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| Application No. | 09/2058C |
| Location: | Land off Hind Heath Road, Sandbach, Cheshire |
| Proposal: | Proposed new Football Pitches, Changing Accommodation, Car Parking, Access and Floodlighting |
| Applicant: | Cheshire East Council |
| Expiry Date: | 30 September 2009 |

Date Report prepared: 1 September 2009

SUMMARY RECOMMENDATION

Approve subject to conditions

MAIN ISSUES

Principle of development in the open countryside; impact on ecology and wildlife; access; impact on existing amenity levels and impact on privacy.

REASON FOR REPORT

This application has been presented to the Strategic Plans Board on the grounds that the development has significant public interest.

DESCRIPTION OF SITE AND CONTEXT

The site lies between Elworth and Sandbach and is to be accessed off Hind Heath Road. The land is currently divided into four parcels three of which are used for the growing of crops and the fourth is used for the grazing and stabling of horses.

All of the fields are bounded by native hedging which varies in height from approximately 2.0m to 4.0m. Additional hedging divides the fields with a few access points for agricultural vehicles to enter and pass between each area. These hedges along with the boundary hedges are interspersed with trees including some Oaks. The hedges are also supported by either post and rail or post and wire fencing.

On the eastern side of the site a small area of land shows signs of a water feature existing adjacent to one of the field boundaries with Bulrushes growing adjacent to the dividing field hedgerow.

DETAILS OF PROPOSAL

This application is for the development of 10 new football pitches, changing accommodation, a car park, new access off Hind Heath Road and floodlighting.

The proposed layout of the site is such that the car park will be situated to the south of the Wheelock Rail Trail whilst the pitches and changing room will be situated to the north.

PLANNING POLICY

National Planning Guidance

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| PPS1 | Delivering Sustainable Development |
| PPS7 | Sustainable Development in Rural Areas |
| PPS9 | Biodiversity and Geological Conservation |
| PPG13 | Transport |
| PPG17 | Sport and Recreation |
| PPS23 | Planning and Pollution Control |
| PPG24 | Noise |
| PPS25 | Flood Risk |

Local Plan Policies

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| PS3: | Settlement Hierarchy |
| PS6: | Settlements in the Open Countryside and the Greenbelt |
| PS8: | Open Countryside. |
| GR1 | New Development |
| GR2-3 | Design |
| GR4-5 | Landscape |
| GR6-7 | Amenity and Health |
| GR9-10 | Accessibility, Servicing and Parking Provision: New Development |
| GR13 | Public Transport Measures |
| GR14 | Cycling Measures |
| GR15 | Pedestrian Measures |
| GR16 | Footpath, Bridleway and Cycleway Networks |
| GR17 | Car Parking |
| GR18 | Traffic Generation |
| GR19 | Infrastructure: General |
| GR21 | Flood Prevention |
| GR24 | Wider Environmental Considerations |
| RC1 | Recreation and Community Facilities: General |
| RC3 | Nuisance Sports |
| RC10 | Outdoor Formal Recreational and Amenity Open Space Facilities |

RELEVANT HISTORY

Prior to 2000, a series of planning applications were submitted in the vicinity of the site. These related to the development of the industrial units surrounding Lodge Road and Hind Heath Road.

More recently, an application was approved (ref. 06/0771/FUL) for the development of two steel framed industrial buildings, each extending existing structures, at the eastern end of the Lodge Road estate close to the field in question.

A proposal for the development of the site for up to 400 houses was put forward through the SHLAA (Strategic Housing Land Availability Assessment) process but was not supported.

No other recent developments have taken place on the site which may impact on this application.

CONSULTATIONS (External to Planning)

Highways Officer

The Highways Officer has been in consultation with the applicant on the details of the proposed scheme. Issues raised relate to a number of matters amongst which the matter of connectivity to local facilities and the suitability of the Wheelock Rail Trail have been raised. In respect of these matters, the applicants are entering into further negotiations with the Highways Officer to clarify the nature of the impact of the development. The outcome of these discussions will be subject to an update report once the formal comments are received.

County Ecologist

The comments of the Councils Ecologist are awaited at the time of the preparation of the report and will be the subject of an update report

Environmental Protection Officer

The Environmental Protection Officer has raised no objection in principle to the application although a number of conditions have been suggested relating to the development of the facility and also the subsequent noise from compressors or other plant on the changing rooms and potential for light pollution.

Landscape and Arboricultural Officer

Concern has been raised on a number of issues. These relate to the potential impact on the trees surrounding the site, the loss of the hedgerows, the scale of the ball stop fencing surrounding the site and the overall impact on the character of the landscape.

OTHER REPRESENTATIONS

Natural England

Consideration has been given to the supplementary reports on protected species submitted by the applicant following the findings of the Extended Phase I Habitat Survey. As these reports give detailed information on the location and extent of the protected species identified in the Phase I Survey, they have not been placed on the general public file to ensure the species in question remain protected. The reports however have been made available to Natural England and the County Ecologist for consideration.

At the time of the preparation of the report, Natural England is in discussion with the Council Ecologist and final comments are awaited. These will be provided in an update report.

United Utilities

United Utilities have no objection in principle but have written to advise the applicants that a public sewer runs alongside the site. United Utilities advise that the sewer should not be built over and full access should be provided at all times. Comment has also been given on the drainage arrangements and that they would only adopt surface water sewers draining to a balancing pond (as opposed to any other SUDS structure), providing certain conditions are met particularly in respect to the Council taking on responsibility for the scheme.

Wirral and Cheshire Badger Group

Although the group understands the motives for the proposed development, they have raised objection to the proposal on the grounds that the site has signs of badger activity and the proposed development would impact on the protected species.

Neighbours and Other Members of the Public

At the time of the preparation of the report, nearly 250 letters of comment on the application had been received. These were evenly split between comments from those in support or those objecting to the application.

The comments themselves predominantly have come from residents in the local vicinity of the site or people involved with the football club. Some additional comments have come from outside the local area although the respondents have shown an awareness of the issues faced.

The issues raised in respect of supporting the proposal are as follows:

- Current facilities are inadequate to meet demand
- Need for sports pitches in the Sandbach area
- The proposed facility meets the needs of Sandbach, Elworth, Ettily Heath and Wheelock
- The site has good road access from a number of directions

- The provision of these sporting facilities will have long term benefits for peoples well being
- The facility will provide youngsters greater opportunities

In respect of the objections raised, the following points were noted:

- Impact on the highway network
- Unsuitable roads to the site
- Will lead to unsafe parking along the surrounding roads
- Unsustainable location
- Impact on the wider ecology
- Impact on birds and other wildlife
- Loss of hedgerows
- Noise
- Light pollution
- Impact on existing privacy levels
- Detriment to the character of the area

In addition to general comments on the changes to the area, a number of objectors raised specific matters about impact to their property. Whilst these are noted, they are similar in format and the issues are taken collectively. Any instances of unacceptable impact on privacy would be considered to affect the wider scheme.

OFFICER APPRAISAL

Principle of Development

The key Local Plan policies in respect of this application are PS3: Settlement Hierarchy, PS6: Settlements in the Open Countryside and the Greenbelt, PS8: Open Countryside and RC10: Outdoor Formal Recreational and Amenity Open Space Facilities.

These policies echo the aims of national planning guidance as expressed through PPS1: Delivering Sustainable Development and PPS7: Sustainable Development in Rural Areas.

One of the Governments overarching principles relating to development is the need to ensure development is located in sustainable locations. To this end, PPS1 states that development should be in carefully-sited accessible locations in existing towns and villages where it benefits the local economy and/or community, maintains or enhances the character of the local environment and does not conflict with other planning policies.

The guidance goes on to state that the Governments overall aim is to protect the countryside for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and so it may be enjoyed by all.

These objectives are carried through into the policies in the Local Plan, notably for this proposal PS8 and RC10 although these are by no means the only policies referring to the matter of sustainability. Policy PS8 seeks to resist development in the open countryside unless such development is for one of eight identified purposes. Of these, facilities for outdoor sports, recreation and tourism together with other uses of land which preserve the openness of the countryside and maintain or enhance its local character may possibly be allowed.

On first appraisal, it is recognised that the development of this land for a football club together with associated infrastructure (parking, lighting, club house etc.) will impinge on the openness of the area and for that reason; it could be taken that the development may represent a departure to the Local Plan.

Before coming to a decision on this point however, an understanding of the character of the site particularly in the context of the surrounding area needs to be made.

The topography of the area is such that the application site is gently undulating in form. The land rises from Hind Heath Road to the Wheelock Rail Trail Footpath before falling away again to the north east.

It is acknowledged that the area of land forms part of a wider, and very important, parcel of land that lies between the settlements of Sandbach and Elworth. This land however is closely surrounded by residential or commercial development to the north, east and west whilst to the south lies Hind Heath Road and beyond that the Cricket Club. Because of this, the outlook from the land in question is different from other areas of agricultural land further to the south, away from Sandbach or Elworth. This difference in character is at the heart of the appraisal as to whether the scheme will have a detrimental impact on the openness of the area.

In their comments, the Landscape and Arboricultural Officer highlights that the site falls within Eastern Lowlands Plains Wimboldsley Character Area as set out in the Cheshire Landscape Character Assessment 2009. This describes the area as a mix of small/ medium irregular or regular fields typically of medieval field pattern and partially of post medieval agricultural improvement. Reference is also made to a flat, large scale landscape with relatively few hedgerow trees or dominant hedgerows. The officer also notes that in the 1999 Landscape Assessment of Congleton Borough, the land was identified as being ordinary/ good quality landscape.

This appraisal however looks at land from a strategic viewpoint covering the whole County. Such a tool whilst beneficial in guiding strategic thinking about the direction of development of various settlements for years if not decades can sometimes be too crude for more detailed analysis of sites on a local level. This

is a similar problem faced by the agricultural land quality maps that are of more benefit in respect of regional planning.

Whereas most agricultural land is characterised by open fields interspersed with the occasional building or area of development, this site differs in that it is surrounded by development on most sides. The presence of the Lodge Lane industrial estate to the west and the housing along Abbey Road and Hind Heath Road alter the character of the site from one of open countryside to one of countryside set in the context of developed land. In your officers view, this is a fundamental difference and, in appraising the impact of development on the Local Plan policies should be given substantive weight.

This approach however should not be taken to say that any development irrespective of its scale form and character would be acceptable on this site but rather it identifies this as a special area of transition where some development can occur if sensitive to the surroundings and not too urban in form.

It should be noted that the site has already been subject to a small degree of development for equestrian purposes. This facility is located close to the Wheelock Rail Trail and comprises of a number of elements of a scale commonly seen in developed areas including the stable blocks and the fencing adjacent to the footpath.

On this basis, it is felt that the development in principle for leisure use would be in keeping with the character of the area and, subject to the details of the development could sit well in the landscape causing minimal impact to such a degree that the development would not represent a significant departure to the aims of the Local Plan or other planning policy.

Form of Development

The most significant element of development on the site would be the creation of the club house but the access road and parking as well as the pitches would also be visible to people passing along the Wheelock Rail Trail.

Whilst the pitches would have limited impact on the landscape the other elements would be noticeable. Given the context of the surrounding area this is not, in principle felt to be unacceptable. The clubhouse is a single storey structure, much lower than the neighbouring industrial units against which it will be read in the landscape. The car park and access will also be visible but again, they will not be seen in isolation as for say they would be on a truly countryside location but they will be read in the context of the Cricket Club opposite and the small industrial units accessed off Hind Heath Road to the west.

Fencing

The 10.0m high ball stop fencing surrounding the site is of note and is of particular concern in the opinion of the Landscape and Tree Officer.

It is felt that this will not only have an impact on the landscape but will also require significant crown lifting of the trees on the edge of the site. To this end, it is felt that of all the elements of the development, the ball stop fencing by virtue of its height in comparison to other features in the immediate landscape would appear as an unacceptable incongruous feature.

Balancing the needs for some protective fencing around the perimeter of the site to stop balls going onto adjoin land on too frequent a basis and the character of the landscape as set by the surrounding development and the hedgerows, a lower fence of 5.0m height would be more appropriate.

Details have been provided for the colour of the fencing (moss green) and this is felt to be acceptable.

Hedgerows

In respect of the hedgerows, the Landscape and Arboricultural Officer has noted that the development would result in the loss of some of the planting. Policy NR3: Habitats of the Local Plan identifies that if there are proposals for the loss of important hedgerows amongst other special habitats, this should only be allowed where there are overriding reasons for allowing the development or the likely effects can be mitigated against.

To identify whether the hedgerow is of importance as defined through the Hedgerow Regulations 1997, the shared services Archivist and Archaeologist has been asked to look at them. These comments will be provided in the form of an update to the report.

In considering the role of the trees around the site, the Landscape and Arboricultural officer has noted that two of the hedgerow trees are unsafe and whilst the Oak on the northern boundary of the site is in a prominent location it, like the other trees around the site are not exceptional.

In their comments, the officer has considered the impact that the development will have on the landscape. As the car park would initially involve the removal of approximately 210m of hedgerow along the Hind Heath Road frontage to allow the creation of the visibility splays, this would expose the area to be used for car parking more than is currently the case. Whilst there would be some replacement planting, it is the officers view that this would take time to mature and would not provide complete screening. Furthermore, it is felt that the lighting associated with the car parking would further exacerbate the views of the car park.

For the pitches, the impact on the landscape would vary, whilst there are proposals to replace the gaps in the existing hedge, a section some 740m is proposed to be removed together with some trees.

The loss of the hedgerow in the opinion of the Landscape and Tree Officer is a matter of concern and combined with the introduction of the new facilities on site will have an impact on the character of the area. The views of the site will differ from various vantage points and for the properties in the distance; the most important impacts will be from the lighting. For other people, especially those using the Wheelock Rail Trail, the nature of the building and boundary features will be more prominent.

Given the wider changes to the character of the area, the loss of the hedgerows within the site which is to be offset by the additional planting it is acknowledged that this is not a like for like replacement in terms of length of hedge lost and length replaced but is felt to be acceptable in this instance as the views from outside of the site will be of a stronger, more continual fence surrounding the field than is currently the case.

Ecology

Evidence has been submitted by the applicants to address the requirements of the EU Habitats Directive in respect of the protected species in the vicinity of the site.

It is believed that this information addressed the relevant issues raised but a detailed comment on this matter will be provided through the update report together with any necessary conditions in respect of recommended conditions if deemed necessary.

Flooding

Although the site is not in a recognised flood plain, as the site area is over 1.0 Ha, the applicants have submitted a Flood Risk Assessment. This has established that with the implementation of an appropriate sustainable urban drainage scheme (SUDS), the impact on existing Greenfield run-off rates will be comparable or better than existing. As a result there should be no detriment to neighbours or the surrounding ecology in respect of this matter.

Highways

The applicants have taken on board the comments of the Highways Officer and it is felt that in principal, the development is acceptable. The works to the entrance will need to be managed through a Section 278 Agreement and the applicants are aware of their obligations in this respect. Some additional work to the Wheelock Rail Trail in terms of lighting will be required but this can be addressed thorough a separate legal agreement should the scheme be approved.

Impact on Neighbours

The concerns of the neighbours cover two areas, impact on individual properties in terms of loss of privacy and impacts on amenity especially through noise and light pollution.

In dealing with the first matter, that of privacy, the Wheelock Rail Trail already offers a vantage point from which views can be obtained of some of the neighbouring properties. Whilst the development will provide some new points to view nearby dwellings from, the views gained from the car park or the pitches will be no different to that already possible. The pitches will bring people closer to the houses off Abbey Road but the distance from pitch edge to rear windows of the nearest houses are substantial being in excess of 250m and for those houses approximately half way along Abbey Road, the distance rises to approximately 380m, a distance comparable to the trip from Westfield Council Office to the centre of Sandbach.

The distances to the properties at Abbeyfield to the north, is far less (some 140m) but in this case the properties are screened from the pitches by a strong belt of trees around the site.

In light of these distances, it is felt that the impacts on privacy are minimal and would not justify refusal of the scheme.

In dealing with the second issues, that of amenity, this has been considered by the Environmental Health Officer. They have raised no objection in principle to the development but have suggested conditions in respect of noise from the club house and lighting together with controls on the development process.

The matter of lighting has been of particular concern to residents but it should be borne in mind that the neighbouring industrial development already benefits from lighting columns on the boundary of the site in direct view of the properties off Abbey Road. These units are not controlled to the same degree as the ones currently under consideration and would have a far more harmful impact on the landscape than this application.

The lighting for the pitch has been kept as far away from neighbouring houses as possible and it is felt that any harm would be negligible.

These conditions are felt to be appropriate and on this basis no objection is raised.

CONCLUSIONS AND REASONS FOR THE DECISION

In reviewing this application, consideration is again given to the principles set out in PPS1 and the Government's overarching principles relating to development is the need to ensure development is located in sustainable locations. The site is located adjacent to an existing settlement as opposed to the open countryside and, subject to securing an appropriate Travel Plan and improvements to the Wheelock Rail Trail, in a sustainable location. Also, whilst the development will be visible from a number of vantage points, it will not harm the landscape to an

unacceptable degree and accordingly maintains the character of the local environment and does not conflict with other planning policies.

In summary, it is felt that subject to the comments of the Councils Highways Engineer, Natural England and the Councils Ecologist, the proposed development will not have an unacceptable impact on the character of the surrounding area or cause unacceptable harm to neighbours. Furthermore, the proposed development would provide additional sports and recreation facilities in accordance with Policy RC10 of the adopted Congleton Local Plan First Review

Recommendation:

APPROVE subject to the following conditions:-

1. Standard timescale
2. In accordance with approved drawings
3. Samples /detail of materials on external elevations
4. Ball stop fencing to be no higher than 5.0m
5. Implementation and maintenance of landscaping
6. Construction management plan
7. Review of lighting when operational
8. Hours of use of floodlighting
9. Hours of working
10. Provision of car parking
11. Provision of cycle parking
12. Details of covered and secure cycle parking to be submitted and implemented
13. Drainage works to be implemented
14. Wheel Washing
15. Development in accordance with submitted Travel Plan
16. Sustainable Urban Drainage - scheme to be submitted
17. Protection from noise during construction (hours of construction)
18. Pile Driving
19. Dust mitigation during construction