to 13 weeks. It is understood that each family will have an initial stay of between 2-4 weeks and under very special circumstances it can be extended up to a maximum of 13 weeks.

When the site is occupied there will be a staff presence, which initially will be office hours Monday to Friday, and there will be an "on call" system to pick up any encampments over the weekend, thereby providing staff when required. When the site is not occupied, the site will still be monitored regularly. The role of the staff (warden) on the site will be to sign up new residents; health & safety checks across the site and buildings; signpost families to education and health (or other support facilities) – if required; ensuring all databases are up to date; and dealing with any issues/problems.

Visitors will not normally be allowed to return to the site and occupy a pitch within 3 months of their last stay.

SITE DESCRIPTION

The application site comprises an access from Cledford Lane, with a driveway leading into the site. The former Cledford Hall and barns have all been demolished in recent years, and the site is now open 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

17/3197C - Demolish a grade 2 listed barn and other derelict buildings within the farm site – Approved 09.10.2017

17/3198C – LBC to demolish a grade 2 listed barn and other derelict buildings within the farm site – Approved 09.10.2017

14/5721C - 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 – Approved 05.05.2015

14/5726C - Listed Building Consent for grade two listed barn to be converted from an agricultural barn into washing and sanitary accommodation for the transit Gypsy and Travellers. Office accommodation is to be provided for the permanent Warden and for the Cheshire East office staff – Approved 05.05.2015

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) 2015 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.

Cheshire East Local Plan Strategy (CELPS)

MP1 Presumption in favour of sustainable development

PG1 Overall Development Strategy

PG2 Settlement Hierarchy

SD1 Sustainable Development in Cheshire East

SD2 Sustainable Development Principles

IN1 Infrastructure

SC7 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

SE7 The Historic Environment

SE12 Pollution, Land Contaminations and Land Instability

SE13 Flood Risk and Water Management

CO1 Sustainable Travel and Transport

Congleton Borough Local Plan First Review 2005

GR6 Amenity and Health
GR8 Amenity and Health
GR9 Accessibility, Servicing and Parking Provision
GR10 Accessibility, Servicing and Parking Provision
GR13 Public Transport Measures
GR14 Cycling Measures
GR15 Pedestrian Measures
GR17 Car Parking
GR18 Traffic Generation
GR20 Public Utilities
GR22 Open Space Provision
GR23 Provision of Services and Facilities
NR3 Habitats
H7 Residential Caravans and Mobile Homes

Neighbourhood Plan

There is no Neighbourhood Plan for Middlewich and the site lies outside of the Moston Neighbourhood Plan area.

Other relevant documents

Cheshire East Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (August 2018)
Cheshire East Council Gypsy, Traveller and Travelling Showpeople Site Identification Study Final Report (April 2014)
Cheshire East Local Plan – Site Allocation and Development Policies Document – Gypsy, Traveller and Travelling Showpeople Site Selection Report – August 2020
Revised Publication Draft Site Allocation and Development Policies Document (September 2020)

CONSULTATIONS (External to Planning)

United Utilities – No objection subject to conditions relating to drainage

Cheshire Police – No comments received

Cheshire Brine Subsidence Compensation Board – Located outside of consultation area – advise of stability considerations

Cadent Gas – No objection subject to informative note relating to gas apparatus

National Grid - No objection subject to informative notes relating to gas apparatus

Natural England – No objection

Cheshire Wildlife Trust – Object on grounds of inaccurate calculation of loss of biodiversity

Housing Standards – No comments received

Gypsy Traveller Co-ordinator – No comments received

Strategic Housing – No objection – no affordable housing requirement

Lead Local Flood Authority – No objections subject to condition relating to drainage strategy

Environmental Health – No objections subject to conditions relating to noise mitigation and contamination.

Education Services – No comments received

Head of Strategic Transport – No objections

Moston Parish Council – Object on following grounds:

- Site is in wrong location and could be counter productive to established integration between the large travelling community who have settled in Middlewich and Moston and the non-travelling population.
- Introducing transient Gypsies and Travellers to this community could quite easily cause resentment between the non-travelling population and those settled Gypsies and Travellers, destroying for ever the efforts which have been made over the last decade or so.
- Middlewich, Cledford and Moston already have 12 Transit pitches on privately owned sites, the basis of this application does not appear to address a shortfall in local transit provision
- To propose a transit site in this location shows a remarkable lack of understanding and sensitivity of the problems which are faced.

Middlewich Town Council – Object on grounds that site is unsuitable for living accommodation for following reasons:

- Flood risk
- Ground conditions
- No safe route to school, no travel plans and not within easy access of local amenities
- Air quality

ClIr Bullman – Objects on the following grounds:

- Site fails on every point of latest Government instructions and advice regarding the siting of such facilities
- Transient sites should conform to the same standards as permanent sites with regard to proximity to amenities such as doctors, buses, schools, shops. The site is not in easy walking distance of such essentials.
- Site is surrounded by noise pollution from HGV traffic from Wincantons, the ANSA recycling plant, MidPoint 18 and bypass construction traffic
- Cledford Lane is not on the Gypsy & Traveller general route – preference for a site near Crewe
- Land is not fit for domestic building due to contamination (Cledford Hall Farm has contaminated areas.)

- Several better sites across Cheshire East that should be considered. The only reason Cledford Lane is the site currently favoured by CEC officers is because there is a fine to pay should this land be used for any purpose other than as a Gypsy & Traveller site.
- Our large, settled Gypsy, Roma and Traveller community do not welcome the development of a transient site at Cledford Lane

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.

12 letters of representation have been received from local residents, local businesses and Fiona Bruce MP, objecting to this proposal on the following grounds:

- Site not suitable for housing or a traveller transit site
- No footpaths in that area of Cledford Lane and it is poorly lit – safety risk for pedestrians and cyclists
- Inadequate pedestrian and cycle provision, and access to public transport (contrary to strategic priorities of CEC and policies SD2 and SC7)
- Impact on capacity at schools, doctors, dentists
- Too close to Middlewich's settled traveller community – potential for conflict
- Too close to waste site and associated air quality issues
- Flood risk and subsidence arising from salt mines and health complications from limestone and chemical deposits
- Impact on house prices
- Slow moving vehicles using access raise highway safety concerns
- No travel plan, transport statement or transport assessment prepared in association with the planning application
- 2.5m high fence raises concerns over amenity and quality of life for residents
- No sustainable development
- Too close to industrial units that operate 24/7 resulting in constant noises within the site
- Isolated from Middlewich and its facilities (conflicts with part A of PPTS)
- Site not accessible to health services and providers (conflicts with part B of PPTS)
- Location of the site is such that it cannot encourage attendance at school on a regular basis (conflicts with part C of PPTS)
- Location is not appropriate nor suitable for use by Travellers, it cannot provide a settled base and so address the issues arising from unauthorised encampment (conflicts with part D of PPTS)
- Site is significantly influenced by the noise and activities of the adjoining industrial buildings. As such, travellers will suffer from adverse impacts on their health and well-being (conflicts with part E of PPTS)
- In order to address the problems associated with the location of the site, local services would have to respond to needs generated by occupiers of the site (conflicts with part F of PPTS)
- The site is too small to offer opportunities for both living and working (conflicts with part H of PPTS)
- Contrary to CELPS policy SC7

OFFICER APPRAISAL

Policy SC7 of the CELPS sets out considerations that will be taken into account to ensure that proposals for Gypsy and Traveller and Travelling Showperson sites are sustainable and acceptable in terms of location and design. These are:

- i. Proximity of the site to local services and facilities;
- ii. Access to public transport;
- iii. Safe pedestrian, cycle and vehicular access onto the site;
- iv. Appropriate pitch sizes;
- v. Adequate provision for parking, turning and servicing;
- vi. Adequate provision for storage and maintenance, particularly where needed for Travelling Showpeople;
- vii. Mix of accommodation types and tenures;
- viii. Impact on the character and appearance of the surrounding area;
- ix. Impact on the Green Belt;
- x. Impact on the historic environment.

These points will be considered as part of the assessment below.

The application site is located within the settlement zone for Middlewich, which is identified as a Key Service Centre within the CELPS. The CELPS states that Key Service Centres will deliver sustainable economic growth that can meet the aspirations of the borough and local communities.

The site previously comprised Cledford Hall and barns. Cledford Hall was a grade II listed building, which was de-listed in 2014, and subsequently demolished, following catastrophic fire damage. The barns, which were also grade II listed in their own right, remained for some time after, and their re-use was included as part of the previous planning permission for a transit site on this site (14/5721C). However, two years after this permission was obtained, consent was granted for the demolition of the barn due to its poor condition, with the building in imminent danger of collapse and reports of continual unauthorised access despite the landowners best efforts to secure the site.

All the buildings have therefore now been cleared from the site, however signs of the previously developed nature of the site are evident, notably through the presence of the access drive leading from Cledford Lane. The site is therefore considered to be a previously developed site; the redevelopment / reuse of previously developed land is encouraged by policy SE2 of the CELPS.

Character and Appearance

CELPS policy SD2 notes that development will be expected to contribute positively to 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 development, and relationship to neighbouring properties, street scene and the wider neighbourhood. Policy SE1 expects development proposals to make a positive contribution to their surroundings. Similarly, in wider landscape terms, policy SE4 requires, as a minimum, for all development to conserve the landscape character and quality of an area.

Policy H of the PPTS requires local planning authorities to attach weight to the following matters, when considering applications:

- a) effective use of previously developed (brownfield), untidy or derelict land
- b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness
- c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children
- d) not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community.

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 further to the east of the application site. Therefore, whilst the location of the site has rural qualities, there are also 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.

Policy C of PPTS requires local planning authorities to ensure that the scale of sites in rural or semi-rural settings does not dominate the nearest settled community. Cledford Lane comprises what would best be described as a dispersed settlement of individual and small groups of dwellings, together with larger commercial buildings / warehouses. The proposed development would form another such small group, and therefore is not considered to dominate the settled community. The scale of the site has previously been accepted as part of planning permission 14/5721C, which granted approval for nine transit pitches and one permanent warden's pitch.

Now the site has been cleared of all buildings (which also removes any significant impact upon the historic environment) it appears as an open field when viewed from Cledford Lane, with vegetation mainly along the boundaries. The wording of policy C of the PPTS suggests 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. That being said, their relationship to the wider landscape is an important consideration. The sight of caravans in a rural or semi-rural location is not unusual, however the proposed plots of varying sizes would extend the previously developed area of the site to the west, and by doing so the prominence of the developed area, when viewed from Cledford Lane, would increase significantly. Most notably by the provision of a 2.5-metre-high acoustic fence surrounding the site, required to minimise noise impacts from the future bypass and industrial noise from adjacent sites. Such a fence would also be contrary to the aims of 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".

The site is currently enclosed by vegetation and mounding to three of the four boundaries. Given the extent of the existing enclosure by vegetation the impact of the fencing in terms of

adding to the impression of separation from the wider community will not be so great. There is scope to locate the fence between vegetation along some of the boundaries, which will minimise the visual impact of the fence, and importantly additional landscaping is proposed within the site, in addition to the retention of some of the existing vegetation, including two large mature trees that will create a central focal point to the open space / play area in the centre of the site. However, the western boundary is relatively open, and this will be subject to the greatest visual impact arising from the proposed acoustic fence. The site plan has been updated to move the position of the fence on the western boundary slightly into the site to allow planting to be carried out to its external face, which will help to soften the impact of the fence. There are also some outstanding queries regarding land levels to the north and west boundaries, where there is mounding, and the precise location of the fence still to be confirmed. It is therefore recommended that final details and positioning of the acoustic fence, and proposed landscaping are secured by condition.

The proposed amenity block has a very simple linear form, similar to the barn that previously existed, but smaller in scale and without its heritage value. The amenity building appears to be something built for function rather than form, similar to an agricultural building, or even the large commercial buildings in the local area. However the building, which will be externally faced in cement cladding that will have the appearance of timber, is relatively low level, and will be well screened by the surrounding vegetation. The materials have been chosen in order to make the building unintrusive, and in keeping with the semi-rural / natural location of the site. The cement cladding is non-combustible, hard wearing and easy to replace individual boards.

Given the extent of boundary vegetation and the scale and form of the proposal, the proposal is considered to comply with policies SE1 and SD2 of the CELPS.

Living conditions

Saved policy GR6 of the CBLP requires that new development should not have an unduly detrimental effect upon the amenities of adjoining or nearby residential property or sensitive land uses due to loss of privacy, loss of sunlight or daylight, visual intrusion or other forms of disturbance or pollution.

Policy SE12 of the CELPS states 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 air quality, surface water and groundwater, noise, smell, dust, vibration, soil contamination, light pollution or any other pollution which would unacceptably affect the natural and built environment, or detrimentally affect amenity or cause harm.

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 10 transit pitches, 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 500 metres to the east of the application site. Improvement works to Cledford Lane are also proposed directly in front of the site as part of the by-pass permission. The by-pass is proposed to extend between Pochin Way in the north along the eastern side of the Midpoint 18 employment allocation 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 from the proposed road and the existing industrial units, upon the occupants of the site, is acceptable.

Middlewich Town Council, and others, have raised concerns regarding air quality and odour, particularly with reference to the nearby ANSA waste site on Cledford Lane. Environmental Health advise that the ANSA site was assessed for air quality impacts on the local area when it was originally planned and was found to be acceptable, and therefore they consider that the impacts on the proposed area for the travellers' site will also be negligible. Environmental health has also recently investigated odour from the ANSA site following a complaint. As part of that investigation, Environmental Health contacted the Environment Agency who regulate the site and they were satisfied that all areas covered by the permit for the site were odour free and all procedures to control odour were being adhered to. Environmental Health have also monitored the site regularly over the last 2 months with no odour detected. Therefore, no significant odour concerns are raised.

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 policy GR6 and GR8 of the Congleton Local Plan, and relevant sections of policy SE12 of the CELPS.

Ecology

Policy SE3 of the CELPS requires all development to positively contribute to the conservation and enhancement of biodiversity and geodiversity and should not negatively affect these interests.

Statutory Designated Sites

This application site falls into Natural England's SSSI impact risk zones for residential developments. Natural England have been consulted on this application and raised no objections in respect of statutory designated sites.

Non-statutory designated sites

The nature conservation officer advises that it is not anticipated that there will be any significant adverse impacts on non-statutory designated sites as a result of the proposed development.

Great Crested Newts

The on- site pond supports a population of great crested newts. Great Crested Newts have been cleared from the development site under an extant Natural England license. Provided that the works on site continue to proceed under the current protected species licence the proposed development would be unlikely to have a direct adverse impact upon this species.

The submitted ecological assessment does however identify a potential risk to the pond if it is accessible and recommends that the pond be fenced off to limit access to it. Details of appropriate fencing have now been submitted and are shown on the submitted 'Proposed Fence Plan' Drawing no. 12 Rev. F, which will remove the risk of any post development interference with the pond.

Badgers

Badgers were recorded as being active on this site, but no active setts were present. The nature conservation officer advises that based on the current levels of badger activity on site the proposed development would result in a low-level adverse impact upon badgers as a result of the loss of foraging habitat. As the status of badgers on a site can change in a short time scale, it is recommended that if consent is granted a condition be attached which requires an updated badger survey to be undertaken and a report submitted prior to the commencement of development.

Bats and Barn Owl

Bat and barn owl boxes are present on site. The bat boxes are located within two trees on site. These trees would be retained as part of the proposed development and so any bats present would not be directly affected by the proposed development.

A recent survey of the barn owl box did not record any evidence of breeding barn owls, however other bird species have previously been found to be breeding within the box. No evidence of breeding activity was however recorded during the follow up survey and so the box has been temporarily closed to prevent any birds using it during the next season and then potentially being disturbed during the construction phase. If planning consent is granted a condition is recommended to ensure that the barn owl box is reopened following the completion of construction works on site.

Lighting

To avoid any adverse impacts on nocturnal wildlife resulting from any lighting associated with the development it is recommended that if planning permission is granted a condition should be attached requiring any additional lighting to be agreed with the LPA.

Nesting Birds

Similarly, if planning consent is granted a condition is recommended to safeguard nesting birds.

Hedgerows

Native hedgerows are a priority habitat and hence a material consideration. Based upon the submitted plans it appears that most of the existing interior hedgerows would be removed in order to accommodate the proposed development. Compensatory planting should be provided to address its loss.

Hedgerow planting is shown on the submitted landscape masterplan. Losses and gains of biodiversity associated with hedgerows are assessed as part of the biodiversity metric calculation. The submitted landscape plan has been amended to include an additional length of compensatory hedgerow planting. The nature conservation officer advises that sufficient compensatory hedgerow planting has been proposed to compensate for that lost and deliver a minor net gain for hedgerow biodiversity.

Biodiversity Net Gain

In accordance with Local Plan policy SE3(5) all development proposals must seek to lead to an overall enhancement for biodiversity. In order to assess the overall loss/gain of biodiversity an assessment undertaken in accordance with the Defra Biodiversity 'Metric' version 2 has been carried out and submitted with the application.

The Biodiversity metric has been revised in light of consultation comments made by the nature conservation officer and Cheshire Wildlife Trust (CWT). The metric as submitted shows a net gain for biodiversity amounting to 37.19%, which is a substantial gain.

Cheshire Wildlife Trust have made further comments on the revised version of the metric. If the metric is revised in response to CWT comments the level of biodiversity net gain is reduced. Whilst the local plan policy requires all developments to deliver a net gain for biodiversity, it does not set a threshold for the level of gain required.

Habitat Management Plan

A habitat management plan has been submitted with the application. In order to realise the ecological enhancements proposed in the biodiversity metric the management plan must be for a minimum of 30 years. This is because the proposed woodland on site would take this long to reach its target condition. A condition is therefore recommended to secure this.

Given that the proposal is considered to result in an overall net gain, and having regard to the information above, the proposal is considered to comply with policy SE3 of the CELPS.

Trees / landscape

CELPS policy SE 5 relates to Trees, Hedgerows and Woodland. It seeks to protect trees, hedgerows and woodlands, that provide a significant contribution to the amenity, biodiversity, landscape character of historic character of the surrounding area.

Policy SE4 of the CELPS requires all development to 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.

The submission includes an arboricultural report dated December 2020. The report states that it follows the methodology in BS 5837:2012 Trees in relation to design, demolition and construction. 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 the implementation of the tree protection measures and special construction techniques identified, no significant arboricultural concerns are raised in relation to retained trees.

Additional tree planting is proposed to adequately compensate for the trees that are lost due to the development. The majority of the replacement planting is proposed to the south west corner of the site close to Cledford Lane. The proposal is therefore considered to comply with policy SE5 of the CELPS.

In landscape terms the main impact will be from the proposed 2.5m high acoustic fence to the site boundaries. On the Cledford Lane frontage the fence is set back from the road and will be set behind existing vegetation, and in front of the proposed replacement planting, which will help to minimise any landscape impact on this prominent boundary.

On the eastern and northern boundaries the fence abuts existing vegetation and the boundary to factory/warehouse units and is acceptable in this location, subject to clarification of levels as highlighted earlier in this report.

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 is 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. On this long western boundary constructing a 2.5m high acoustic fence on the outside of the existing hedge (northern third) and on the perimeter, without any external planting (southern two thirds) does raise some concern in landscape terms. Revised plans have now been provided to show the fence constructed on the inside of the existing hedge and additional space provided for the planting of a new hedgerow, where there is not currently a hedge.

The fence will also require “softening” on the inside of the site except where it is adjacent to existing or proposed planting. For example, where it is the rear fence to caravan spaces. This could be achieved by appropriate drifts of not thorny shrub species and climbing plants where there is less space. Appropriate landscape conditions are therefore recommended.

Highways

CELPS policy CO 1 deals with Sustainable Travel and Transport. It seeks to encourage a shift away from car travel to public transport, cycling and walking.

Saved CBLP policy GR9 relates to access, servicing and car parking. It requires adequate and safe provision for suitable access and egress by vehicles, pedestrians and other road users, and the provision of adequate car parking.

There is an existing site access from Cledford Lane to the site, this has a wide bellmouth and adequate visibility is achievable at the access point. It is proposed to provide lockable gates in a similar location to the existing gates to the site. The main access is a two-way 5m wide road with a security barrier, the internal road will be a one-way circular road 6m wide. Swept path drawings have been provided that show how a refuse vehicle, emergency vehicle (fire engine) and a HCV with caravan can enter the site and leave in a forward direction.

Each of the 10 pitches are capable of accommodating two caravans and therefore in total there could be 20 touring caravans on the site. Car parking is also provided adjacent to the caravans and there are two spaces for each pitch, which is adequate for the proposed use.

There is also a service block on site that provides toilets and shower rooms and a manager’s office, and there are an additional 5 car parking spaces provided for staff and visitor parking.

The Head of Strategic Transport (HST) advises that although Cledford Lane is a rural road in the location of the site, the proposals would not lead to any significant traffic impact issues on the road network. The site is situated in a rural location but is suited to the proposed use which provides temporary accommodation for residents. The HST raises no highway objections to the application.

Accessibility

There is a bus service between Sandbach and Middlewich along the A533 at a distance of around 800m from the application site. There is also a convenience store and pharmacy approximately 1.2km from the site, and a primary school 1.6km 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, given the relatively short distances involved, walking and cycling would certainly be an option for occupants of the site for some trips.

Given the nature of the proposed use, and its location, it is anticipated that most trips will be made by car. Pedestrians and cyclists will need to use the same access as vehicular traffic. However, given the relatively low levels of traffic that will be associated with the proposed use, this is considered to be acceptable. Cycle parking facilities are provided within the site for occupants, staff or visitors.

Flood Risk

Policy SE13 of the CELPS requires developments to 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.

The application site is located within Flood Zone 1, where there is a low probability of flooding. The LLFA has no objection in principle to the proposed development. However, a detailed drainage strategy will be required, and subject to this condition the development will comply with policy SE13 of the CELPS.

Contaminated Land

Policy SE12 of the CELPS sets out 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 air quality, surface water and groundwater, noise, smell, dust, vibration, soil contamination, light pollution or any other pollution which would unacceptably affect the natural and built environment, or detrimentally affect amenity or cause harm.

The application is for a proposed use that would be particularly vulnerable to the presence of contamination. A number of reports have been submitted with the application which recommend remedial measures and a watching brief be undertaken. This includes a methodology for the verification of imported soils. The Council's contaminated land officer is in agreement with this approach. Accordingly, in order to ensure compliance with policy SE12, conditions relating to the submission of a verification report and required action in the event of any unidentified contamination being found are recommended.

Other matters

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

The updated Gypsy and Traveller Accommodation Assessment (GTAA) (2018) identifies a need in the Borough for the following provision over the remaining CELPS plan period (to 2030):

- 32 additional permanent residential pitches for Gypsies and Travellers;
- a transit site of between 5 and 10 pitches for Gypsies and Travellers, and;
- 5 Travelling Showperson plots

It is accepted that limited progress has been made in achieving these additional pitches and plots since the publication of the latest GTAA. The draft SADPD, which was submitted for examination on 29 April 2021, incorporates this need into draft policy HOU5a (Gypsy and Traveller Site Provision) and HOU5b (Travelling Showperson Site Provision), and HOU5a does allocate 6 sites for Gypsy and Traveller accommodation. These sites would provide a total of 45 permanent pitches and 10 transit pitches, which would serve to meet the identified need in the GTAA. The location of the transit site allocated within the draft SADPD is the application site.

Transit sites

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 13 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.

Local Authorities are not able to use transit provision on private sites as part of their enforcement action policies and therefore, whilst it does provide an option for visiting households it is at the discretion of the site owner who is allowed on to the site. Planning permission for eight private transit pitches has been granted at Horseshoe Farm, Warmingham Lane, and whilst this site provides an option for visiting households, it is at the discretion of the site owner who is allowed onto the site.

A public, Council owned, transit site provides both a place for households in transit to an area and also a mechanism for greater enforcement action against inappropriate unauthorised encampments.

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. The results of the study were used to inform the development of relevant policies in the CELPS.

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 did not allocate land for the proposed use or confirm the acceptability in planning terms of the identified sites. It simply served 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, since the Site Identification Study was published, this site has secured permission for 4 pitches (under application 14/2590C) and is currently the subject of a current planning application (20/1876C) for 8 permanent pitches (an additional 4 to those approved under 14/2590C) which indicates that the site is not currently available.

In terms of the current application site at Cledford Hall, the 2014 Site Identification 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, all the buildings have now been removed from the site, which removes the listed building concerns previously raised.

Alternatives

The Council has been seeking a suitable site for transit accommodation for Gypsies and Travellers for some time, and whilst some of the letters of objection refer to other more suitable sites for a transit site, these alternatives are not specified.

The Gypsy, Traveller and Travelling Showpeople Site Selection Report (2020) submitted as part of the evidence base to the SADPD examination earlier this year confirms that no other

sites have been submitted to the Council through the Call for Sites process for transit provision in the Borough.

The application site is the one which is considered to be the most deliverable, available, suitable and achievable. There are no known alternatives.

Response to objections

With regard to the comments received in representation, not addressed above, several of the letters suggest that the site is too close to Middlewich's settled traveller community and as such the proposed site creates potential for conflict. However, no evidence has been provided to support this claim, and the proposed site is intended to assist in the promotion of peaceful and integrated co-existence between the travellers and the local community. Any visitors to this site will be very short term, usually up to 4 weeks, extending to 13 weeks in very special circumstances. The opportunities for conflict to arise with such short stay durations is therefore limited. Comments relating to the increased impact upon schools, doctors, dentists, etc. are noted, but the number of people proposed to be occupying the site is not considered to be so great to cause any significant impact in this regard. The impact of the proposal upon local house prices is not a material planning consideration and cannot be afforded any weight in the determination of this application.

PLANNING BALANCE & CONCLUSION

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, most notably through the provision of a 2.5-metre-high acoustic fence around the boundary of the site. The fence also conflicts with the aims of the PPTS in terms of enclosing the 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. Although this is tempered somewhat by the presence of existing vegetation that will screen the fence both internally and externally to the site. The issues associated with the fencing weigh moderately against the proposal.

There is also a section of Cledford Lane that has no footway or street lighting, which may deter people accessing local facilities from the site on foot or by bicycle. However, given the relatively short distances involved, walking and cycling would certainly be an option for occupants of the site for some trips, and therefore this is considered to only attract limited weight against the proposal.

Balanced against this, the site is generally within walking distances of several local facilities and public transport links, and is reasonably accessible, and no significant amenity, ecology, tree, highway safety, flood risk or contaminated land issues are raised. 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 encampments across the Borough, and meet an identified need, which is a significant benefit of the proposal that carries substantial weight. Unauthorised encampments can be costly, time-consuming and disruptive for local businesses and settled communities.

The site is also allocated for 10 transit pitches in the draft SADPD, which was submitted for examination in April 2021. However, whilst the SADPD has been through a consultation

process, it is still a draft document, with outstanding objections to it, which limits the weight that can be afforded to it. However, there are no known alternative locations for a transit site, and the site has previously had planning permission for nine transit pitches and one permanent Warden's pitch (ref 14/5721C). Therefore, the scale of the site, and the principle of its use, in a rural / semi-rural area has been accepted previously.

Consequently, having regard to the information above, including those comments received in representation objecting to the proposal, it is considered that the factors in favour of the proposal for a transit site outweigh any negative impacts, and a recommendation of approval is therefore made.

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A01HP - Provision of car parking and cycle parking
4. A06EX - Materials as application
5. A02HA - Construction of access prior to occupation
6. A01LS - Landscaping - submission of details
7. A04LS - Landscaping (implementation)
8. Maximum duration of stay (4 weeks initial stay, up to a maximum of 13 weeks)
9. 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.
10. No fences, gates or walls other than those expressly authorised by this permission shall be constructed.
11. No more than 2 caravans per pitch
12. Detailed drainage strategy and associated management / maintenance plan to be submitted
13. No commercial activities shall take place on the land
14. Breeding birds survey to be submitted
15. Barn owl box to be reopened on completion of construction works
16. Updated badger survey to be submitted
17. Details of any external lighting to be submitted
18. Habitat management plan to be submitted

19. Details and positioning of acoustic fence to be submitted
20. Verification report to be submitted (in accordance with remediation strategy)
21. Actions in event of unidentified contamination
22. Implementation of tree protection measures

