

Application No: 12/1513M

Location: Birtles Bowl Pavillion, BIRTLES LANE, OVER ALDERLEY, SK10 4RS

Proposal: Proposed Demolition of Pavillion and Store and Construction of Stables, Manege and Horse Walker and the Associated Use of Land for the Keeping of Horses

Applicant: Mr & Mrs C Harris

Expiry Date: 18-Jul-2012

SUMMARY RECOMMENDATION

Approve subject to conditions

MAIN ISSUES

Impact on:

- The character of the surrounding area
- The Area of Special County Value
- Highway safety
- Existing trees
- Protected species

Whether the proposal comprises inappropriate development in the Green Belt and whether very special circumstances have been demonstrated that clearly outweigh the harm caused by inappropriateness and any other identified harm

Date Report Prepared: 22nd June 2012

Updated 24th August 2012

REASON FOR REPORT

The application comprises a large-scale major as the application site comprises an area of land that exceeds 1ha.

The application has been deferred twice in order for Members to undertake a site visit and for a revised scheme to be submitted for consideration.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises just over 4ha of land located on the southern side of Birtles Lane, Over Alderley. The site was previously used as a cricket pitch but has lain vacant for a number of years. The application site falls within the Green Belt and an Area of Special County Value.

DETAILS OF PROPOSAL

Full planning permission is sought to demolish the existing pavilion and store and construct a stable building, manege and horse walker. Permission is also sought to change the use of the land for the keeping of horses.

Due to concerns raised regarding the size, scale and materials of the proposed stables, the number of stables proposed and the use of the site as a livery rather than for personal use, revised plans have been received. This report will therefore discuss the revised scheme against the relevant planning policies.

RELEVANT HISTORY

None

POLICIES

Regional Spatial Strategy

DP1 (Spatial principles applicable to development management)

DP7 (Criteria to promote environmental quality)

Local Plan Policy

NE1 (Protection and conservation of Areas of Special County Value)

NE11 (Protection and enhancement of nature conservation interests)

BE1 (Design principles for new developments)

DC1 (High quality design for new build)

DC3 (Protection of the amenities of nearby residential properties)

DC6 (Safe and convenient access for vehicles, special needs groups and pedestrians)

DC8 (Landscaping)

DC9 (Tree protection)

DC32 (Principles for equestrian facilities)

GC1 (New buildings in the Green Belt)

Other Material Considerations

Pre-Application Response Letter issued by the LPA

Supplementary Planning Guidance: Equestrian Facilities

The National Planning Policy Framework

CONSIDERATIONS (External to Planning)

Highways: No objection subject to a condition

Environmental Health (Contamination): No objection subject to the standard Land Contamination note.

Natural England: Broadly happy with the mitigation proposals put forward for Great Crested Newts.

Wildlife Trust: Request that a further bat survey is undertaken prior to determination and that two, rather than one, barn owl boxes are erected. All other aspects are considered acceptable.

VIEWS OF THE PARISH / TOWN COUNCIL

Henbury Parish Council: The Council was delighted to receive this application which may be a suitable and acceptable development at Birtles Bowl. The land formerly occupied by Birtles Cricket Club has lain waste for at least 16 years and is now somewhat of an eyesore as the pavilion and other buildings rot away due to neglect.

OTHER REPRESENTATIONS

Received during the course of the original consultation period

12 representations were received that offered their support to the planning application as they consider that the development is appropriate for the Green Belt location; it would bring the existing site back into use and improve its appearance; and it would prevent flytipping from happening in the future.

Two of the representations, whilst supporting the application, did raise some concerns regarding the proposed development including:

- The land should be returned to parkland and the inappropriate trees removed and replaced by indigenous trees;
- The drains need to be properly maintained;
- The stables should be positioned so that they do not threaten the mature trees on the land;
- Many cars travel along Birtles Lane at a faster speed than they should for safety. The line of sight for a vehicle turning right into the driveway to 'The Wall House' is very limited and indeed dangerous. Planning permission was obtained for an alternative and safer entrance when the land was being used as a cricket ground and the sight lines for this entrance are, or could, with small amendments, be much safer. This alternative entrance should be used as the entrance to the development;
- The culvert beneath the drive is not designed to take heavy loads and concern is raised regarding the driveway notwithstanding the construction traffic needed to build the development and the subsequent horse boxes; and
- Whatever the applicant builds should be as unobtrusive as possible so as to not compromise the outlook from the lane.

One representation was received from the owner of Finlow Hill Stables (where the applicant currently stables their horses). She wishes to clarify some of the statements that have been made in the submitted planning statement. She states that her family own the stables; they are currently leased and the lease has a further two years to run until it expires. They have not received notice from the leaseholders nor have they been asked about a renewal. The leaseholder has verbally told her that she is giving up the business due to family ill health. They are still receiving rent for the stables. They go on to state that the adjacent Oldhams Wood Liveries are also owned by her family and run as a successful business by the current leaseholder who is caring for horses.

Received during the course of the new consultation period

One further representation was received that stated they supported the application; that they'd like permission to be granted as soon as possible so that the land is looked after and has a purpose.

APPLICANT'S SUPPORTING INFORMATION

A Design & Access Statement, a Planning Statement, an Extended Phase 1 Habitat Survey, an Arboricultural Survey and Constraints Report, horse passports and a Vehicle Access Note were submitted with the planning application.

A further Bat Survey was received following the comments made by the Nature Conservation Officer and The Wildlife Trust, and a revised Design & Access was received due to the scale and nature of the development changing from the scheme that was originally submitted.

OFFICER APPRAISAL

Policy

Since the NPPF was published on 27th March, the saved policies within the Macclesfield Borough Council Local Plan are still applicable but should be weighted according to their degree of consistency with the NPPF. With the exception of one word changing within the relevant Green Belt policy (which will be discussed in more detail below) the Local Plan policies outlined above are consistent with the NPPF and therefore should be given full weight.

Design

It is proposed to demolish the existing timber pavilion and brick built store that were previously used in connection with the cricket pitch. The revised drawings show the erection of a prefabricated stable building that would comprise three stables and a tack room. They would be arranged in a straight line and would be positioned to the south of the existing buildings and would have a parking/turning area located to the front. The building would measure 14.9 metres by 3.8 metres (5 metres if the roof overhang is included), would have an eaves height of 2.6 metres and a ridge height of 3.4 metres. It would be constructed of a timber frame with timber weatherboard cladding.

Policy DC32 of the Local Plan and the Equestrian Facilities SPG outline specific requirements in respect of the scale and materials of proposed stables. The revised design for the stables would comply with these policies and would meet the definition of 'small scale' stables. It is therefore considered that the proposed stable building is of an acceptable design and scale for its intended use and is required in the interests of animal welfare as indicated in policy DC32 of the Local Plan.

A manege measuring 60m by 20m and a horse walker would be positioned within the area that previously housed the cricket pitch, with the manege positioned to the west of the stable building and the horse walker positioned to the northwest. No elevational drawings have been provided for either of these structures and therefore this would need to be conditioned accordingly. It is also proposed to change the use of the land for the keeping of horses.

The proposed manege is larger than the 40m by 20m size that is usually permitted by the Local Planning Authority however the applicant has advised that a larger manege of the dimensions stated is required due to completing at a particular level in dressage competitions. Justification has therefore been demonstrated for the need to provide a larger than average manege.

The buildings/structures would not be highly visible from Birtles Lane or the surrounding parkland due to the existing tree cover and the existing mound that surrounds the majority of the former cricket pitch. The Landscape Officer does not consider the proposed development

to have a detrimental effect on the Area of Special County Value subject to a number of conditions (see below). Some concern is raised regarding the parking of vehicles and horse boxes within the application site however they are unlikely to be highly visible from the surrounding area given the high level of screening. The use of limestone chippings is not considered acceptable given their colour and therefore the proposed surfacing materials should be conditioned for approval. Subject to the imposition of these conditions it is not considered that the proposed development would be highly prominent from the surrounding area.

The Conservation Officer has assessed the application given the site's setting within a historic parkland. Whilst he has no objection to the proposed change of use, he raises concern that the future development of the site could change the setting of this site and should be guarded against.

For the reasons outlined above it is considered that the revised scheme would now comply with policies BE1 and DC32 of the Local Plan and the Equestrian Facilities SPG and is therefore not considered to have a detrimental effect on the character or appearance of the surrounding countryside/street scene.

Green Belt Policy

The application site is located within the North Cheshire Green Belt and therefore policies GC1 and DC32 of the Local Plan, the SPG: Equestrian Facilities and the NPPF are applicable.

Local Policy Constraints

Policy GC1 of the Local Plan states that new buildings in the Green Belt comprise inappropriate development unless it is for one of a number of purposes. One such purpose, as outlined at criterion 2 of the policy, is where the building is for *'essential facilities for outdoor sport and outdoor recreation, for cemeteries, and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it.'* The reasoning to the policy outlines at paragraph 4.11 that essential facilities for sport and recreation include *'small changing rooms, unobtrusive spectator accommodation or small stables.'*

Policy DC32 of the Local Plan and the Equestrian Facilities SPG go on to define 'small stables'. They state that *'small structures/stables shall be taken as referring to the development of up to and including three loose boxes (where a loose box is normally taken to be a 12ft x 12ft bay) plus a similar sized bay for the storage of feed, bedding, tack etc'*. The policy and SPG goes on to state that between 1 and 2 acres of grazing land is required per horse and the SPG specifies certain height limitations that stables need to conform to.

The policy has been saved in the Local Plan in respect of the change of use of land in the Green Belt.

National Policy Constraints

The NPPF has recently been formally adopted and states at paragraph 89 that the construction of new buildings should be regarded as inappropriate development in the Green Belt unless it is for one of the listed exceptions.

One such exception is the *'provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it'*. The policy has altered slightly since that contained within PPG2 and Local Plan policy GC1 in that facilities now have to be *'appropriate'* rather than *'essential'*. As policy DC32 and the Equestrian Facilities SPG outline that *'appropriate'* stables should be small scale and they define what size of stables would be acceptable, it is considered that these policies are still consistent with the new wording within the NPPF and therefore should be afforded full weight when considering this application.

Paragraph 90 of the NPPF states that certain other forms of development (other than new buildings) are not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt. The policy lists what these types of development are and equestrian use is not one of them.

Does the proposed Development Comprise Inappropriate Development?

There is no saved policy within the Local Plan in respect of changes of use or other operations within the Green Belt and the NPPF does not list equestrian use as one of the exceptions. However, Members should consider whether the proposed use preserves the openness of the Green Belt and whether or not it conflicts with the purposes of including land in the Green Belt.

The revised scheme now proposes 3no. stables and a tack room, a manege, a horse walker and associated development. As described above, the stables would comply with the measurements and materials outlined in policy DC32 and the Equestrian Facilities SPG and would meet the definition of 'small scale' stables. The stables would now be solely used by the applicant and therefore would involve a personal use rather than a commercial livery. Sufficient land is available for the grazing of three horses and horse passports identify that the applicant does own three horses. The revised design for the proposed stables is therefore considered to have overcome the previous concerns and would not comprise inappropriate development in the Green Belt. The proposed stables would therefore comply with policy GC1 of the Local Plan and the NPPF.

The manege and horse walker are considered to comprise appropriate facilities for outdoor sport and recreation that would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it. These are therefore considered to not comprise inappropriate development in the Green Belt and would comply with policy GC1 of the Local Plan and the NPPF.

Amenity

No residential properties are located in close proximity to the application site. The proposed development is therefore not considered to have a detrimental effect on neighbouring amenity and would comply with policy DC3 of the Local Plan.

Highways

The proposed development would utilise an existing access onto Birtles Lane that is used to gain access to the property known as 'The Wall House'. An existing gate, located approximately 70-80 metres along the access road, would provide access into the application site, however this does not currently adjoin into the existing access track. A revised drawing

outlines that limestone chippings would be used to create an area of hardstanding for the parking/turning of vehicles within the site which would extend to the access track.

The Strategic Highways Manager has assessed the application and considers that the proposed development is low key in terms of traffic movements and is seen as appropriate given the narrow nature of Birtles Lane. There are improvements to visibility required at the access and the submitted plan has indicated splays of 2.0m x 45m in each direction. This level of visibility is acceptable given the vehicle speeds. He therefore raises no objection subject to a condition requiring the visibility splays to be implemented. The proposed development is therefore considered to comply with policy DC6 of the Local Plan.

In response to the comments that have been received in respect of a different access onto Birtles Lane, the Local Planning Authority is aware of the alternative access as it was discussed during the pre-application submission. Whilst the access point is still in place a large mound of earth is positioned behind and would require excavating; its removal would open up the site from views along the lane; and it would require the provision of a long access track within the site to the proposed stables. The use of the access was therefore discounted at the pre-application stage. In any event the Strategic Highways Manager has assessed the application and does not raise an objection to the proposed access from a highway safety perspective providing the visibility splays are implemented.

Ecology

Natural England

Natural England is broadly satisfied that the mitigation proposals, if implemented, are sufficient to avoid adverse impacts on the local population of Great Crested Newts and would therefore avoid affecting the favourable conservation status.

Cheshire Wildlife Trust (CWT)

One of the recommendations contained within the Extended Phase One Habitat Survey (2012) is for a bat emergence survey centred on the two existing buildings to be undertaken. No such survey results are included with the current application and therefore this survey needs to be undertaken prior to determination.

Further to the recommendation in the survey, CWT supports the installation of not one, but two, barn owl boxes on site, in accordance with guidelines published on the RSPB's website. CWT concurs with the other recommendations within the report in respect of badgers, birds, hedgehogs, otters, reptiles, rhododendrons, orchard trees, water voles and white-clawed crayfish. CWT concurs with the proposed 'Reasonable Avoidance Measures' in respect of Great Crested Newts. CWT considers that, if present and/or breeding on the site, lapwing and grey partridge are likely to be adversely affected by the proposed new uses of the site, especially if the former area of the cricket field is to be grazed by horses. However, it is probable that the records of these species are not from the site itself but from adjacent agricultural or parkland areas within 1km of the site, and for this reason, no mitigation is required.

Nature Conservation Officer

Discussions have taken place with the applicant's agent in respect of the requirement to provide a further Bat Survey. Whilst a further survey has been provided, this was the wrong type of survey. The agent has confirmed that the correct survey will be provided prior to the

committee meeting and further comments in respect of this matter will be provided to Members either within the Update Report or at the committee meeting.

Trees

The Birtles Bowl site has been neglected for many years with little pro-active tree management taking place since its inception. This has resulted in the extensive planting expedited some 20 years ago establishing a tangled mass of etiolated trees. Apart from the recently planted trees the site also contains a number of large mature specimens including Oak and Lime. These are considered to be high value trees, category A in terms of BS5837.

The development proposals, in terms of access and the location of the proposed footprint, broadly occupy the existing access track and hardstanding occupied by the redundant car park. The only alteration to this relates to the expanded turning area which extends close to the tree identified as T5524. No details have been included in terms of construction, but any hardstanding outside the existing sub-base would have to be implemented under a 'no dig' construction. The site plan identified the use of Limestone chippings; this would not be acceptable as the limestone would have an adverse effect on the health and longevity of the trees on the site as a result of leaching as part of rainwater runoff. The removal of a single tree (failed pine) has been identified for removal, this will probably need to be expanded to include a small Red Oak, but both trees are considered individually to present low amenity value Category C.

The stables would stand within the existing car park with any root development associated with both the adjacent semi-mature and mature trees considered to be reduced and limited under the hardstanding. Construction of the concrete hardstanding and building footprints will not have a negative impact on the adjacent trees providing excavation is kept to a minimum. A limited amount of pruning will be required in order to establish a reasonable tree-to-building relationship.

The manege and horse walker have been located on the cricket ground outside the Root Protection Areas of the adjacent tree cover, as identified within BS5837. This will not have a detrimental impact on the retained tree aspect.

In order to facilitate access and provide a reasonable visibility splay onto Birtles Lane a limited number of trees will require removal. These are considered to be poor specimens, category C with limited amenity value.

The application lacks specific detail in terms of addressing all of the arboricultural issues but on balance these could be addressed by condition. There is also an opportunity to address the neglected state of the woodland and copse planting schemes. This should be seen as a positive gain if this could be facilitated. For these reasons, and subject to conditions requiring the submission of a Tree Protection Plan, a method statement for the proposed driveway and hard standing within the defined root protection areas of the retained tree aspect, a detailed levels survey, and a detailed 10 year woodland management plan for the trees located within the site edged red, it is considered that there are no objections from an arboricultural perspective. The application would therefore comply with policy DC9 of the Local Plan.

Landscape

The application site is located within an Area of Special County Value. The Landscape Officer has assessed the application and does not object to the proposed stables, horse walker and manege but recommends that the woodland, tree belts and orchard area should be fenced off to exclude the horses and should be managed to improve both the woodland and nature conservation status. Horse grazing should be restricted to specific areas of the site. If the application is approved, the Landscape Officer suggests that conditions should be attached in respect of:

- A landscape plan for the whole of the site edged red showing the stables, manege, horse walker, areas of hardstanding, areas to be grazed and areas to be fenced off and managed for woodland improvement and nature conservation.
- A 10-year woodland and habitat management plan.
- Full details for the manege, horse walker, fencing, gates and hardstanding.

Subject to these conditions it is not considered that the proposed development would have a detrimental effect on the Area of Special County Value or the visual impact of the site.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The revised drawings have reduced the scale and number of stables to a level that complies with the definition of 'small scale' stables. The proposed stables, manege, horse walker, the change of use of the land for the keeping of horses, and the associated development are not considered to have a detrimental effect on the openness of the Green Belt and would comprise appropriate facilities for sport and recreation. The development would therefore not comprise inappropriate development in the Green Belt.

Subject to conditions the development would not have a detrimental effect on neighbouring amenity, existing trees, the ASCV or the historic parkland. Highway safety would be achieved by the provision of the required visibility splays, which can be provided with little impact to existing trees and the character of the area. A Bat Survey is currently outstanding however the agent has confirmed that this will be provided prior to the committee meeting.

The application is therefore recommended for **APPROVAL** subject to the Bat Survey being submitted and subject to no objections or concerns being raised by the Nature Conservation Officer.

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A02EX - Submission of samples of building materials
3. A18GR - No commercial use of stables or manege
4. A03HA - Vehicular visibility at access (dimensions)
5. A01LS - Landscaping - submission of details
6. A04LS - Landscaping (implementation)
7. A16LS - Submission of landscape/woodland management plan

8. A02TR - Tree protection
9. A03TR - Construction specification/method statement
10. A04TR - Tree pruning / felling specification
11. A06TR - Levels survey
12. A01AP - Development in accord with approved plans
13. No use of limestone chippings
14. No floodlighting
15. Details of lighting other than floodlighting to be approved
16. Elevational details of horse walker, fencing around perimeter of manege and gates to be agreed
17. Provision of Two Barn Owl Boxes

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