

Application No: 20/0060M

Location: Land west of Adlington Business Park, Former Part of Adlington Golf Centre, London Road, Poynton

Proposal: Area for the temporary storage of material arising / required during / for the construction of Poynton Relief Road, providing a replacement area for a material storage area associated with the approved Poynton Relief Road (ref. 16/4436M)

Applicant: Chris Hindle, Cheshire East Council

Expiry Date: 08-Apr-2020

## **SUMMARY**

Full planning permission is sought for the temporary storage of materials during the construction of Poynton Relief Road (PRR) approved under planning ref. 16/4436M. It is intended to be used throughout the construction period 2020 to 2022. Once construction is completed the area will be restored to open grassland.

The proposed development would technically constitute inappropriate development in the Green Belt which by definition would be harmful. However, in this case it is considered that very special circumstances exist to outweigh the harm caused namely:

- i) the impact of the scheme on the Green Belt would be tempered considerably on the basis that the harm will persist only for a temporary period (2020-2022).
- ii) the proposal is required for the delivery of a key local transport infrastructure project
- iii) there is already consent in place for a similarly sized materials storage area to the west, albeit the consented scheme is slightly larger
- iv) there are no preferable alternative sites available, and all alternatives are in the Green Belt having equal or greater harm on openness

There are no objections on the grounds of landscape impact / trees, residential amenity, ecology, highways, public rights of way, flood risk or heritage assets.

## **RECOMMENDATION**

**Approve with conditions**

## **SITE DESCRIPTION**

This application relates to an area of land measuring approximately 1.93 ha in size located to the west of Adlington Business Park and to the south west of Poynton. The site is part of Adlington Golf Centre but has recently been purchased by Cheshire East Council. The land sits directly to the east of the proposed Poynton Relief Road which would run on a north to south alignment. The site remains fairly open with some variance in levels across the site. Adlington Bridleway No.42 runs along the northern boundary to the site providing access to Shirdfold Farm which is located approximately 140 metres to the west. The site lies entirely within the North Cheshire Green Belt.

## **PROPOSAL**

Full planning permission is sought for the temporary storage of material arising / required during / for the construction of Poynton Relief Road (PRR) approved under planning ref. 16/4436M. This is a replacement for the storage area on the western side of the PRR and is intended to be used throughout the construction period 2020 to 2022. Once construction is completed the area will be restored to open grassland.

The applicant is seeking a 3 year temporary consent which allows for some flexibility as the timescales for the project are not yet fixed as the scheme design is in the process of being finalised and consultation is due to start shortly. Whilst the scheme should be complete in 2 years, 3 years is requested to allow for unforeseen delays and to allow for the materials storage area to be returned to a suitable state.

## **RELEVANT PLANNING HISTORY**

16/4436M – Construction of Poynton Relief Road, incorporating: a two way single carriageway; combined cycleway and footway on the western side of the carriageway; modifications to existing road junctions; new public rights of way/accommodation bridges; balancing ponds for drainage purposes; and associated landscaping, lighting; ancillary operations, engineering and infrastructure works.

Within Cheshire East the scheme comprises construction of the proposed Poynton Relief Road from the A523 London Road, at its southernmost point, continuing in a generally northerly direction before its interception with the Cheshire East/Stockport Boundary (located approximately 800m south of the A5149 Chester Road). The relief road within Cheshire East would incorporate: A two way single carriageway; Combined cycleway and footway on the western side of the carriageway; Modifications to existing road junctions; A new road junction; A new structure over the road; New public rights of way; A pedestrian and cycle route adjacent to the road; Balancing ponds for drainage purposes; off site works; and associated ancillary, landscaping; lighting; engineering and infrastructure works – Approved 08-Jun-2017

## **POLICIES**

### **Cheshire East Local Plan Strategy – 2010-2030**

PG3 – Green Belt

SD1 - Sustainable Development in Cheshire East

SD2 - Sustainable Development Principles

IN 1 - Infrastructure

SE 1 - Design  
SE3 – Biodiversity and Geodiversity  
SE 4 - The Landscape  
SE 5 - Trees, Hedgerows and Woodland  
SE 7 – Heritage Assets  
SE 13 - Flood Risk and Water Management  
CO2 – Enabling Business Growth Through Transport Infrastructure

### **Macclesfield Local Plan (Saved policies)**

BE.1 – Amenity  
BE.3 – Access and Parking  
BE.4 – Drainage, Utilities and Resources  
NE.5 – Nature Conservation and Habitats  
NE.9 – Protected Species  
NE.17 – Pollution Control  
NE.20 – Flood Prevention  
GC1 – Green Belt  
T1 – General Transportation Policy

### **Poynton Neighbourhood Plan (made on the 21 November 2019)**

EGB 2 Surface Water Management  
EGB 5 Access to the Countryside  
EGB 7 Landscape Protection and Enhancement  
EGB 8 Landscape Enhancement  
EGB 9 Protection of Rural Landscape Features  
EGB 10 Nature Conservation  
EGB 23 Development within the curtilage or setting of a listed building  
TAC 1 Walking and Cycling  
HEWL 8 Poynton to become a non- charging clean air zone

### **Other Material Considerations**

The National Planning Policy Framework  
The EC Habitats Directive 1992  
Conservation of Habitats & Species Regulations 2010  
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and their Impact within the Planning System  
National Planning Practice Guidance

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

**Flood Risk Manager** – No objection

**Highways** – No objection

**Public Rights of Way (PROW)** – No objection - Although the proposed development appears to be adjacent to a Public Right of Way, namely Bridleway No.42 in the parish of Adlington, it is unlikely the

development will impact on the adjacent PROW it is recommended that an advice note be attached to any approval reminding the developer of their obligations.

**Environmental Protection** – No comments received.

## **VIEWS OF ADLINGTON PARISH COUNCIL**

Adlington Parish Council is concerned that approval of this application would be inconsistent with previous planning decisions, including most recently 18/3178M which was an application relating to the opposite side of the site referred to in 20/0060M. One of the main reasons that 18/3178M was refused planning permission was on the grounds of highways safety in respect of the access route, which is the same route to be used in 20/0060M. The Decision Notice for 18/3178M stated that 'no evidence had been provided to demonstrate that the existing narrow single track leading to the site would be able to safely accommodate HGVs which would be contrary to advice in the recently adopted 6 C's Design Guide' and the Planning Officer's Report stated that 'the access road is a narrow private road at approximately 5m wide and is well below the design standards of a 7.3m wide road for a B8 use. Although the applicant has indicated that the largest vehicle that will use the site is to be limited to a 10m rigid vehicle, this cannot be satisfactorily enforced. Additionally, there are sections on the road where two HGV's would not be able to pass one another'.

Planning Application 18/3178M was also turned down on appeal, the Planning Inspector stating in Paragraph 8 of that report 'part of the access road would be well below the Council's minimum standard of 7.3 metres, which is intended to allow 2 commercial vehicles to safely pass each other on the same stretch of road. From what I saw, tall roadside hedgerows and the curvature to the highway would also hinder forward visibility of oncoming users. As this access road is also the route of a bridleway, users could include pedestrians, cyclists and horse riders as well as other drivers, not all of which would necessarily be familiar with local highway conditions. Taken together, these factors clearly indicate that the access road to serve the proposed development is not well suited for use by large commercial vehicles.'

## **OTHER REPRESENTATIONS**

One representation has been received expressing the following concerns:

- Neighbouring landowner not consulted
- Neighbouring landowner had an application refused (ref; 18/3178M) because the road was not suitable for HGV'S, the same road proposed to use to facilitate the construction of the Poynton Relief Road

## **OFFICER APPRAISAL**

### **Principle of Development**

The National Planning Practice Guidance affords the Green Belt significant protection stating at para 144:

“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the

potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”

NPPF Para 146 states that certain forms of development are not inappropriate development provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. The forms of development specified include both ‘engineering operations’ and ‘local transport infrastructure which can demonstrate a requirement for a Green Belt location’.

Consequently, the provision of the proposed materials storage area as part of the proposed road scheme could be considered as being ‘appropriate development’ in the Green Belt. However, a view must be reached as to whether or not there would be any other harm in terms of openness.

The proposal, due to its scale and nature, will have an impact on the openness of the Green Belt for the construction phase of the development. Whilst there are no buildings proposed, the above ground storage of materials and associated construction activities will affect openness and cause encroachment into the countryside contrary to the purposes of including land in the Green Belt. Any such harm is attributed significant weight. There would also be additional harm to the landscape, which carries moderate weight against the proposal. As such, whilst the development does by definition constitute appropriate development in the Green Belt, owing to the impact on openness, the proposed development represents inappropriate development in the Green Belt.

For this scheme to be granted planning permission, the identified harm to the Green Belt (and any other harm) must be *clearly outweighed* by other considerations and whether there are any ‘very special circumstances’ which exist to outweigh the identified harm. It is considered that in this case, the following very special circumstances exist:

- i) the impact of the scheme on the Green Belt would be tempered considerably on the basis that the harm will persist only for a temporary period (2020-2022).
- ii) the proposal is required for the delivery of a key local transport infrastructure project
- iii) there is already consent in place for a similarly sized materials storage area to the west, albeit the consented scheme is slightly larger
- iv) There are no preferable alternative sites available, and all alternatives are in the Green Belt having equal or greater harm on openness

In short, the materials storage area is required for the construction of the Poynton Relief Road, which has already been demonstrated to require a Green Belt location. This proposal will have the same, if not lesser impact on the openness of the Green Belt as the consented materials storage area is slightly larger in area. It is considered that these factors, in combination, do clearly outweigh the other harm identified and therefore very special circumstances exist to outweigh the identified harm. This is subject to the condition that the use is temporary and the site is restored to agricultural use when the works are finished. On this basis, the principle of development is found to be acceptable and in accordance with the advice of the Framework, CELPS Policy PG 3 and saved MBLP Policy GC1.

### **Landscape Impact and Trees**

Whilst the proposal would have some limited landscape harm, this is limited by the temporary nature of the proposals, which would allow the land to be returned to grassland following the completion of the Poynton Relief Road. The Council’s Landscape Officer has raised no objections to a temporary consent.

Similarly, the Council's Principal Forestry and Arboricultural Officer has confirmed that the proposal does not raise any significant arboricultural implications and therefore the scheme is acceptable with regard to its impact on trees. The scheme accords with PNP policies EGB 7 / 8 and 9 and CELPS policies SE 4 and SE 5.

## **Residential Amenity**

The nearest residential property, 'Shirdfold Farm', is located some 140 metres to the west of the proposed materials storage area. The consented materials storage area would have sat alongside the boundary to this neighbouring property and therefore this proposal to site it further away would not raise any further amenity concerns. The scheme accords with CELPS Policy SD2 and saved MBLP Policy BE 1.

## **Ecology**

The Council's Nature Conservation Officer (NCO) has reviewed the application and has commented that in terms of biodiversity, the existing habitats on site form part of the golf course and are of limited nature conservation value. The applicant proposes to restore the site to 'open grassland' which would be less intensively managed and so be of marginally more value than the existing habitats. The proposed development would therefore deliver a minor gain for biodiversity.

The scheme has also been assessed by the NCO with regard to the following species:

Great Crested Newts and Common Toad - Two ponds are known to support breeding great crested newts located immediately adjacent to the application site. Common Toad, a priority species is also known to occur in this locality. The proposed development will result in the temporary loss of a significant area of low quality terrestrial amphibian habitat and also pose the risk of killing or injuring any animals present on site when the works are undertaken.

It should be noted that since a European Protected Species has been recorded on site and is likely to be adversely affected by the proposed development the planning authority must have regard to whether Natural England would be likely to subsequently grant the applicant a European Protected species license under the Habitat Regulations. A license under the Habitats Regulations can only be granted when:

- the development is of overriding public interest,
- there are no suitable alternatives and
- the favourable conservation status of the species will be maintained

In order to mitigate the risk of amphibians being killed or injured during the construction phase, the applicant proposes to trap and exclude newts from the footprint of the proposed works. Captured newts would be transferred to the adjacent ecological mitigation area created as part of the road scheme. The loss of habitat associated with the proposals would be compensated for through the creation of ecological mitigation areas as part of the Poynton Relief Road scheme and the re-instatement of terrestrial habitat on the application following the cessation of use of the land as a storage area.

The applicant is also in the process of negotiating the entry of the road scheme and temporary storage area into Natural England's District Licencing Scheme for great crested newts.

On the basis of the above, The Council's NCO has advised that both the proposed on site mitigation and the entry of the scheme into Natural England's District licencing scheme would be sufficient to maintain the favourable conservation status of great crested newts.

The NCO has also confirmed that there is not a significant difference between the impacts of the consented temporary storage area (to the west) and the currently proposed site on great crested newts. The creation of the ecological mitigation areas associated with the road scheme and the re-instatement of habitats following the completion of works would be sufficient to address the potential impacts of the proposed development upon common toad. Given that the proposal is for a local transport infrastructure project for which there are significant benefits which has been demonstrated to require this location, the development is of overriding public interest and there are no suitable preferable alternatives. The tests in the Habitat Regulations are therefore met.

Badgers - The submitted Environmental Assessment advises that no habitat for badgers was identified on site during the surveys undertaken in support of the consented relief road scheme. However, the surveys to inform the original application for the relief road were undertaken a number of years ago. Having regard to the transient nature of the species the survey has been updated and the NCO has advised that no evidence of badgers was recorded during that survey. Badgers are not reasonable likely to be affected by the proposed development.

Conditions are recommended requiring the submission and implementation of a 25 year habitat management plan for this area and accordance with proposed great crested newt mitigation measures. Subject to this, the scheme is found to be acceptable in terms of nature conservation and compliant with PNP Policy EGB 10, CELPS Policy SE 3 and saved MBLP Policy NE 5.

## **Highway Implications**

The Head of Strategic Infrastructure (HSI - Highways) has confirmed that no highways objections are raised on the basis that the proposal would be a like for like replacement of the already approved materials storage area which would have been to the west of the proposed Poynton Relief Road.

Adlington Parish Council and objectors have referenced a recently dismissed appeal which involved the use of the access / Bridleway to Shirdfold Farm to serve a proposed B8 storage and distribution unit (planning ref; 18/3178M refers). Each case must be assessed on its own merits. In this case, it must be noted that this proposal would only be for a temporary period whereas the referenced appeal scheme would have generated a number of HGV and associated vehicular movements on a permanent basis. Further, this proposal, whilst requiring early access via the existing track to setup, will only be required for the materials storage area and once construction phases progress, internal access from the proposed road scheme will reduce these movements. It is recommended that a temporary Traffic and Bridleway Management Plan be secured by condition which includes:

- traffic management and control measures for all users of the Bridleway;
- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials

Subject to this, there are no material highway implications associated with the proposal.

## **Public Rights of Way (PROW)**

The proposed development lies adjacent to a Public Right of Way, namely Bridleway No.42 in the parish of Adlington. The Council's Public Rights of Way Unit has confirmed that it is unlikely that the development will impact on the adjacent Bridleway. However, it is recommended that an advice note be attached to any approval reminding the developer of their obligations.

### **Flood Risk and Drainage**

The site is located within Flood Zone 1 where flooding from rivers and the sea is very unlikely with less than a 0.1 per cent (1 in 1000) chance of flooding occurring each year. As part of the proposal, the topsoil would be stripped and some levelling works would be undertaken to facilitate its use as a materials storage area. A localised area of hardstanding would be created for a crane. However, this proposal would replace the existing materials store and would be of the same size but in a different position. Consequently, the impact on surface water drainage would be no greater than the consented scheme which has already been taken into account. Added to this, the proposal would be for a temporary period only and the land would be returned to its former state. On this basis, the Council's Flood Risk Manager has offered no objection and therefore the scheme is found to accord with PNP Policy EGB 2, Policy SE 13 of the CELPS and saved Plociy NE 20 of the MBLP.

### **Heritage Assets**

The closest designated heritage asset is the Grade II Listed Lostock Hall Farmhouse to the north. However, the proposed site is far enough away from the building and its curtilage not to directly affect its setting and therefore will be acceptable in this regard. The proposal accords with PNP Policy EGB 23 and CELPS Policy SE 7.

### **CONCLUSIONS**

Whilst the provision of the proposed materials storage area can be considered to be appropriate development within the Green Belt, under the exceptions of it being required for the construction of 'local transport infrastructure' and comprising of 'engineering operations', owing to the impact on openness and the landscape that will be brought about by the above ground storage of materials and construction activities, the proposal is considered to be inappropriate development. However in this case it is considered that very special circumstances exist to clearly outweigh the harm caused namely:

- i) the impact of the scheme on the Green Belt would be tempered considerably on the basis that the harm will persist only for a temporary period (2020-2022).
- ii) the proposal is required for the delivery of a key local transport infrastructure project
- iii) there is already consent in place for a similarly sized materials storage area to the west, albeit the consented scheme is slightly larger
- iv) there are no preferable alternative sites available, and all alternatives are in the Green Belt having equal or greater harm on openness

There are no objections on the grounds of landscape impact / trees, residential amenity, ecology, highways, public rights of way, flood risk or heritage assets.

Whilst there are requirements to refer certain Green Belt departure applications to the Secretary of State, in this case, whilst the site is a significant size, the impact on openness is limited by virtue of the



temporary nature of the use, and as such it is not considered necessary to refer the matter. Members will also note that the Secretary of State granted the original Consent Order which included the materials storage area that this one would replace.

## **RECOMMENDATION**

**APPROVE** subject to the following conditions

- 1. Temporary 3 year consent**
- 2. Land to be reinstated to agricultural land at the end of the approved period with any hard-surfaces being removed**
- 3. Development to proceed in accordance with the approved plans**
- 4. Before taking any HGV access to the land via the Access Track to Shirdfold Farm a Temporary Traffic and Bridleway Management Plan - with detailed method statements shall be submitted to, approved and implemented**
- 5. Development to proceed in accordance with the great crested newt mitigation measures**
- 6. 25 year Habitat Management Plan for the site to be submitted, approved and implemented**

*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, in consultation with the Chairman (or in his absence the Vice Chairman) of Northern 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.*

