

**Application No:** 12/0894M

**Location:** Heywood, Crabtree Lane, High Legh

**Proposal:** CHANGE OF USE OF PART OF WOODLAND TO BATTLEFIELD LIVE WAR GAMES EXPERIENCE

**Applicant:** BATTLEFIELD LIVE

**Expiry Date:** 1 JUNE 2012

**SUMMARY RECOMMENDATION:** Approve subject to conditions

**MAIN ISSUES**

- Impact on the Green Belt
- Impact on Amenity
- Impact on Highway Safety
- Impact upon Nature Conservation

**REASON FOR REPORT**

The application is to be determined by the Northern Planning Committee due to the size of the site which is 1.88ha.

**DESCRIPTION OF SITE AND CONTEXT**

The application site comprises part of an area of semi- natural woodland with a stream running through it located approximately 189m back from the access track off Crabtree Lane in High Legh. The woodland is a designated ancient woodland and SBI which is linear in shape and backs on to the M56. The site lies within the North Cheshire Green Belt.

**DETAILS OF PROPOSAL**

The site has been used on a temporary basis for 'Battlefield Live' which comprises simulated war games using electronic tunics, electronic guns and speakers. The current operation has been undertaken on a temporary basis in accordance with the provisions of the Town and

Country Planning (General Permitted development) Order 1995 (as amended) however it is now proposed to extend this use beyond the 28 days per annum noted within the Town and Country Planning (General Permitted development) Order 1995 (as amended).

The application would also involve the retention of the existing structures /uses including:-

- Two shelters with wooden sides and camouflage canopy over and larger tent for debriefing and instructions
- caravan utilised as an office
- portaloo
- change of use of existing area of hardstanding for the parking of vehicles associated with 'Battlefield Live'

## **RELEVANT HISTORY**

03/2596P GDO agricultural building approved Nov 2003

## **POLICIES**

### **Regional Spatial Strategy**

As part of its stated commitment to protecting the environment the Government decided to carry out an environmental assessment of the revocation of the existing regional strategies, on a voluntary basis. It is the Government's clear policy intention to revoke existing regional strategies outside London, but this is subject to the outcome of environmental assessments and will not be undertaken until the Secretary of State and Parliament have had the opportunity to consider the findings of the assessments.

The regional strategy whose revocation is proposed is the *North West of England Plan Regional Spatial Strategy to 2021*, published in September 2008. The environmental report on the revocation of the North West of England Plan was undertaken on 20 January 2012. As the abolition of the RSS is imminent, the policies within the RSS are given limited weight. In any event, the policies are listed below:

#### *North West of England Plan Regional Spatial Strategy to 2021*

Policy DP 1 Spatial Principles

Policy DP 2 Promote Sustainable Communities

Policy DP 3 Promote Sustainable Economic Development

Policy DP 4 Make the Best Use of Existing Resources and Infrastructure

Policy DP 5 Manage Travel Demand; Reduce the Need to Travel, and Increase

Policy DP 6 Marry Opportunity and Need

Policy DP 7 Promote Environmental Quality

Policy DP 8 Mainstreaming Rural Issues

Policy DP 9 Reduce Emissions and Adapt to Climate Change

Policy RDF 1 Spatial Priorities

Policy RDF 2 Rural Areas

Policy RDF 4 Green Belts

Policy L 1 Health, Sport, Recreation, Cultural and Education Services Provision

## Policy RT 2 Managing Travel Demand

### **Local Plan Policy**

The policies within the Macclesfield Local Plan 2004 have been 'saved' by the Secretary of State prior to the production of the Cheshire East Local Plan.

Para 215 of the NPPF indicates that relevant policies in existing plans will be given weight according to their degree of consistency with the NPPF.

The following policies are relevant:

- NE7 Woodland Management
- NE8 Promotion and Restoration of Woodland
- NE11 Nature Conservation
- NE12 SSSI, SBI and Nature Reserves
- NE13 Sites of Biological Importance
- BE1 Design Guidance
- DC1 Design- New Build
- DC2 Design Extensions and Alterations
- DC3 Amenity
- DC6 Circulation and Access
- DC9 Tree Protection
- DC10 Woodland
- DC13 Noise
- DC14 Noise
- DC17 Water Resources
- DC21 Temporary Buildings and Uses
- DC22 Temporary Buildings and Uses
- DC33 Outdoor Commercial Recreation

### **Other Material Considerations**

National Planning Policy Framework

### **CONSULTATIONS**

**Highways Agency-** commented that they have no objections to the proposals.

**Environmental Health-** also has no objections to the scheme subject to conditions restricting noise levels and hours of use.

**Strategic Highways Manager-** has indicated that the site is located off Crabtree Lane which is a rural country lane, it has low volumes of traffic and is narrow in nature. Given, the constraints of Crabtree lane it is important that any development does not generate high volumes of traffic.

The proposal will provide some 20 car parking spaces on the site, it is considered that this level of provision is an acceptable level of car parking and the traffic generated by the

proposals could be accommodated without undue impact on Crabtree Lane, given the existing low traffic levels.

Therefore, I would not wish to raise objections subject to a condition capping the car parking provision at 20 spaces on the site.

**High Legh Parish Council-** have no objection to this application on the condition that the following advice detailed in Cheshire East Planning Officer, Lauren Thompson's letter to the applicants dated 1<sup>st</sup> March 2012 are agreed and actively enforced. These are specifically that :

-The Cheshire East Ecologist remains of the view that the central portion of the wood is not of value as Ancient Woodland, or for its Biodiversity value

-Only the central part of the wood will be used for the war games. The north and south sections will be barred off to ensure that these areas are not inadvertently used.

-These north and south sections will be managed appropriately to enhance their value and biodiversity as woodland.

-The area allocated for car parking will be behind bunds, and retained at its current size.

-That the games are operated on a discrete, time scheduled basis thus ensuring no overlap of traffic entering and leaving the site, and no duplication in the need for the on-site parking spaces. N.B. Residents on Crabtree Lane (off which the site entrance track leads) have concern about the volume of traffic and consequent difficulties in passing on the narrow lane. It would thus be totally unacceptable, and dangerous, if parking were ever to be necessary on Crabtree Lane, or if conflicting traffic were to be caused by the Battlefield Live operation.

-No additional structures are erected and all existing structures are landscaped as proposed, to blend in with their surroundings.

Additionally, it would be valuable if a condition could be agreed limiting the noise issued from the guns and loudspeakers within a close range of the decibel levels proposed in the Noise Impact Statement attached to the Application.

## **OTHER REPRESENTATIONS**

Letter of objection have been received from the occupants of Deansgreen Cottage, Swallows Rest and Saddlers Cottage and The Dairy on the grounds of:-

- Inappropriate development within the Green Belt
- Impact on wildlife
- Highway safety
- Noise
- Signage
- Sustainability Issues

Letter of Support from Banks Hall Cottage indicating that this is an appropriate use within the Green belt and represents farm diversification.

## **APPLICANT'S SUPPORTING INFORMATION**

The following documents have been submitted to accompany the planning application:

Planning, Design and Access Statement  
National Vegetation Classification Survey  
Highways Assessment  
Noise Impact Assessment

## **OFFICER APPRAISAL**

### **Principle of Development**

It is considered that the retention of the existing structures on the site represents 'new buildings' for the purposes of the application of Green Belt Policy. However para 89 of the Framework indicates that the provision of appropriate facilities for outdoor sport and outdoor recreation (as long as it preserves the openness of the Green Belt and would not conflict with the purposes of including land within it) is acceptable in principle.

Turning to the change of use, para 90 of the Framework also indicates that certain other forms of development are also not inappropriate provided that they preserve the openness of the Green Belt and would not conflict with the purposes of including land within it.

In this respect, Battlefield Live would represent outdoor recreation therefore the key issue are a) would the structures and uses of land represent appropriate facilities b) would the structures and the use of the land preserve the openness of the Green Belt and c) would the proposals conflict with the purposes of including land within it. These are considered below.

### Appropriate Facilities & Openness

The existing structures are small scale and constructed of materials sourced from the woodland, the existing agricultural enterprise i.e. the hay bales and with the addition of camouflage canopy sheets and a small caravan. The structures are in keeping with the character of the woodland and have been fully utilised in connection with the temporary use of the land as such it is considered that the scale of structures and use is appropriate in connection with the use of the site for outdoor sport and recreation. The structures are permanent in appearance however it is considered that they could easily be removed after the use ceases and the original character of the woodland would be restored. The caravan is a moveable structure however the wheels have been removed and the former amenities such as toilet facilities and running water have been removed. This is a very small caravan utilised as an office and is not capable of providing facilities beyond that of a small office. The structures are small scale, can be removed without detriment to the appearance and character of the woodland and are not visible from outside of the site throughout the year due to the level of tree cover within the woodland. Turning to the area of hardstanding, this hardstanding was originally constructed in connection with a former agricultural building erected under permitted development rights. The building was removed however the hardstanding remained. The hardstanding is surrounded by bunding and therefore the visual

impact of utilising this area for car parking spaces is limited. That said, the visual impact could be further mitigated by the imposition of a condition requiring further improvements to the bunding around the proposed car park.

It is concluded that the impact upon the openness of the Green Belt is minimal.

### Conflict with the Purposes of Including Land within the Green Belt

The purposes of including land within the Green Belt are detailed at para 80 of the Framework:- the only possible area of conflict within this criteria would be that which seeks to safeguard the countryside from encroachment. That said, the proposal seeks only to extend the existing use of the land beyond that of a temporary use and this application does not seek consent for the erection of further structures, advertisements or other facilities such as provision for refreshments or extending the car parking. It is therefore considered that provided that the extent of the activities taking place is appropriately controlled that this would limit the potential for encroachment within the Green Belt.

It is therefore considered that provided that the intensity of the use of the land is appropriately controlled and that no additional facilities beyond those already existing are provided, that this would represent an appropriate form of development within the Green Belt.

### **Amenity**

One of the main considerations in respect of this application is the impact of noise on neighbouring residential amenity. It should be noted that the existing activities on the site were the subject of an enforcement complaint in respect of noise, and that there have been a number of objections to the application on noise grounds.

The applicant has submitted a Noise Impact Assessment in support of the application. This indicates that the principal noise sources have been identified as: guns (sound effect laser-tag guns – noise is localised to the position of the gun); PA (8 small horn loudspeakers mounted approximately 3m above ground level playing a battlefield soundtrack); portable generator; raised voices and vehicle movements to and from the site. These have the potential to create a negative impact by way of noise to residents in close proximity to the site.

The report indicates that the noise levels calculated for Battlefield Live are below the ambient noise climate which is already high owing to the presence of the M56. Whilst no complaints have been lodged with Environmental Health, it is acknowledged that a complaint was received by the Council's Enforcement Team in respect of noise. It is therefore considered appropriate to restrict the scale of the event to the times and dates specified within the submission (Mon – Fri 10.00 – 19.00, Saturday 10.00 – 19.00, Sunday & Bank Holiday 10.00 – 19.00) during the summer months and restricting this further during winter months.

It should however be noted that the type of noise associated with this activity: that of war games is unusual and any potential drop in background noise levels perhaps on quieter days e.g. Sundays or Bank Holidays or with a wind direction from the site towards noise sensitive dwellings mean that noise from the site could potentially be audible to the nearest residential

dwellings on Crabtree Lane approximately 230m to the south and 330m to the east. Whilst the potential remains small, this proposal may have a detrimental impact on residential amenity. Given that complaints have been received both in respect of the existing activities at the site and that proposed under this application it is considered that a temporary consent for two years (in addition to the other conditions proposed) would be appropriate so that the Council can assess the impact of the proposed development which seeks to increase the frequency of events and assess the adequacy of the proposed conditions to control the use.

Turning to vehicle noise, it is duly acknowledged that the entrance to the site is located close to dwellings on Crabtree Lane however the actual car park is located away from dwellings. Vehicle noise was assessed as part of the Noise Impact Assessment and as the Battlefield Live site is located in close proximity to the M56; any noise generated from the car park as people enter and vacate the site should be masked by road traffic noise. It is therefore concluded that there will be no noise impact from vehicle movements to and from the Battlefield Live site. In addition, the size of the car park, scale of the use and hours of operation would limit the potential vehicle movements to the site.

One of the letters of objection raises concerns regarding the volume of traffic already entering the site in connection with the existing temporary use. The applicant has confirmed that the majority of these vehicle movements have been in respect of works by the National Grid and are not related to the development the subject of this application.

## **Highways**

A number of letters received raise concerns regarding the impact of the development on highway safety in respect of the suitability of the existing point of access, availability of car parking and the impact of vehicle movements upon the highway network.

The applicant has submitted a Highways Assessment which has taken data from the existing temporary use of the site for Battlefield Live which indicates that sessions take place between 11-1pm and 1pm-4pm and that car occupancy is at 2.5 persons per car and that total number of cars ranges between 6 and 14. The vehicular activity is tidal i.e. there are no opposing vehicle movements along the site access track as all players arrive and leave at the same time.

Given the infrequency of games, the tidal traffic movements and relatively light volume of traffic, it is considered that the proposals do not raise concerns for highway safety. In this respect the Strategic Highways Manager has no objections to the proposals and it is considered that conditions restricting the intensity of the use would ensure that the number of vehicles visiting the site would be restricted.

## **Nature Conservation/ Protected Species Issues**

Areas of woodland are potentially suitable habitats for bats and breeding birds which are listed as a protected species under schedule 5 of the Wildlife and Countryside Act 1981 (as amended). Protected species are considered to be a material consideration in the

determination of a planning application, and therefore any impact must be considered and mitigated accordingly.

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 implements the Directive in the Conservation of Habitats & Species Regulations 2010 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.

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.”

Para 118 and 119 of the Framework advises LPAs that the presumption in favour of sustainable development does not apply where development requiring appropriate assessment under the Birds or Habitats Directive is being considered. In addition it indicates that permission should be refused for developments which result in the loss or deterioration of irreplaceable habitats including ancient woodlands and if significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort compensated for, then planning permission should be refused.

The Framework encourages the use of planning conditions or obligations where appropriate. 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.

Heywood is an Ancient Woodland, Ancient woodlands are a local and national Biodiversity Action Plan Priority habitat and are specifically mentioned as being in need of protection by the Framework. The conservation of the woodlands ecological interest would therefore be a material consideration in the determination of this planning application.

The clearance of dead wood and trampling associated with the operation of Battlefield Live within the woodland may potentially have an adverse impact upon the nature conservation value of the woodland. However, from the survey work undertaken to date it appears unlikely

that the section of the wood currently utilised for this activity and subject to this planning application is particularly sensitive. The more sensitive areas of the woodland are excluded from the application boundary and consequently the more severe ecological impacts have been avoided. It is however considered necessary to condition the submission of a plan demonstrating that no activity would take place within the more sensitive areas which are not already fenced off. On that basis, the Nature Conservation Officer considers that the ecological impacts of the proposed development are unlikely to be significant.

Compensation for the residual impact of the activities is still however required and should take the form of the production and implementation of a woodland management plan through the remainder of the woodland. This would be conditioned accordingly.

In respect of protected species, no significant protected species issues are anticipated in connection with the proposed development however it is considered appropriate to impose a condition in respect of breeding birds.

### **Other Matters**

The Landscape Officer has indicated that there would be no significant landscape impact, the applicant has confirmed that advertisement is in the form of a moveable A board which is placed at the site entrance prior to booked games and removed afterwards and that there is no requirement for external lighting or additional facilities beyond those already utilised. On that basis, it is considered that the proposals do not raise any other issues which require further consideration.

### **CONCLUSIONS AND REASON(S) FOR THE DECISION**

The proposals represent an appropriate form of development within the Green Belt subject to the imposition of appropriate conditions restricting the level of use, hours of operation and provided that no additional facilities beyond those already present are required. In addition the proposals do not raise concerns in respect of highway safety and nature conservation, subject to conditions. It is considered appropriate to issue a temporary two year consent in order to allow an assessment of the impact of the increased level of use of the site and to ensure that any impact on nearby residents can be adequately controlled by the suggested conditions restricting the use. On that basis, it is considered that the proposals are in accordance with policies NE2, NE3, NE7, NE8, NE11, NE12, NE13, BE1, DC1, DC2, DC3, DC6, DC9, DC10, DC13, DC14, DC17, DC21, DC22, DC33 and guidance within the Framework.

A recommendation of approval is therefore made, subject to the following conditions:-

1. Temporary Consent for Two Years
2. List of Approved Plans
3. Landscape Details for Bunding
4. Implementation of Landscape Details for Bunding
5. Number of Games Restricted to Two per Day and 10 Per Week
6. Hours of Operation Restricted to Mon – Fri 10.00 – 19.00, Saturday 10.00 – 19.00, Sunday April to September inclusive and Mon – Fri 09.00- 16.00 Saturday 10.00 –

16.00, Sunday & Bank Holiday 10.00 – 16.00 October to March inclusive and no Bank Holidays

7. No additional structures beyond those permitted
8. No external lighting
9. No advertisements
10. Noise levels not to exceed background noise levels
11. Woodland Management Plan
12. Breeding Bird Mitigation
13. Submit Details of Restricted Use of Areas
14. Operation no more than 100 days in a year

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