

Application No: 23/2348M
Application Type: Full Planning
Location: Wilmslow Rugby Union Football Club Kings Road, Wilmslow, Cheshire East, SK9 5PZ
Proposal: Full planning permission for engineering works comprising site reprofiling works, new drainage and installation of 3G sports pitch and associated external works
Applicant: Mr J Laverick Wilmslow Rugby Union Football Club Ltd,

Expiry Date: 16 August 2023

SUMMARY

The application site comprises Wilmslow Rugby Club which is designated as an existing open space within the Green Belt.

It is considered that the proposals for a replacement of a grass playing pitch with an Astro turf, all weather surface pitch with associated fencing and lighting are in compliance with the aims of enhancing and protecting an existing outdoor sports venue with established on site associated infrastructure, within an existing open space. Further comments from Sport England are awaited.

Following revisions to the proposals during the course of the application and subject to the use of planning conditions to secure further details it is considered there are no significant adverse impacts in regard to design, amenity, highways, accessibility, ecology, trees, residential amenity or flood risk subject to further comments from United Utilities and the Environment Agency.

It considered that the proposals would support the provision of an enhanced outdoor sporting offer and promote healthy lifestyles for Cheshire East residents.

SUMMARY RECOMMENDATION

Approve subject to conditions and outstanding responses from consultees

1. REASON FOR REFERRAL

1.1. This application has been called in to committee at the request of Cllr Mark Goldsmith on the 23rd July 2023 due to the following concerns:

"The application letter mentions "A noise survey is provided to support the assessment in relation to noise from the premises and associated with the proposed engineering works and use of the 3G pitch."

However, this does not seem to have been provided, nor has a flood risk assessment. Nor is there a report on the flood lighting and how this may affect local residents.

Residents are concerned that this all-weather pitch will be rented out continually and will not just be used by the rugby club. They have questioned why the application is shown as 2 x 5-

aside pitches, not as a rugby pitch. Their concerned is that this will primarily be a commercial 5-a-side centre that will generate considerable noise 7-days a week and up to 10pm at night."

2. DESCRIPTION OF SITE AND CONTEXT

2.1 The application site relates to an existing Rugby Club located within the Green Belt, adjacent to an area of residential properties. The site comprises a match pitch and a training pitch with the training pitch adjacent to the rear elevations of residential properties on Woodlands Road. The properties on Woodlands Road are situated at a higher level than the rugby club and these properties enjoy large rear gardens. The River Bollin lies immediately to the north of the application site. The site is allocated as Protected Open Space within the Green Belt and the Bollin Valley Local Landscape Designation. The Site is partially mapped within the EA's fluvial Flood Zones 1, 2 and 3 (Low to High Probability), associated with the River Bollin. The proposed development is within Flood Zone 1 (Low probability).

3. DESCRIPTION OF PROPSAL

3.1. The application seeks full planning permission for an all-weather pitch that would be for multi-sport usage would have steel mesh enclosures up to 1.2m in height in green, with associated landscaping, and replacement flood lighting masts.

4. RELEVANT PLANNING HISTORY

14/5158M Installation of floodlighting to training and match level pitches - Approved 10 March 2015

5. NATIONAL PLANNING POLICY

5.1. The National Planning Policy Framework (NPPF) was first published by the Government in March 2012 and has since been through several revisions. It sets out the planning policies for England and how these should be applied in the determination of planning applications and the preparation of development plans. At the heart of the NPPF is a presumption in favour of sustainable development. The NPPF is a material consideration which should be taken into account for the purposes of decision making.

6. DEVELOPMENT PLAN POLICY

6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires decisions on planning applications to be made in accordance with the Development Plan unless material considerations indicate otherwise. The Cheshire East Local Plan Strategy (2010 – 2030) was adopted in July 2017. The Site Allocations and Development Policies Documents was adopted in December 2022. The policies of the Development Plan relevant to this application are set out below, including relevant Neighbourhood Plan policies where applicable to the application site.

6.2. Relevant policies of the Cheshire East Local Plan Strategy (CELPS) and Cheshire East Site Allocations and Development Plan Policies Document (SADPD)

SADPD Policy PG 9: Settlement boundaries
SADPD Policy GEN 1: Design principles
SADPD Policy GEN 2: Security at crowded places
SADPD Policy ENV 14: Light pollution

SADPD Policy ENV 15: New development and existing uses
 SADPD Policy ENV 16: Surface water management and flood risk
 SADPD Policy ENV 3: Landscape character
 SADPD Policy ENV 6: Trees, hedgerows and woodland implementation
 SADPD Policy INF 3: Highway safety and access
 SADPD Policy REC 1: Open space protection
 SADPD Policy REC 3: Open space implementation
 SADPD Policy REC 5: Community facilities
 CELPS Policy MP 1: Presumption in favour of sustainable development
 CELPS Policy PG 2: Settlement hierarchy
 CELPS Policy SD 1: Sustainable development in Cheshire East
 CELPS Policy SD 2: Sustainable development principles
 CELPS Policy SC 1: Leisure and recreation
 CELPS Policy SC 2: Indoor and outdoor sports facilities
 CELPS Policy SC 3: Health and well-being
 CELPS Policy SE 1: Design
 CELPS Policy SE 12: Pollution, land contamination and land instability
 CELPS Policy SE 13: Flood risk and water management
 CELPS Policy SE 2: Efficient use of land
 CELPS Policy SE 3: Biodiversity and geodiversity
 CELPS Policy SE 4: The landscape
 CELPS Policy SE 5: Trees, hedgerows and woodland
 CELPS Policy SE 9: Energy efficient development
 CELPS Policy CO 1: Sustainable travel and transport

6.3. Neighbourhood Plan

Policies of the Neighbourhood Plan relevant to the consideration of this application are:

Wilmslow Neighbourhood Plan:

NE2: River Valley Landscapes
 LSP1: Sustainable Construction
 LSP2: Sustainable Spaces.
 NE1: Countryside around the Town
 NE5: Biodiversity Conservation
 TA2: Congestion and Traffic Flow
 A3: Traffic Management
 CR1: Community Facilities
 CR4: Public Open Space

7. Relevant supplementary planning documents or guidance

7.1. Supplementary Planning Documents and Guidance do not form part of the Development Plan but may be a material consideration in decision making. The following documents are considered relevant to this application:

National Planning Policy Framework (NPPF)
 National Planning Practice Framework (NPPG)

8. **CONSULTATIONS (External to Planning)**

United Utilities: holding objection due to lack of information (currently awaiting an updated comment following receipt of the information)

Environment Agency: holding objection due to lack of FRA (currently awaiting an updated comment following receipt of the information)

Sport England: holding objection due to lack of information (currently awaiting an updated comment following receipt of the information)

Highways: no objection

Environmental Protection: no objections

LLFA: no objection subject to conditions relating to a drainage strategy and updated Flood Risk Assessment

Wilmslow Town Council: *“Wilmslow Town Council recommend refusal of this application. The proposal will result in significant loss of amenity to adjacent properties and disturbance from noise and light pollution.*

This proposal is inappropriate development in the Greenbelt without special circumstances and will be detrimental to the openness of the Greenbelt, the light and noise harming the residential area and countryside including Pigginsshaw Brook a scheduled local wildlife site.

The proposal is contrary to Wilmslow Neighbourhood Plan Policy NE1 ‘Countryside Around the Town’ as it fails to respond the Wilmslow Landscape Character Assessment Area A5 Lower Bollin’s characteristics.

The proposal is also contrary to Wilmslow Neighbourhood Plan Policy NE2 ‘River Valley Landscapes’ Lower Bollin Valley A5 including built development in a visually prominent landscape, and Policy CR4 ‘Public Open Space’ with the significant adverse effect on the adjacent local community.

Wilmslow Town Council also raised strong concerns regarding the lack of Flood Risk Assessment, Topographical Survey, detailed Arboricultural Report, Planning Statement, Noise Survey and Traffic Generation and Parking Report.

The Town Council also notes the proposed site layout and plan does not show all of the houses in Woodlands Road whose back gardens overlook the proposed development.

Wilmslow Town Council also believes the statement that there will be sufficient on-site parking is untrue.”

9. REPRESENTATIONS

Representations from 59no. properties were received with two in support and the remainder objections. The following provides a summary of the responses:

- Noise and light pollution to the surrounding properties from the new pitch which would intensify the use.
- Would result in significant harm to the Green Belt resulting in encroachment
- Would not conserve or enhance the character of the Bollin Valley.
- Traffic and parking issues.
- Potential pollution to the river from microplastics.
- A reasonable hours of usage must be conditioned.
- The proposals would be a massive enhancement for both the club and the wider community, providing much needed all weather sports facilities. At a time when we need to encourage more people of all ages, but especially children, to do more exercise and enjoy the social and mental benefits of playing sport (as the all-weather pitch is not just for rugby), I wholeheartedly back this application.
- The fencing will have a detrimental effect on the character of the landscape.

10. OFFICER APPRAISAL

Principle of the development

- 10.1. The application site is in the Green Belt. The Framework states that the construction of new buildings within the Green Belt is inappropriate development, but Paragraph 154 of the NPPF lists certain forms of development which are not regarded as inappropriate.
- 10.2. One such exception is criterion b), “the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; providing the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it”.
- 10.3. CELPS Policy PG3 of the Cheshire East Local Plan Strategy 2010-2030 (July 2017) replicates the Framework approach to development within the Green Belt, listing the same exceptions to inappropriate development. Being in this case Policy PG3(3)(ii).
- 10.4. The proposals relate to the provision of new facilities for outdoor sport. Specifically, the proposals would make provision for an all-weather pitch to facilitate and encourage participation in sport.
- 10.5. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and the essential characteristics of Green Belts are their openness and their permanence. Openness in terms of the Green Belt has a spatial aspect as well as a visual aspect.
- 10.6. The proposed all-weather pitch will provide a permanent developed feature in place of the existing open playing field and the fencing would be lightweight chain-link fencing and only 1.2m in height. Whilst the proposal would extend the developed area of the existing sports club, it would be entirely within the curtilage of the club, replacing an existing grass pitch, and would not amount to encroachment into the countryside. The built form would therefore consist of the pitch and associated enclosure and replacement lighting columns. In light of the context in which the area would be experienced, it is considered that views into the site would not be materially altered, and the existing character would be preserved subject to enhanced landscape proposals. Consequently, from both a visual and spatial perspective, this proposal (as amended) would not harm the openness of the Green Belt.
- 10.7. There are five purposes of the Green Belt set out at Paragraph 143 of the Framework, these are of a strategic nature which in brief seek to check unrestricted sprawl, prevent neighbouring towns merging, safeguard the countryside from encroachment, preserve the setting and special character of historic town and assist in urban regeneration. Due to its scale, location and setting the development would not conflict with the purposes of Green Belt.
- 10.8. It is therefore concluded that it would not represent inappropriate development within the Green Belt, and that accordingly, it would comply with the Green Belt protection aims of the Framework as well as CELPS Policy PG3 identified above.

Open Space

- 10.9. The application site is located on protected open space and Local Plan Policies SE 6 and REC 1 aim to safeguard open space from inappropriate development. Policy SE 6 of the LPS states that:

4. Strengthening the contribution that sport and playing fields, open space and recreation facilities make to Cheshire East's green infrastructure network by requiring all development to;

- i. Protect and enhance existing open spaces and sport and recreation facilities;*
- ii. Encourage multiple use and improvements to their quality;*
- iii. Provide adequate open space*
- iv. Contribute to the provision of outdoor sports facilities in line with Policy SC 2*
- v. Create or add to the networks of multi-functional green infrastructure;*
- vi. Secure new provision to help address identified shortages in existing open space provision, both in quantity, quality and accessibility;*
- vii. Locate open space facilities in appropriate locations, preferably within development; and*
- viii. Promote linkages between new development and surrounding recreational networks, communities and facilities.*

Policy REC 1 sets out that:

Development proposals that involve the loss of open space, as defined in Criterion 2 below, will not be permitted unless:

- i. an assessment has been undertaken that has clearly shown the open space is surplus to requirements; or*
- ii. it would be replaced by a or better open space in terms of quantity and quality and it is in a sustainable location; or*
- iii. the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss.*

WNP policy CR4 repeats these requirements. This proposal seeks to create an enclosed pitch which would be constructed over a section of public open space which is currently in use as a rugby pitch.

Paragraph 104 (b) of the NPPF 2024 states:

104. Existing open space, sports and recreational buildings and land including playing field and formal play spaces, should not be built on unless; b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location.

The Sport England policy, and the NPPF all align with the requirements of Policy REC 1 in terms of loss of pitch provision, and it is therefore considered that whilst there would be a loss to the provision of grass a pitch at this location as set out above it is considered that this loss meets exception 5 of the Playing Fields Policy, which states that:

'The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field.'

The proposed pitch would be used first and foremost by the rugby club to enable greater year-round use, however, will also be able to provide a broader range of sport and leisure opportunities within the community. The provision proposed is therefore considered to be of sufficient benefit to outweigh the harm caused by the loss, subject to updated comments from Sport England. Sport England requested further details regarding detailed cross sections, surface types, foundation details and details regarding fixings for goals. These details have now been provided to Sport England and comments are awaited, and will be reported as an update.

The site will still have the 1st team grass pitch available for use and this additional multi use pitch which is a positive benefit of the scheme. It is therefore considered that the proposed development is acceptable in principle. The main issues therefore are the impact of the proposal in terms of design, amenity, flood risk and highway safety terms.

Design / Character

- 10.10. CELPS Policy SE1 states that “development proposals should ensure a retained sense of place and management of design quality”. CELPS Policy SD2 further details the design matters that should be considered, including height, scale, form and grouping of development, choice of materials, external design features, massing of development and impact upon the streetscene.
- 10.11. CELPS Policy SE4 states that “The high quality of the built and natural environment is recognised as a significant characteristic of the borough. All development should conserve the landscape character and quality and should where possible, enhance and effectively manage the historic, natural, and man-made landscape features that contribute to local distinctiveness of both rural and urban landscapes.” Policy ENV 3 supports policy SE 4 by stating that in Local Landscape Designation Areas development that is likely to have an adverse effect on their special qualities should be avoided.
- 10.12. The application site is host to numerous structures that are associated with the rugby club use, the clubhouse, gym and car park. Therefore, the location of the proposed pitch and 1.2m high chain link fence would be experienced within this well-established enclosed context.
- 10.13. The pitch would be viewed within the context of the existing sports club and would not dominate nor be imposing to the character of the wider site.
- 10.14. Consequently, it is concluded that the proposals would not harm the character and appearance of the surrounding area. They would therefore comply with CELPS Policies SE1, SE4 and SD2, and SADPD policy ENV 3, which taken together, seek amongst other things, development of a high standard of design which conserves the character of the district's landscape.

Ecology

10.15. Protected Species:

In accordance with the BCT Guidance Note 08/18 (Bats and Artificial Lighting in the UK), any external lighting should be designed sensitivity. A lighting condition is suggested which includes dark areas and avoid light spill upon bat roost features, bat commuting and foraging habitat. Aiming for a maximum of 1lux light spill on those features.

10.16. Ecological Enhancement

CELPS Policy SE3(5) requires all developments to aim to positively contribute to the conservation of biodiversity. The Council's Nature Conservation Officer has raised no objection to the scheme. This planning application, however, does provide an opportunity to incorporate features to increase the biodiversity value of the final development in accordance CELPS Policy SE3.

- 10.17. A Condition is suggested which requires the submission of an Ecological Enhancement Strategy. The strategy would include proposals for the provision of features for nesting birds (including house sparrows) and roosting bats, provide for the movement of hedgehogs, and native species planting.

- 10.18. It is considered that the application proposed complies with CELPS Policy SE3.

Living Conditions

- 10.19. CELPS policy SE1 seeks to ensure appropriate levels of privacy for new and existing residential properties. Policy SD 2 also expects all development to contribute positively to an area's character and identity, creating or reinforcing local distinctiveness in terms of its relationship to neighbouring properties.
- 10.20. SADPD policy HOU 12 seeks to ensure development does not cause unacceptable harm to the amenities of adjoining or nearby occupiers of residential properties, sensitive uses, or future occupiers of the proposed development due to:
1. loss of privacy;
 2. loss of sunlight and daylight;
 3. the overbearing and dominating effect of new buildings;
 4. environmental disturbance or pollution; or
 5. traffic generation, access and parking.
- 10.21. The nearest residential properties on Woodlands Road back onto the training pitch and are positioned at a higher level than the pitches. These properties benefit from large rear gardens which means that the dwellings of the nearest properties at numbers 4 and 6 are sited over 35 metres from the closest proposed flood light and are screened by mature trees. The flood lights would be similar to existing and positioned 5m further away from neighbours than the existing floodlights. Following the applicant's noise impact assessment, it was decided to move the development a further 5m away from the neighbouring properties in order to help mitigate noise impacts on these neighbours.
- 10.22. The Environmental Protection Division has assessed the application. They note that the construction work will have some impact but by using the controls in the submitted management plan they should be minimal.
- 10.23. By moving the pitch 5 metres away from the adjacent residential properties it should keep noise from the pitch to a minimum. Also making sure the spectators are on the opposite side of the pitch to the houses and signage asking people to keep quiet will help. Based on the findings of the acoustic assessment noise should be within acceptable limits to the neighbours. The site is an existing sports pitch with floodlighting so there is already an impact on neighbours and by moving the pitch further from the neighbours it is considered that there would be no significantly greater impact than existing.
- 10.24. Within the submitted NIA ambient noise levels from the pitches external to the nearest residential properties on Woodlands Close have been predicted using CadnaA® environmental noise modelling software. Source noise levels are based on the levels presented in AGPA and AEC's experience of similar pitches and uses. The NIA concluded that noise levels would not exceed suggested noise level limits, and this has been agreed with the Council's Environmental Protection Team.
- 10.25. The existing floodlights are conditioned to not be lit after 9pm on any weekday evening of the week and 6pm at weekends and it is considered that providing an hours of use condition in line with these hours the proposed development would not have a detrimental effect on the amenity of neighbouring properties.

Highways/Accessibility

- 10.26. CELPS Policy CO 1 deals with sustainable travel and transport. It supports a shift from car travel to public transport and seeks to guide development to sustainable and accessible locations. Policy CO2 of the CELPS details that for new residential development,

where there is a clear and compelling justification that it is necessary to manage the road network, proposals should adhere to the current adopted Cheshire East Parking Standards for Cars and Bicycles set out in Appendix C (Parking Standards). Policy SD1 of the CELPS refers to sustainable development and point 7 advises that development should, wherever possible provide sufficient car parking in accordance with adopted highways standards. Policy TA2 of the WNP requires that applications which significantly increase vehicle usage and traffic flows within the town (both during the construction and operational phases) will not be supported, unless it can be demonstrated that appropriate and effective mitigation measures will be provided. SADPD policy INF3 requires that amongst other things, proposals provide safe access to and from the site for all highway users and incorporate safe internal movement in the site to meet the requirements of servicing and emergency vehicles. Development traffic should be satisfactorily assimilated into the operation of the existing highway network so that it would not have an unacceptable impact on highway safety, incorporating measures to assist access to, from and within the site by pedestrians, cyclists and public transport users and meets the needs of people with disabilities.

10.27. Appendix C of the CELPS sets out the parking standards for the area which will only apply where there is clear and compelling justification that it is necessary to manage the road network. It indicates that the standards can be varied on a site-by-site basis with reference to evidence obtained locally or from a suitable data source (e.g. TRICS).

10.28. There are no significant highway implications associated with this proposal for the conversion of one of the playing areas to a 3G all-weather pitch, as pedestrian and vehicular access to the site remains unchanged and off street car parking provision is unaffected by the proposal. The site benefits from a large existing car park. The Head of Strategic Transport has no objection to the planning application.

Flood Risk and Drainage

10.29. Policy SE13 of the CELPS states that developments must integrate measures for sustainable water management to reduce flood risk, avoid an adverse impact on water quality and quantity within the borough and provide opportunities to enhance biodiversity, health and recreation.

10.30. The site is located within Flood Zone 2 and 3, which is land defined by the planning practice guidance as having a medium / high probability of flooding. The National Planning Policy Framework (paragraph 167, footnote 55) states that an FRA must be submitted when development is proposed in such locations.

10.31. The Lead Local Flood Authority have commented on the application and raised no objections to the proposals subject to conditions relating to detailed drainage design. United Utilities (UU) and the Environment Agency (EA) both submitted holding objections until they received further information regarding drainage, levels and mitigation. This has now been submitted and following the comments from the Lead Local Flood Authority it is not anticipated that there will be objections, however further comments from the EA and UU will be provided as an update.

10.32. It is considered that conditions could appropriately deal with drainage design and management at the site and that the proposals accord with policy SE13 of the CELPS and the NPPF in this regard.

11. PLANNING BALANCE/CONCLUSION

11.1. It is considered that the proposals for a replacement of a grass playing pitch with an Astroturf, all weather surface pitch with associated fencing and lighting are in compliance with the aims

of enhancing and protecting an existing outdoor sports venue with established on site associated infrastructure, within an existing open space. Further comments from Sport England are awaited.

11.2. Following revisions to the proposals during the course of the application and subject to the use of planning conditions to secure further details it is considered there are no significant adverse impacts in regard to design, amenity, highways, accessibility, ecology, trees, residential amenity or flood risk subject to further comments from United Utilities and the Environment Agency.

11.3. It considered that the proposals would support the provision of an enhanced outdoor sporting offer and promote healthy lifestyles for Cheshire East residents.

12. RECOMMENDATION

Approve subject to following conditions

1. 3-year Time Limit
2. Development in accord with approved plans
3. Materials to be submitted
4. Bird nesting season avoidance
5. Biodiversity enhancement scheme to be submitted
6. Landscaping scheme to be submitted including boundary treatments / fencing
7. Landscaping details and maintenance to be submitted
8. Existing and proposed levels to be submitted
9. Drainage scheme to be submitted prior to commencement
10. Updated flood risk assessment to be submitted prior to commencement
11. Contamination phase 1 assessment to be submitted
12. Verification and remediation (contamination) to be submitted
13. Reporting of unexpected contamination
14. Noise impact assessment to be implemented

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions / informatives / planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning has delegated authority to do so in consultation with the Chair of the Northern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

