

Application No: 18/6189M

Location: LAND AT, BROWNS LANE, WILMSLOW

Proposal: Improve facilities including provision of a path network with one section of adoptable shared use path with lighting, new play area, new drainage system, multi-use games area and a pitch for kick-about football

Applicant: Ms Ruth Morgan, Ansa Environmental Services Ltd

Expiry Date: 07-Jun-2019

SUMMARY

The application seeks a number of improvements to this area of existing open space. The improvements to provide increased opportunities for recreation meet important strategic planning objectives to improve health and well-being through sustainable development. The development is acceptable in principle and the key issue is whether there are any adverse site planning impacts from the proposed development that would have a significant impact on the amenity of local residents. The report identifies that there are impacts from the development, but, subject to conditions, these are considered to be within acceptable limits.

The concerns raised in the letters of representation and by Environmental Health are acknowledged however having regard to the established use of the existing site, which could just as easily attract noisy users during unsociable hours as the proposed development and the distance of the unlit MUGA to residential properties, the proposal is not considered to have a significant impact upon the living conditions of neighbours. Similarly the visual impact of the proposal is considered to be acceptable in its context and the retention of existing trees and additional planting will help to soften its visual impact. The proposed facilities provide a variety of play and recreational opportunities for use all year round for a range of ages and abilities, and the shared footway / cycleway increases the accessibility between the Adlington Road area and the Dean Row area by means other than the private car. No car parking is provided as this is a local facility serving the adjacent residential areas, but a condition requiring the provision of cycle parking is recommended. Additional information is awaited regarding the lighting scheme and its impact upon bat habitat, and subject to the receipt of this information, the proposal will accord with the development plan and represent a sustainable form of development. Accordingly a recommendation of approval is made.

SUMMARY RECOMMENDATION

Approve subject to conditions

REASON FOR REPORT

The application relates to a site exceeding 2 hectares and therefore requires a committee decision.

DESCRIPTION OF SITE AND CONTEXT

The application site is a 2.9 hectare greenfield site lying to the north east of Wilmslow. There is a play area to the northern corner and protected trees along some of the site boundaries. The site is located on the southern side of Browns Lane. Residential properties border the site to the south, east and west. The majority of the site is allocated as Existing Open Space in the Macclesfield Borough Local Plan. The southern extent of the site formed the open space associated with the residential development that is nearing completion off Adlington Road to the south.

DETAILS OF PROPOSAL

This application proposes to improve the facilities on this site to make it more accessible and provide more opportunities for play and recreation. In this regard the application seeks full planning permission for the provision of a path network including one section of adoptable shared use path with lighting, a new play area, a new drainage system, a multi-use games area (MUGA) and a pitch for kick-about football.

RELEVANT HISTORY

14/0007M - Erection of 204 dwellings including demolition of outbuildings, public open space, highways works, entry statement signs and associated infrastructure – Approved 09.10.2014

There have been a number of amendments to the above permission, but these did not materially impact upon the current application site area.

POLICIES

Development Plan

Cheshire East Local Plan Strategy

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

SC1 Leisure and Recreation

SC2 Indoor and Outdoor Sports Facilities

SC3 Health and wellbeing

SE1 Design

SE2 Efficient use of land

SE3 Biodiversity and geodiversity

SE4 The Landscape

SE5 Trees, Hedgerows and Woodland

SE6 Green Infrastructure
SE12 Pollution, land contamination and land stability
SE13 Flood risk and water management
CO1 Sustainable travel and transport

Macclesfield Borough Local Plan saved policies

NE11 Nature conservation
RT5 Open space standards
DC3 Residential Amenity
DC6 Circulation and Access
DC8 Landscaping
DC9 Tree Protection
DC14 Noise
DC63 Contaminated land

Other Material Considerations

National Planning Policy Framework (The Framework)
National Planning Practice Guidance

Wilmslow Neighbourhood Plan

Wilmslow Neighbourhood Plan - Regulation 17 stage reached (Examination of the plan), therefore whilst the plan is at a relatively advanced stage only limited weight can be attached to the following relevant policies:

SP1 Sustainable Construction
SP2 Sustainable Spaces
SP3 Sustainable Transport
NE5 Biodiversity Conservation
TA5 Cycling in Wilmslow
CR1 Community Facilities
CR3 Local Green Spaces

CONSULTATIONS (External to Planning)

United Utilities – No objection subject to drainage conditions

Flood Risk Manager – No objections subject to drainage condition

Environmental Health – Suggest a noise management plan is submitted

Head of Strategic Infrastructure – Parking provision needs to be considered

ANSA – No comments received

Wilmslow Town Council – No objection, but note that it would be helpful for a project plan to be made available to the wider public.

OTHER REPRESENTATIONS

13 letters of representation have been received. 10 of these letters object to the development on the following grounds:

- Site has received very little maintenance in recent years
- Proposed drainage scheme may risk Browns Lane section flooding further
- Trees on northern boundary and all the margins are important habitat for bats and reptiles
- Inconsistencies in plans – location of MUGA
- 3m high fence 38m in length will be an eyesore
- Hard surface of MUGA goes against character of green space
- 3m wide surfaces do not take account of root protection areas of trees
- Introduction of road light is inappropriate and will cast light into bedrooms
- Low level lighting could be used
- Benches will encourage noisy teenagers gathering
- MUGA will lead to increased anti social behaviour (as was case with MUGA in Handforth)
- MUGA will lead to loss of public visual amenity due to position, size and materials
- MUGA is overbearing on neighbouring properties on the western and eastern sides
- MUGA will lead to a loss of privacy and increase overlooking
- MUGA represents an overdevelopment of the site, removing green open space replaced with tarmac and fencing
- Does not comply with Fields in Trust Policy to protect open spaces or planning and design guidelines
- Impact could be reduced by rotating MUGA by 90 degrees and positioning at Browns Lane
- Install trees and bunding
- Reduce lights to lower level
- Can a fence be erected to increase security to care home
- Benches should not be sited near lights as will encourage antisocial behaviour at night. Police also do not encourage benches directly behind residences
- Dog mess is a common problem that needs to be addressed
- Provision for car parking?
- No evidence of need for MUGA
- Light impact assessment should be provided to ensure no adverse impact on neighbouring properties
- Timing of work will mean park will be closed in summer

2 letters make the following general observations:

- Hoped that site does not become focus for anti social behaviour (as was case with MUGA in Handforth)
- Concern that others along Pinewood Road and other routes of access have not been consulted

1 letter supports the proposal noting:

- Improved drainage and equipment will be great
- Significantly improve access and safety
- Can pedestrian access be retained during works?

OFFICER APPRAISAL

PRINCIPLE OF DEVELOPMENT

Policy SC1 of the CELPS states that the Council will support and promote the provision of better leisure, community and recreation facilities where there is a need for such facilities, the proposed facilities are of a type and scale appropriate to the size of the settlement, are accessible and support the objectives of the Local Plan Strategy.

As acknowledged in a number of the letters of representation, the existing area of open space is in need of enhancement, and this need is reinforced by the addition of over 200 new homes on the Adlington Road development to the south of the site. As part of this proposal significant financial contributions were secured towards public open space and recreation and outdoor sports provision in the local area to mitigate for the additional impact upon existing facilities arising from the new residential development. The primary focus for the spend of the s106 funds was identified to be Browns Lane open space area - the current application site.

The proposed facilities including MUGA, new play area, pitch for kick about football, shared use path with lighting and new drainage system are considered to be of a type and scale appropriate to the local area. The play area will provide enhanced facilities for the increased local community, the MUGA, kick about pitch and drainage system will provide sports facilities that will allow children (and even adults) the space and opportunity to be active throughout the year, and the shared use path with lighting will improve accessibility for pedestrians and cyclists between the Adlington Road and Dean Row / Summerfields areas. The site is accessible from all surrounding areas, and the development is considered to support the objectives of the local plan strategy, particularly with regard to the creation stronger communities. As noted on p106 of the CELPS, *“Leisure opportunities bring together members of a community who work, live and play within an area. Leisure and sports facilities and green spaces such as parks and allotments can help enhance everyone’s life. Such provision is important for residents’ social, mental and physical health and well-being and to the achievement of sustainable communities”*.

For these reasons, the proposal is considered to comply with the requirements of policy SC1 of the CELPS and the principle of the development is therefore acceptable.

It should be noted that a lot of the proposed facilities do not require planning permission. Part 12 of the General Permitted Development Order relates to development by local authorities, and it identifies the following as permitted development:

“A. The erection or construction and the maintenance, improvement or other alteration by a local authority or by an urban development corporation of—

(a) any small ancillary building, works or equipment on land belonging to or maintained by them required for the purposes of any function exercised by them on that land otherwise than as statutory undertakers;

(b) lamp standards, information kiosks, passenger shelters, public shelters and seats, telephone boxes, fire alarms, public drinking fountains, horse troughs, refuse bins or baskets, barriers for the control of people waiting to enter public service vehicles, electric vehicle charging points and any associated infrastructure, and similar structures or works required in connection with the operation of any public service administered by them.”

Notwithstanding this, as a responsible landowner, the applicant has sought to address concerns where possible, even where those works do not necessarily require planning permission.

RESIDENTIAL AMENITY

The objectives of policy SE12 of the CELPS include seeking to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon noise or light pollution which would unacceptably affect the natural and built environment, or detrimentally affect amenity or cause harm.

Policy SD2 of the CELPS expects all development to use appropriate design, construction, insulation, layout and orientation to create developments that discourage crime and anti-social behaviour.

Policy DC3 of the MBLP seeks to protect the amenities of adjoining or nearby residential properties, and policy DC13 of the MBLP states that noise generating developments which cumulatively would increase the ambient noise level to an unacceptable level, will not normally be permitted.

Environmental Health has commented on the proposal and noted that noise will be heard from the new playground area, the kick-about football pitch and the MUGA - mainly from voices. Environmental Health has therefore suggested that a noise management plan is submitted and they would like to see controls to manage and restrict the use of the facilities. As the MUGA is a fenced area, the noise management plan could include the days / times that the MUGA can be used and how this will be managed. It will be difficult to apply similar controls to the kick about football use as this is an open area.

The proposed facilities are specifically aimed at attracting children, as individuals or in groups. It will be inevitable therefore that groups of children will gather in the area, and this will result in some noise. However, the same can be said of the existing site. There is an existing play area in the north west corner of the site immediately adjacent to the boundary shared with residential properties, and whilst there are goal posts located centrally within the existing site, any part of the site could be used as a kick about area. It is therefore considered that the play area and kick about area would not result in a significantly worse impact upon neighbouring properties than the existing facilities.

The proposed MUGA is located 34 metres from the boundary of the nearest residential property on Browns Lane. This is one of the new properties erected as part of the recent Adlington Road residential development. There will be 72 metres between the rear garden boundaries of the properties on Walnut Close to the west of the application site and the proposed MUGA.

Fields in Trust is the operating name of the National Playing Fields Association (NPFA) and has been protecting outdoor space for sport and recreation since 1926. As part of their work they provide guidance for practitioners on open space provision and design, and within this guidance they provide recommended buffer zone distances to ensure appropriate relationships with residential properties. Their recommended buffer for a MUGA is a 30 metre

separation distance between the activity zone and the boundary of dwellings to ensure that the facilities do not enable users to overlook neighbouring properties and reduce the potential of conflict between local residents and those at play.

In this case, the proposed separation distances exceed those recommended by Fields in Trust guidance and are considered to be acceptable. The MUGA has been deliberately located away from the lighting along the western side of the site to discourage use after dark to reduce any potential anti social behaviour issues.

In terms of a noise management plan suggested by Environmental Health, the applicant has confirmed that the facilities will be open at all times, and that they will not have staff on site every day, and certainly not twice a day, to open and lock the MUGA. Volunteers cannot be relied upon as despite their best intentions, with holidays and other commitments, it is inevitable that it will be left open or locked on occasion. The volunteer may also need to empty the MUGA of occupants before locking it, which might not always be a straightforward task.

However, ultimately the management of the site rests with the Council, or ANSA, and as a responsible landowner, should any anti-social behaviour result from the proposal, the Council will be able to consider what options are available to them to prevent it at that time. It should also be noted that the MUGA will not be illuminated, which will serve to restrict its use during unsociable hours.

Concern has also been raised in the letters of representation regarding the provision of lighting columns along the proposed shared footway / cycleway and the potential for light spillage into residential gardens. A lighting plan has been provided that demonstrates the 1 lux light level (which is equivalent to twilight) is outside of the nearest residential gardens. Accordingly residential properties are not considered to be significantly affected by light intrusion. It should also be noted that the lighting will be on a timer and will not be on all through the night.

Further objections to the proposal have been raised by local residents regarding the positioning of two benches close to lighting columns along the length of the shared footway / cycleway, suggesting that this could lead to unacceptable levels of noise at night and anti social behaviour. The presence of a bench close to a light does not automatically lead to anti-social behaviour, and given that lighting and seating are items covered under permitted development allowances this is not considered to be a reason to refuse planning permission. As noted above as the site owner the Council will be able to consider options to address anti social behaviour should it arise.

The concerns of neighbouring properties regarding noise and ant-social behaviour are acknowledged, however, having regard to the existing site, which could just as easily attract noisy users during unsociable hours as the proposed development and the distance of the unlit MUGA to residential properties the proposal is not considered to have a significant impact upon the living conditions of neighbours and accords with the relevant aspects of policies SD2 and SE12 of the CELPS and DC3 and DC13 of the MBLP.

Environmental Health has suggested conditions relating to a dust management plan during construction and working hours for noise generating activities during construction. Having

regard to the scale and nature of the development proposed, these conditions are not considered to be necessary or reasonable.

HIGHWAYS

No significant highway issues are raised with regard to the proposed facilities. The Strategic Infrastructure Manager has raised the question of car parking as no dedicated car parking spaces have been provided to serve the improved open space. The applicant maintains that the facility will be a local development intended to increase capacity for the new and existing local residents following the increased local population arising from recently approved housing development. The area will be accessible to pedestrians and cyclists. It is considered that the facility will primarily serve the local population and as such pedestrian and cycle access is likely to be the preferred transport option. Therefore for this reason, and having regard to the nature of the proposed facilities and those that currently exist, dedicated car parking is not considered to be necessary. However a condition requiring the provision of cycle parking is recommended.

The proposed shared footway / cycleway will improve pedestrian and cycle linkages between the Adlington Road area and the Dean Row / Summerfields area by connecting with the existing footway/cycleway network on Dean Row Road (via Browns lane or Pinewood Road) which leads all the way to the Summerfields Local Centre, and links onto the route which runs alongside MacClean Way, which leads to Wilmslow.

TREES

Policies DC9 of the MBLP and SE5 of the CELPS seek to ensure that development does not a significant adverse impact upon trees of amenity value.

The position of the Play Area / MUGA has no impact upon existing trees. The submitted Tree Report provides details of a method statement for hand digging for the 150mm outfall carrier drain to the north of the site within the root protection area of a protected Sycamore tree (T6), the details of which are considered satisfactory. Some thinning and pruning is recommended in the submitted tree report to maintain trees in a healthy condition, but this is not as a consequence of the proposed development, and will be carried out over time under the applicant's management programme it has in place for all its sites. Details of tree protection measures will need to be provided to ensure contractors vehicles/machinery for drainage and installation work are kept outside of root protection areas to avoid compaction, which can be dealt with by condition. Subject to this condition the proposal will comply with policies SE5 of the CELPS and DC9 of the MBLP.

LANDSCAPE AND DESIGN

CELPS policy SE4 states that all development should conserve the landscape character and quality and where possible enhance and effectively manage the historic, natural and manmade features that contribute to local distinctiveness of both rural and urban landscape.

Policy SD2 of the CELPS expects all development to use appropriate design, construction, insulation, layout and orientation to create developments that discourage crime and anti-social behaviour. As noted in the amenity section of this report, the proposal is considered to achieve this objective. This policy also expects

A number of concerns were raised by the Council's landscape officer to the proposed development relating to:

- Layout of the different elements of the proposed scheme.
- Lighting - recommend programmable, directional lighting to reduce light-pollution into neighbouring properties. Also recommend considering relocation of the MUGA to link it to the proposed lit route, thereby clustering light-demanding activities and reducing the spread of their adverse visual effects.
- Outdoor Experience - recommend the layout is adjusted to reflect children's habits of running directly from one piece of equipment to the next
- Soils and Surfaces - A soils management plan required detailing reservation, storage and re-use of excavated soils. Recommend more sympathetic wearing courses be specified for the path network, such as bound gravel or a sandstone finish, to better reflect the semi-natural character of the site.
- Vegetation - parkland site would be appropriately enhanced by some specimen trees which could provide evergreen or other year-round interest.
- Entrance Features and Boundary Treatments – A length of barbed-wire on the south-west boundary: this should be replaced with a more appropriate option, such as post-and-rail.

The applicant has provided a detailed response to each of these comments, which is summarised below:

Layout

The layout of the open space has largely been dictated by the constraints of the drainage scheme. Drainage has been a growing issue on this site for many years and increasingly the site is becoming land locked by surrounding housing developments which have both exacerbated the problem and limited the options for a solution. A SUDS drainage solution has been chosen in line with CELPS policy SE13. The proposal utilises the natural lie of the land and develops a former pond area as a surface water attenuation pond. The pond then drains into a field ditch system at a controlled rate to reduce water logging on site. The pond, as part of the drainage solution to efficiently drain the site, provides an attractive amenity feature and an opportunity to increase landscape interest and ecological value on site.

Lighting

The lighting system is on a timer and (as noted above) does not have any significant adverse impact upon neighbouring properties. The illuminated path was a principle established at the time the residential development was approved to increase accessibility. The MUGA has expressly been located away from the lighting to discourage use after dark to reduce anti social behaviour issues. It has also been moved away from the neighbouring residential properties that include an elderly persons residential care home.

Outdoor Experience

The play area design offers a fully accessible site in all seasons with a variety of play opportunities for a range of ages and abilities. A grass, dog free, free-play area is essential

where children can be free to explore and families can picnic. The applicant states that they have selected equipment that will be robust, challenging and inclusive. Specific requirements within the community were highlighted through consultation and inclusivity has been a core aspiration for this play area.

Soils and surfaces

All soils will be retained on site and used to create bunding for the pond area, level the northern entrance and provide low mounds around the MUGA and play area to further reduce their impact on the landscape. Soil movement will take place during the driest periods and vehicular access on site will be managed to avoid unnecessary disturbance and compaction. Any storage of soil will be kept for as short a period as possible. Imported soil will be from a reputable supplier. Additional details are required relating to specific land level changes arising from the soil management plan, which can be dealt with by condition.

The paths surfacing have been chosen for their accessibility, affordability and hard wearing qualities. ANSA has a responsibility to provide hardwearing, durable, sustainable surfaces that provide good quality access for prams and wheelchairs, bikes and walkers with a range of abilities. ANSA aims to encourage and enable people of all abilities and levels of physical fitness by providing accessible paths.

Vegetation

With the exception of essential tree works and some thinning, all vegetation will be retained on site. The tree palette reflects the conditions on site. They are water tolerant because this is a wet site and whilst improved drainage will make a large portion of the site drier and more useable, some of the site will remain relatively wet where other species would at best tolerate and at worst fail. The selection also increases the number of high canopy trees to the site for a greater positive impact for birds and bats and to reinforce semi-natural character of the site.

Some concern has been raised by in the letters of representation regarding the visual impact of the 3m high fence surrounding the MUGA. The MUGA will inevitably have some visual impact, however the fencing is wire mesh which has a relatively lightweight appearance, and the MUGA will be an open space facility in an established area for recreation and play, now surrounded on three sides by residential properties, and as such it will not be a discordant feature in its setting.

Having regard to the details set out above, the proposal is considered to provide appropriate open space facilities within an allocated area of open space. Additional tree planting is also proposed as part of the development which will help to soften the visual impact of the facilities. Overall the proposal is considered to comply with policy SE4 of the CELPS.

ECOLOGY

Policy SE3 of the CELPS and policy NE11 of the MBLP seek to protect and enhance areas of biodiversity and geodiversity. An ecology report has been submitted with the application, and the following matters are relevant to the proposal:

Bats

None of the mature trees on the site will be affected by the works, which will prevent any impacts upon trees with roost potential for bats.

Hedgerows

Hedgerows are a priority habitat and hence a material consideration. The nature conservation officer has recommended a condition to retain and enhance existing hedgerows. However, the proposals will not have any significant impact on hedgerows and therefore such a condition is unnecessary.

Lighting

The proposed lighting scheme should include some dark areas and avoid light spill upon bat roost features, bat commuting and foraging habitat (boundary hedgerows, trees, watercourses etc.) and achieve a maximum of 1lux light spill on those features. The submitted lighting plan shows a lux spill of greater than 1 lux on the boundary vegetation which has the potential to negatively impact upon wildlife. A revised plan has therefore been requested to address this and reduce the maximum light spill on boundary vegetation to a maximum of 1 lux. Further details will be provided as an update.

Breeding Birds

If planning consent is granted, a condition is recommended to safeguard breeding birds and provide enhancement.

Ecology conclusion

Subject to the satisfactory receipt of the outstanding information and conditions the proposal will comply with policy SE3 of the CELPS and NE11 of the MBLP. Further details will be provided as an update.

FLOOD RISK

The site is located within flood zone 1 however, as noted above, drainage and waterlogging has been an issue on this site for some time. The proposed drainage works are intended to make more of the site drier and more useable.

The Flood Risk Manager raises no objections to the proposal providing that the development can demonstrate surface water to be drained within site boundary and appropriately discharged. A condition requiring the submission of a detailed drainage strategy / design limiting the surface water runoff generated by the proposed development is recommended. Subject to this condition the proposal will comply with policy SE13 of the CELPS.

CONCLUSION

The concerns raised in the letters of representation and by Environmental Health are acknowledged however having regard to the established use of the existing site, which could just as easily attract noisy users during unsociable hours as the proposed development and the distance of the unlit MUGA to residential properties, the proposal is not considered to have a significant impact upon the living conditions of neighbours. Similarly the visual impact of the proposal is considered to be acceptable in its context and the retention of existing trees and additional planting will help to soften its visual impact. The proposed facilities provide a

variety of play and recreational opportunities for use all year round for a range of ages and abilities, and the shared footway / cycleway increases the accessibility between the Adlington Road area and the Dean Row area by means other than the private car. No car parking is provided as this is a local facility serving the adjacent residential areas, but a condition requiring the provision of cycle parking is recommended. Additional information is awaited regarding the lighting scheme and its impact upon bat habitat, and subject to the receipt of this information, the proposal will accord with the development plan and represent a sustainable form of development. Accordingly a recommendation of approval is made.

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Materials as application
4. Tree protection
5. Detailed strategy / design limiting the surface water runoff to be submitted
6. Cycle parking details to be submitted
7. Nesting bird survey to be submitted
8. Features for use by breeding birds to be submitted
9. Proposed land levels to be submitted
10. Implementation of approved landscaping plan

