

Application No: 14/4946C

Location: Alsager Bowling & Recreation Club, Fields Road, Alsager, Stoke-on-Trent, ST7 2NA

Proposal: Proposed construction of 2No Detached Dwellings including additional parking facilities and new access from Lea Way.

Applicant: Alsager Bowling & Recreation Club Co Ltd

Expiry Date: 17-Dec-2014

### **SUMMARY**

It is considered that the proposal would not cause an overly detrimental impact on the provision of open space in the area. It is considered that on balance, taking account of all material considerations, the proposal is acceptable as an exception/special circumstance as outlined by Policy RC2 of the Congleton Local Plan

### **RECOMMENDATION**

APPROVE with conditions subject to a legal agreement that ring fences the reinvestment of the capital receipt into the bowling club facility.

### **PROPOSAL**

This is a full application to construct two detached one and a half story houses on a disused tennis court facility. The houses would face the bowling green with the car park of the club to the south.

### **SITE DESCRIPTION**

The site is former tennis courts at the Alsager Bowling & Recreation Club to the south west of the corner of Lea Way. The site is abutted by housing to the north on Lea Way and to the west on Ashmore's Lane. To the south is the Club Car Park and pavilion with the bowling green to the west. Access to the club is gained along a driveway the runs adjacent to the south boundary of Lea Way.

### **RELEVANT HISTORY**

14/2274C – Proposed construction of 2No detached dwellings including parking – Refused 08/06/14

### **POLICIES**

## **National Planning Policy**

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs:

- 14. Presumption in favour of sustainable development.
- 50. Wide choice of quality homes
- 56-68. Requiring good design

## **Local Plan Policy**

The Development Plan for this area is the Congleton Borough Local Plan First Review 2005, which identifies that the site is within the Alsager Settlement Zone Line.

The relevant Saved Policies are:

- RC2 Protected Areas of Open Space
- GR1 New Development
- GR2 Design
- GR6 Amenity and Health
- GR9 Access

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

## **Emerging Local Plan Policy**

The following are considered relevant material considerations as indications of the emerging strategy:

- SC2 (Outdoor Sports Facilities)
- SC3 (Health and Well-being)
- SE1 (Design)
- SE3 (Biodiversity and Geodiversity)
- SE4 (The Landscape)
- SE6 (Green Infrastructure)

## **CONSULTATIONS**

**Head of Strategic Infrastructure** – No objections

**Environmental Protection** – Recommend condition regarding hours of piling and condition and advisory note in respect of contaminated land.

**United Utilities** – No objection

**Sport England** – Do not wish to comment on the application.

**ANSA** - Alternative facilities in Alsager:

- MMU Site - Current facilities are currently not available for Public Use. Consultations are taking place to determine the extent and type of future sports provision as part of a proposed housing development on the site

- Alsager Leisure Centre - 4 no Courts
- Alsager Lawn Tennis Club – 4 no hard surfaced courts

This area is identified in Congleton Borough's local plan as a 'Protected Area of open Space' :

*'Proposals which involve the development for an alternative use of any of those areas of open space or recreational facilities which may subsequently be created will only be permitted where all of the following criteria are satisfied:*

*1 )The proposed development would not result in a local deficiency in the quantity, range and accessibility of recreational facilities or amenity open space ...*

The chair of Alsager Lawn Tennis Club has confirmed that their tennis facility has recently had some investment by way of a lottery grant. It has a membership in the region of 130 but still has capacity for an increase in membership by about 30%.

Alsager Leisure Centre also confirmed that they had additional capacity and that the loss of the facility at Fields Road would not have an adverse impact on their facility.

Therefore it is difficult to justify a deficiency in quantity in Alsager.

*11) The open space or recreational facility has no significant value either as part of an existing network of open areas, .....*

This open space is within a residential area and there are no green links to network it to other open spaces

*111) .....Development associated with the current use of the site or extensions to existing buildings within designated areas of public open space will be permitted where it will allow for improved facilities on the site and will not result in any shortfall in Open Space.....*

With reference to the Supporting Planning statement and clause 2.4. It is stated that *'The proposal to redevelop the tennis courts and the capital sum which will be generated from the sale of the land is key to the future of the bowling facility. The existing facilities are in a dilapidated state and considerable investment would be required to bring them back to a playable state which unless external funds were secured would be to the detriment of the Bowling Club'*

### **Alsager Town Council**

Object on basis of highway grounds and housing numbers.

### **REPRESENTATIONS**

Approximately 12 letters of objection on the grounds of:-

- No assessment provided that tennis courts are surplus to requirements
- No replacement courts are proposed.

- Net loss of open space contrary to NPPF and the Congleton Local plan policy RC2 and no design can compensate
- Loss of sports facility
- Vehicular access poor and parking would be displaced and increase in traffic would result.
- Loss of privacy and amenity
- Flooding

Approximately 20 letters of support and petition with approximately 14 signatures in support on the grounds of:

- Tennis courts overgrown, unfit and redundant.
- Better tennis facilities elsewhere
- Bowling membership rising and better facilities required for expansion
- Reinvestment in club for long term future security
- Extra parking would be provided

Full contents can be viewed on CEC website.

## **APPLICANT'S SUPPORTING INFORMATION**

Planning Statement

## **OFFICER APPRAISAL**

**The key issue is:**

### **Principle of Development**

The site is located in the Settlement Zone as allocated by the Congleton Local Plan 2005 and would normally be assessed against the tests of more general Policies GR1 (New Development), GR2 (Design), GR6 (Amenity and Health) and GR9 (Access).

However, the site lies within a protected area of open space as designated by policy RC2. Proposals which involve the development for an alternative use will only be permitted where it would not result in a local deficiency in the quantity, range and accessibility of recreational facilities; where the open space has no significant local value within the existing and that the proposal is in accordance with other policies and would not result in a shortfall. It is now contended that there would not be a shortfall of quantity, range and accessibility of tennis in Alsager due to the existence of courts at Alsager Lawn Tennis Club and Alsager Leisure Centre. In that sense the courts at Alsager are surplus and it can be contended that this area of the open space does not make a significant contribution to local value.

Officer visits indicate that the overall club facilities and pavilion are in reasonable condition but with the building clearly needing maintenance and possible reinvestment in the near future. It would now seem that investigation into repair, reinstatement, alternative sport uses have been considered for the tennis courts but the club board are of the view that the only meaningful prospect of improving facilities, in the long term, is to dispose of the tennis courts and to reinvest the capital receipt into the club house and maintenance of the bowls playing surface. The proposed development is not normally justifiable under present policy as the net loss of this open space cannot be replaced. However, pragmatically it is now acknowledged

that a reinvestment by way of a binding legal agreement is a persuasive. The whole site is not lost and the dominant sporting use/provision remains. Although the previous report on the refused 14/2274C was clear in its recommendation, further evidence has now to be considered. The evidence supplied by ANSA is compelling and confirms there should be no discernible usable shortfall in tennis provision in Alsager.

The proposal constitutes a “departure” from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined “*in accordance with the plan unless material considerations indicate otherwise*”. However material considerations do lend to support for the proposals on the basis of securing future bowling provision and both ANSA and Sport England have not objected to the proposal.

## **Environmental Role**

### **Design and layout**

The houses proposed in the application site are of a standard dormer design. In comparison to the refused 14/2274C, the proposed development would utilise the openness of the views across the greater site and it is now considered that the revised submission is acceptable in terms of design and layout.

### **Amenity**

It is not considered that the proposed development would be detrimental to residential amenity as all guideline distances on privacy and separation would be met.

### **Access**

It is not anticipated that the provision of two houses would result in significant highway concerns as the impact would be negligible. The Strategic Highways Officer has no objections on this basis.

### **Nature Conservation/Landscape**

The proposals would not result in any significant landscape or forestry issues with the exception of the proposed access which would result in the removal of a length of well established hedge fronting Lea Way. The hedge provides an attractive roadside feature although it could be removed without consent. A condition to secure replacement hedge planting as part of a landscape scheme would be appropriate if the application were not being recommended for refusal. A condition would also be required to safeguard breeding birds.

## **Economic Role**

A small housing development would bring the economic benefit to the local construction industry and the future residents would contribute to the local economy and would be economically sustainable.

## **Social Role**

The proposal would ensure an accessible local service of the bowling club would be retained in use and thus would contribute to the community needs and support its health, social and cultural well-being.

### **Planning Balance**

The resubmitted application seeks planning permission for two houses on a protected area of open space. It is considered, by way of the further evidence, that the proposed development would now, very much on balance, not cause a serious detrimental impact to the provision of open space in the area. It is therefore considered acceptable by way of the material considerations and a ring fenced legal agreement tied with the application and thus acceptable as an exception/special circumstance to Policy RC2 of the Congleton Local Plan.

### **RECOMMENDATION**

**APPROVE** subject to a legal agreement to secure re-investment in the bowling club.

### **Conditions**

- 1. Time limit**
- 2. Materials**
- 3. Plans**
- 4. Removal of PD rights.**
- 5. Piling**
- 6. Landscaping**
- 7. Landscape implementation**
- 8. Breeding Birds**

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Planning (Regulation), in consultation with the chair (or in absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

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