

Application No: 10/2384C

Location: Land Adjacent Newcastle Road Brereton Cheshire

Proposal: Change of Use of Land to Mixed Equestrian/Agricultural Including Formation of a Private Horse Breeding and Training Facility to Comprise Stabling, Storage and Indoor and Outdoor Exercise Arenas

Applicant: Mr Davenport

Expiry Date: 20<sup>th</sup> September 2010

Ward: Congleton Rural / Sandbach

**Date Report Prepared:** 2<sup>nd</sup> March 2011

#### **SUMMARY RECOMMENDATION**

Subject to further the hedgerow proposed for removal not being important under the Hedgerow Regulations and satisfaction of agricultural land classification - **approve with conditions**

Or

**Refuse** as the proposal would involve the removal of 203 metres of 'important' hedgerow which forms the site boundary with Newcastle Road, without any overriding reasons, contrary to Local Plan policy NR3 (Habitats).

#### **MAIN ISSUES:**

Principle of Development  
Landscape – Hedgerow Assessment  
Nature Conservation – Protected Species  
Loss of Agricultural Land  
Amenity  
Erosion and loss of Vegetation  
Highways  
Design  
Public Bridle Network

## **REASON FOR REFERRAL**

This application is referred to the Southern Area Planning Committee as it involves development that exceeds 1000sq.m.

## **DESCRIPTION OF SITE AND CONTEXT**

The application site is situated between the villages of Arclid and Brereton and site comprises a field which is accessed off Newcastle Road. The site boundaries comprise well established hedgerows and trees, with Public Footpath 16 (Brereton) running along the eastern and southern boundaries within the site itself. Surrounding land uses comprise agriculture with some residential properties to the southeast within the Taxmere Farm residential complex, and to the east along Newcastle Road.

## **DETAILS OF PROPOSAL**

The application proposes an equestrian facility which would comprise a block of 20 No. stables, an indoor riding arena, storage, parking area, new vehicular access and outdoor riding arena / manege. The development would be made up of 2No buildings with the indoor exercise arena measuring 55 metres by 27 metre with a maximum height of 7 metres, and the stable block measuring 55 metres by 12 metres with a maximum height to the ridge of 4.7 metres. The application also includes change of use of the land from agriculture to equestrian use.

A separate application has been submitted which seeks the change of use from agriculture to equestrian and relates to the land edged blue in the current application.10/3258C

## **POLICIES**

The Development Plan includes the North West of England Plan Regional Spatial Strategy 2021 (RSS) and the Congleton Borough Local Plan First Review 2005.

The relevant development plan policies are:

### **Regional Spatial Strategy (NW)**

DP1 Spatial Principles

DP2 Promote Sustainable Communities

DP7 Promote Environmental Quality

L1 Health, Sport, Recreation, Cultural and Education Services Provision

### **Local Plan Policy**

PS8 Open Countryside

GR1 New Development

GR2 Design

GR4 Landscape  
GR6 Amenity and Health  
GR9 Accessibility, Servicing and Parking Provision  
NR1 Trees and Woodlands  
NR2 Nature Conservation  
NR3 Nature Conservation - Habitats  
RC5 Equestrian Facilities

### **Other Material Considerations**

PPS1 Delivering Sustainable Development  
PPS4 Planning for Sustainable Economic Growth  
PPS 9 Biodiversity and Geological Conservation

### **CONSULTATIONS (External to Planning)**

#### **Environmental Health:**

No objection subject to the following conditions:

- (i) Hours of operation of site 8am – 6pm Monday – Sunday, except in the case of emergencies
- (ii) Details of any proposed lighting
- (iii) Private use – not to be hired out
- (iv) Manure storage and disposal in accordance with Design Statement titled Waste Management (June 2010).
- (v) Construction Hours 08:00 to 18:00 hours Monday to Friday, 09:00 to 14:00 hours Saturday, with no working Sundays or Bank Holidays

#### **Highways:**

The Strategic Highways Manager has no objection subject to the following conditions:

- (i) Private use only
- (ii) Construction of access prior to first use

Informative – S184 License required.

#### **Nature Conservation:**

The Nature Conservation Officer does not anticipate the proposed development having any reasonably likely impacts upon protected species. Replacement planting would mitigate the loss of the hedgerow. No objections subject to the following conditions:

- (i) Protection of breeding birds.
- (ii) Implementation of specific recommendations made in the ecological reports.

(iii) Landscaping

**Public Rights of Way:**

No objection subject to informative relating to protection of the Right of Way.

**VIEWS OF THE PARISH COUNCIL**

The Application site falls within the boundaries of Sandbach Town Council and Brereton Parish Council.

Sandbach Town Council – Members do not consider that the application is relevant to Sandbach Town Council.

Brereton Parish Council – No comments received at the time of report preparation.

**OTHER REPRESENTATIONS:**

Two objections have been received from neighbouring residences The Threshings and Hollybrook Cottage, Taxmere Farm which are summarised below. The objections related to the original proposal. Due to changes to the application further publicity has taken place and neighbour letters have been sent out. No further representations have been received at the time of report preparation on the revised proposals. However the original objections will be considered accordingly:

- Landscaping – the proposed species are deciduous therefore the development will be visible during winter. More landscaping required i.e. evergreen to provide screening for the Threshings, Taxmere Farm.
- Highway safety and volume of traffic which would exceed the proposed estimates
- Noise – from foaling mares and early morning activities ie gymkhanas / show jumping activities.
- It will be necessary to have outdoor floodlighting during autumn and winter months which would be highly visible and undesirable. Light pollution to neighbouring dwellings if the development is flood lit.
- Security issues – 24/7 supervision will be required for safety and security of horses and the premises / business. Staff will need to be accommodated on the premises. - - -
- This will lead to an application for a permanent accommodation block which is not desirable.
- Waste Disposal – although reference is made to waste disposal there is a concern that this will be overlooked.
- The business would grow in size and volume, possibly introducing livery, gymkhanas, shows etc which would be undesirable.

**APPLICANT'S SUPPORTING INFORMATION**

- Greenscape Environmental - Protected Species Report May 2010
- Greenscape Environmental - Phase 1 and 2 Field Boundary Assessment Boundary -
- Management Plan October 2010

- Greenscape Environmental – Consideration of Hedgerow along Newcastle Road
- Design Statement

## **OFFICER APPRAISAL**

### **Principle of Development**

The application site is situated in the open countryside, as defined by the Congleton Borough Local Plan. Policy PS8 (Open Countryside) seeks to restrict development in the open countryside unless it falls within one of the purposes laid out in the policy. The policy allows for the provision of facilities for outdoor sport and recreation, whilst policy RC5 (Equestrian Facilities) recognises the provision of equestrian facilities outside the settlement boundary, subject to meeting the policy criteria. The principle of the development is therefore accepted provided that: (i) the proposal would not adversely affect either directly or indirectly, areas of nature conservation, geological, archaeological or landscape value; (ii) the site is well screened and the development would not obstruct views of local significance nor be visually detrimental to the character of the area; (iii) no permanent loss of agricultural land graded 1, 2 or 3 a is involved; (iv) there would be no detriment to the amenity of nearby residential areas; (v) there would be no detriment to the nature of the land as a result of possible erosion or loss of vegetation; (vi) adequate on-site car parking and access from a public highway can be achieved and there is no excessive traffic generation on the existing highways network; (vii) any permanent structures, car parks, or feature do not intrude into the surrounding landscape in terms of siting, design and materials use; (viii) the proposed development is reasonably well related to the existing public bridle network whose capacity is locally adequate to support increased use by horses and riders without detriment to other authorised traffic.

### **Landscape**

To achieve the visibility splay requirements for the proposed vehicular access this would necessitate the removal of 203 metres of hedgerow and 5 No. trees for the length of the site boundary along Newcastle Road. The hedgerow has been identified in the submitted phase 1 and 2 surveys as being species poor, and whilst the trees are of no exceptional individual merit, together they form an attractive feature along the road frontage. Due to the length of hedgerow removal, the applicant was required to assess the hedgerow against the criteria in the Hedgerow Regulations 1997. This also required consultations with the Council's Archaeologist and the Records Office, in order to ascertain whether or not the hedgerow is 'important' under any criteria in the Regulations. An assessment has been made although a response from the Records Office is still outstanding. This information is required to establish under Schedule 1 Part II of the Hedgerow Regulations (Paragraph 5) whether the hedgerow is an integral part of a field system predating the Inclosures Act, or is part of, or visibly related to, any building or other feature associated with such a system that is (i) substantially complete or (ii) a pattern which is recorded in a document by the LPA, within the meaning of the 1990 Act for the purposes of Development Control within the Authority's area as a key landscape characteristic. The outcome of this consultation will be provided by update as this will be a material

consideration in the determination of the application under Local Plan policy NR3 (Habitats). This policy provides that development which would result in the loss or damage of important hedgerows will only be allowed if there are overriding reasons for allowing the development and where the likely effects can be mitigated or the habitat successfully recreated on or adjacent to the site, and there are no suitable alternatives.

## **Nature Conservation**

The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places:

- in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment and provided that there is:
  - no satisfactory alternative and
- no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK implemented the Directive by introducing The Conservation (Natural Habitats etc) Regulations 1994 which contain two layers of protection

- a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements above, and
- a licensing system administered by Natural England.

Local Plan Policy NR2 (Nature Conservation) seeks to protect nature conservation interests and require comprehensive assessments of the impact of proposals. Proposals which would result in the loss or damage of...any site or habitat supporting species that are protected by law will not be permitted.

Circular 6/2005 advises LPAs to give due weight to the presence of protected species on a development site to reflect EC requirements. "This may potentially justify a refusal of planning permission."

PPS9 (2005) advises LPAs to ensure that appropriate weight is attached to protected species "Where granting planning permission would result in significant harm .... [LPAs] will need to be satisfied that the development cannot reasonably be located on any alternative site that would result in less or no harm. In the absence of such alternatives [LPAs] should ensure that, before planning permission is granted, adequate mitigation measures are put in place. Where ... significant harm ... cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused."

PPS9 encourages the use of planning conditions or obligations where appropriate and again advises [LPAs] to "refuse permission where harm to the species or their habitats

would result unless the need for, and benefits of, the development clearly outweigh that harm.”

The converse of this advice is that if issues of detriment to the species, satisfactory alternatives and public interest seem likely to be satisfied, no impediment to planning permission arises under the Directive and Regulations.

There are a number of ponds within 250 metres of the proposed development which have been subject to surveys to identify the presence, or otherwise, of Great Crested Newts. A small population of GCN's was found in pond 4 which is situated to the southwest of the site and around 150 metres in distance from the proposed development. This pond also contained a population of Smooth Newts.

The ecological report concludes that the development is unlikely to impact on the conservation status of GCN's and provides a method statement which would negate the need for a Natural England License. The submitted method statement includes proposals for additional searches of the areas affected by the development immediately before work starts, measures to be taken to avoid disturbance of newts together with proposals for the enhancement of the site in accordance with PPS9.

Although the application proposes hedgerow and tree removal along the boundary of the site with Newcastle Road, this would not impact upon GCN's or bat species which are not present in this area. The trees to be removed have been assessed as having poor potential for bat roosts with no bat species being identified in this location. The report states that the only presence of bats was recorded around the trees to the southwest of the site where no tree no trees are proposed for removal.

Replacement planting would mitigate against the loss of the hedgerow and trees, and other habitat enhancement is proposed. Subject to conditions, the Council's Nature Conservation Officer is satisfied that there would be no reasonably likely impacts upon protected species and as such the proposal is considered to accord with the Habitat Regulations and Local Plan policies NR2 (Nature Conservation) and RC5 (Equestrian Facilities).

### **Loss of agricultural land**

The development would result in the loss of agricultural land as a result of the equestrian facilities. The grading of the land is presently not known as the consultation response is still awaited from Natural England. This will be provided by update.

### **Amenity**

A key consideration is the impact of the proposed development on the residential amenity of neighbouring properties. The nearest properties to the built development are those contained within the Taxmere Farm complex which are around 120 metres to the southeast of the site and Wellcroft which is situated around 140 metres to the northeast on the opposite side of Newcastle Road. Existing boundary treatments in the form of well

established vegetation would act as a visual buffer to screen the development from nearby residences., However it is acknowledged that additional planting and 'gapping up' would be of benefit and this would be secured via condition.

The issue of noise has been raised in the neighbour objection, particularly with regard to foaling mares and early morning activities i.e. gymkhanas. The stable element of the proposal has been sited to the western boundary at the furthest point from residential properties and Environmental Health have raised no concern regarding noise from horses. Given the distance from the residential properties and the absence of an objection from Environmental Health it is not considered that this would be sufficient grounds for refusal of the application. The development would be a private facility and therefore any show jumping activities that occur would be for training purposes for the horses kept on site and would not be as a result of show jumping events or gymkhanas. This would also be controlled by condition if any permission was granted.

Environmental Health have, however, requested that the hours of operation of the facility are restricted to 8am to 6pm Monday to Sunday. It is not considered that this would not be reasonable given the nature of the proposal which involves breeding horse and therefore may require operating outside this timeframe. The proposal does not include any external floodlighting and as such outdoor activity would be limited in this respect.

Having regard to the above it is considered that the proposal is in accordance with Local Plan policy GR6 (Amenity and Health) and RC5 (Equestrian Facilities).

### **Erosion and loss of vegetation**

The development would result in the loss of the hedgerow along the boundary with Newcastle Road however further information is required in respect of this, as discussed above. Equestrian use is an appropriate use in rural areas, and the development would include specific areas for training such as the indoor and outdoor riding arena. Additional land would be subject to change of use and it is therefore unlikely that significant erosion would occur given that the site is currently used for grazing horses.

### **Highways**

The application proposes a new access to the northeast of the site which achieves the required visibility splays. Provision of the access prior to first use of the development would be secured by condition. The proposal is a private breeding and training facility and as such would not generate the same level of traffic as a commercial enterprise. A parking area is provided to the west of the site, to the rear of the stable block. Subject to conditions, the Strategic Highways Manager has no objection to the application, and therefore the proposal is considered to be acceptable in highway safety terms and is in accordance with Local Plan policies GR9 (Accessibility, Servicing and Parking Provision) and RC5 (Equestrian Facilities).

### **Design**



The application proposes an equestrian facility which would comprise of 20 No. stables, an indoor riding arena, storage, parking area, new vehicular access and outdoor riding arena. During the application process negotiations have taken place in order to secure a higher standard of design and layout of the facility. The initial proposal included a single building which incorporated all facilities under one roof. Essentially this resulted in a large-scale building with considerable bulk and mass. The revised proposal has broken up the facilities into individual units, including a reduction in size to the minimum operational requirements. The development is sited to the southwest corner of the site with the parking area sited in proximity to the western boundary behind the stable block.

Although the main building which houses the indoor riding arena is still relatively large in scale at 55 metres by 27 metres, the layout and siting of the stable block and manege in front of the building significantly reduces the bulk and mass of the development, particularly when viewed from Newcastle Road. The main building is agricultural in appearance with the stable element representing a typical modern brick built stable block. Having regard to the agricultural nature of the locality and surrounding farm buildings / former farm buildings it is considered that the development is of an acceptable design standard which would not appear incongruous. The development would be visible from Newcastle Road given its overall size, but the majority of these views would be gained from passing traffic. A Public Right of Way (Footpath 16 Brereton) runs within the site along its eastern and southern boundary and as such the development would be highly visible from this public receptor. Policy RC5 requires, amongst other things, that proposals for equestrian facilities will only be permitted where the site is well screened and the development would not obstruct views of local significance nor be visually detrimental to the character of the area. Although the development would not be screened from this section of the footpath due to it falling within the site, it is not considered that any views from the public right of way would be detrimental to the visual amenity of this receptor or the character and appearance of the area. A condition would be attached to any permission in order to ensure appropriate landscaping of the site and to provide visual screening from residential properties in proximity to the development. The level of hard-standing around the development has not been provided in detail and as such this information would also be required via condition in the interests of the appearance of the site.

Having regard to the above the development would be acceptable in design terms and would have an acceptable impact on the character and appearance of the open countryside, therefore complying with Local Plan policies GR2 (Design) and RC5 (Equestrian Facilities). Furthermore the proposal would be consistent with the guidance contained in PPS4 which states that where appropriate, LPA's should support equine enterprises, providing for a range of suitably located recreational and leisure facilities and the needs of training and breeding businesses that maintain environmental quality and countryside character.

### **Public Bridle Network**

The application does not propose a recreational equestrian centre and as such access to the public bridle network is not required. The facility would involve the training of sports horses which would take place within the confines of the application site. As such there is no requirement to be located in proximity to the bridle network under Local Plan policy RC5 (Equestrian Facilities).

## **Other Matters**

### Security

In terms of security the vehicular access will be gated to prevent unauthorised access to the site. The application proposes timber post and rail fencing within the site which will provide a boundary to the public footpath thereby preventing walkers from entering the site. The buildings will be secured with appropriate locking systems and also intruder alarms to the doors. CCTV will be installed to monitor activity, in addition to the applicant living a short journey away from the site. Whilst neighbour concerns about security are noted, this is not a consideration to warrant refusal of the planning application.

It has been raised in objection that the development will eventually lead to a permanent application for an accommodation block. The current application does not seek to provide residential accommodation and as such is not a consideration. Any future applications would need to be considered on their own merits at the relevant time

### Waste Management

The application provides detail of waste management which would be stored in a mobile trailer and removed from site when full. Environmental Health consider this to be acceptable. Details of the location of this facility would be required by condition in order to ensure a suitable location is identified within the site.

### Floodlighting

The application does not propose any external floodlighting and as such this issue cannot be considered in terms of the neighbour objection and light pollution to neighbouring properties. Any floodlighting would require a separate application which would be subject to appropriate assessment at the time.

## **Conclusions**

Further information is required in relation to the hedgerow which is proposed for removal in order to ascertain whether or not the hedgerow is classed as 'important' under the Hedgerow Regulations 1997. The outcome of the information is a material consideration in the determination of the application under policy NR3 (Habitats), and as such this detail will be provided by update. In terms of other issues the development is considered to have an acceptable impact on neighbouring residential amenity and highway safety. Further information is also required in respect of the agricultural land classification. The proposal

is considered to be of an acceptable standard of design having regard to the nature of the facility for horse breeding and training purposes; and would not be detrimental to the character and appearance of the open countryside. Although protected species (Great Crested Newts and Bats) have been identified the development would not affect the conservation status of the existing GCN population, nor would it result in the loss of terrestrial habitat. The trees proposed for removal are not suitable for roosting bats, and subject to adherence to the recommendations made within the submitted ecological reports it is considered that there would be no adverse impacts on protected species as a result of the proposed development.

## **Recommendations**

### **APPROVE**

Subject to additional information concluding that the hedgerow to be removed is not 'important' under the Hedgerow Regulations and also the agricultural land classification being satisfactory; and the following conditions:

1. Standard Time
2. Approved Plans
3. Materials to be submitted
4. Landscape scheme – hard and soft
5. Landscape Implementation
6. Details of manure store
7. Hours of construction - 08:00 to 18:00 hours Monday to Friday, 09:00 to 14:00 hours Saturday, with no working Sundays or Bank Holidays
8. No lighting
9. Private use only
10. Construction of access prior to first use
11. Protection of breeding birds.
12. Implementation of specific recommendations made in the ecological reports.
13. No Gymkhanas / public events
14. Removal of buildings and manege within six months of the date when they cease to be used for equine purposes
15. Remove rights for the siting of containers on the application site
16. Limit the number of horse transporters parked on the site to five

Or in the event that the hedgerow is considered to be 'important' under the Hedgerow Regulations:

### **REFUSE** for the following reasons:

1. The proposal would involve the removal of 203 metres of 'important' hedgerow which forms the site boundary with Newcastle Road, without any overriding reasons, contrary to Local Plan policy NR3 (Habitats).

Location Plan:

