

Application No: 14/4029C

Location: LAND OFF HOLMES CHAPEL ROAD, HOLMES CHAPEL ROAD,  
CONGLETON, CW12 4SN

Proposal: Change of use of agricultural land off Holmes Chapel Road, for school  
recreational use

Applicant: David Hermitt

Expiry Date: 30-Oct-2014

### **SUMMARY:**

The use of the land for the purposes of school recreation is acceptable in principle and would serve as a social benefit by increasing recreational and educational opportunities.

In the absence of any proposed buildings, structures, surfacing or other operational development, the impact on the character and appearance of the area and the landscape would be negligible. Existing landscaping would be retained and there would be no material impact on species protected by law.

Whilst the proposal would result in the loss of the best and most versatile agricultural land, the fact that no operational development is proposed means that if the land was required for agricultural purposes at a future date, it could be utilised. Also, it is important to note that such uses of land in the open countryside are accepted in principle.

The proposals would not lead to an intensification of vehicle movements and the existing parking arrangements and access would adequately support the change of use of the land. The proposal would not be unduly detrimental to neighbouring residential amenity given that the use is complimentary to the existing High School where there are already playing fields.

The proposal is therefore found to be sustainable in the social, environmental and economic sense. The application is in accordance with the relevant policies of the Development Plan and NPPF advice and it is therefore recommended that the proposal is approved subject to conditions.

### **RECOMMENDATION:**

APPROVE subject to conditions

## **PROPOSAL**

This application seeks planning permission for a change of use of agricultural land for recreational use for Congleton High School. The proposal would not involve any fixed surface structures or operational development and is seeking permission for change of use only so that it can be used for recreational purposes and educational purposes.

## **DESCRIPTION OF SITE AND CONTEXT**

This application relates to a site measuring 3.9 hectares located close to the junction of Sandy Lane with Holmes Chapel Road within the Parish of Somerford. The Loach brook itself forms the western boundary, beyond which is the site of the open space and landscape features/ponds which were part of the Loachbrook Farm housing unit development granted planning permission on appeal. This is an ongoing development site being constructed by Bovis Homes.

The site comprises 100% Best and Most versatile agricultural land.

The land is generally level with a gentle fall towards Loach Brook. A group of mature trees on a mounded landscape feature, previously a Scheduled Ancient Monument are prominent within the Loachbrook farm site adjoining when viewed from the Holmes Chapel Road frontage, which are covered by Tree Preservation Order. Hedgerows are prominent boundary features around the site with some hedgerow trees. Beyond the site to the south west lies Sandy Lane which has a pastoral landscape.

The site is within the Open Countryside, as designated in the adopted Congleton Borough Local Plan First Review (2005).

## **RELEVANT HISTORY**

14/0134C - Development of land for up to 70 dwellings and associated works – Allowed at appeal - 17-Mar-2015

14/2685C - Outline application for development of land for up to 70 dwellings and associated works (resubmission) – Refused 28-Oct-2014

14/5675C - Outline planning permission for 70 dwellings and associated works (resubmission of 14/0134C) - 10-Aug-2015

15/4963C - Reserved Matters application for Appearance, Landscaping, Layout and Scale following outline approval 14/5675C for 70 dwellings and associated works – Currently under consideration

## **POLICIES**

### **Local Plan policy**

PS8 - Open Countryside  
GR1 - New Development  
GR2 - Design  
GR6 - Amenity and Health  
RC4 - Countryside Recreational Facilities  
NR2 - Wildlife and Nature Conservation

### **National policy**

National Planning Policy Framework (NPPF)  
Planning Practice Guidance (PPG)

### **Cheshire East Local Plan Strategy – Submission Version**

PG1 – Overall Development Strategy  
PG5 – Open Countryside  
SD1 - Sustainable Development in Cheshire East  
SD2 - Sustainable Development Principles  
SE1 – Design  
SE3 – Biodiversity and Geodiversity

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

**Strategic Highways Manager** – No objection.

**Environmental Protection** - No comments received

**Environment Agency** - No objection

## **VIEWS OF THE SOMERFORD PARISH COUNCIL:**

No objection - This is a far better alternative to the planning application (currently under appeal) 14/0134C previously. The high school is under great pressure from the current approval of development in Somerford so this will aid to alleviate potential issues. A condition must be adhered to for restrictions of use as not always acted upon currently on site for residents opposite.

## **OTHER REPRESENTATIONS:**

5 representations have been received making the following comments:

- Sport and outdoor activities benefit physical and mental health and are of social benefit to the community
- Large green recreational areas are needed

- Will allow future expansion of Congleton High School
- Need to prevent Congleton merging with Somerford
- Strict conditions need to be in place to prevent future development or the building of sheds, shelters, amenity blocks, large fences , flood lights
- Site needs to be secured to prevent vehicles from accessing the site
- Loss of agricultural land should be for green proposals such as this and not residential
- If sports facilities were to be put on this land it would cause light and noise pollution
- Will encourage wildlife
- Better access than scheme for housing development on the site

## **OFFICER APPRAISAL**

### **Principle of Development**

Development for the purposes of outdoor sport, recreation and other uses of land which preserve the openness of the countryside and maintain its local character are permitted under Policy PS8 (Open Countryside) of the Local Plan.

Policy RC4 (Countryside Recreational Facilities) of the Local Plan makes provision for countryside recreational facilities provided that;

- The proposal would not unacceptably affect the amenities and character of the surrounding area;
- any permanent buildings and car parking should blend into the surrounding landscape;
- sufficient car parking is available within the site;
- satisfactory access to the site can be achieved from a public highway;
- the proposal can be integrated within existing areas of open space and the Public Rights of Way network;
- the proposal will not detrimentally impact areas of nature conservation or landscape value and the proposal accords with all other Local Plan policies

Thus, the principle of changing the use of the land to recreational purposes is acceptable subject to compliance with other relevant local plan policies, including its impact upon the character of the area, highway safety, neighbouring amenity and ecology.

### **Loss of Agricultural Land**

The whole of the appeal site, some 3.9 ha, is best and most versatile agricultural land which is recognised as a national resource that should be safeguarded. Whilst this proposal would result in the loss of the land for agricultural purposes, the principle of its loss has already been accepted when planning permission was granted for the residential development of the site under planning ref: 14/0134C which was allowed at appeal.

In determining the appeal the inspector concluded that 'much of Cheshire East comprises best and most versatile agricultural land and the use of such land will be necessary if an adequate supply of housing land is to be provided'. Whilst this proposal is not for housing, the fact that no operational development is proposed means that if the land was required for agricultural purposes at a future date, it could be utilised. Also, it is important to note that such uses of land in the open countryside are accepted in principle as already discussed. Thus, the weight to be attributed to the loss of the land for agricultural purposes is considered to be neutral.

### **Character and Appearance**

The proposal does not include the provision of any buildings, fixed surface structures or hard landscaping and as such, there is no operational development proposed as part of this application. The existing parking arrangements at the school would be utilised with no need for additional parking. As such, the key issue is whether the change of use of the land would undermine its character and appearance.

The use of the land for Congleton High School would alter its appearance insofar as it would no longer be used for the purposes of agriculture. However, the land would remain open and the existing landscape features would be retained. Whilst the applicant mentions that some planting would be supplemented, no details have been provided. However, the proposal would not significantly alter the character and appearance of the site or the wider area and as such, is acceptable in this regard.

The proposal accords with the provisions of GR2 and RC4 of the Congleton Borough Local Plan and Policies SE1 and SD2 of the emerging Cheshire East Local Plan Strategy – Submission Version.

### **Residential Amenity**

Policy GR6 (Amenity and Health) of the Local Plan advises that the proposal should not have a detrimental impact upon neighbouring amenity by way of loss of privacy, loss of light, visual intrusion, environmental disturbance or pollution, traffic generation, access and parking.

There are a number of residential properties positioned to the north of the site on the opposite side of Holmes Chapel Road. The absence of any built development and change to parking or access would not cause any issues in terms of neighbouring residential amenity.

With regards to environmental disturbance or pollution, which includes noise, the use is complimentary to the existing High School where there are already playing fields. The use will not attract large volumes of visitors where it could be considered to be an intensive form of development and a level of noise should be expected, however, this would not be excessive. Consequently, the proposal would not be unduly detrimental to neighbouring amenity by way of noise pollution.

Having regard to above the application would not be unduly detrimental to neighbouring residential amenity and is in accordance with the provisions of Local Plan Policy GR6 (Amenity and Health).

## **Highways**

Given that this proposal would serve to extend the existing recreational grounds associated with Congleton High School, the land would be accessed internally through the existing school grounds. Further, the existing parking arrangements would be utilised. It is not anticipated that the proposed extension of the school grounds would place an undue strain on existing parking provision or increase vehicular movements to and from the site. The Head of Strategic Infrastructure (Highways – HSI) supports this view. As such, the existing access and parking would be capable of supporting the proposals and is considered to accord with Local Plan Policies GR9 (Accessibility, Servicing and Parking Provision) and RC4 (Countryside Recreational Facilities).

## **Ecology**

The application is not accompanied by protected species surveys, however, the site itself does not appear to contain any ponds and there are none present on the OS plans. Owing to the absence of any building works and the retention of existing vegetation and planting, it is not anticipated there being any impacts on protected species. The application is in accordance with the provisions of Local Plan policies NR2 (Wildlife and Nature Conservation) and RC4 (Countryside Recreational Facilities). The proposal would also accord with Policy SE3 of the Cheshire East Local Plan Strategy – Submission Version.

## **Planning Balance & Conclusions**

The use of the land for the purposes of school recreation is acceptable in principle and would serve as a social benefit by increasing recreational and educational opportunities.

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Whilst the proposal would result in the loss of the best and most versatile agricultural land, the fact that no operational development is proposed means that if the land was required for agricultural purposes at a future date, it could be utilised. Also, it is important to note that such uses of land in the open countryside are accepted in principle.

The proposals would not lead to an intensification of vehicle movements and the existing parking arrangements and access would adequately support the change of use of the land. The proposal would not be unduly detrimental to neighbouring residential amenity given that the use is complimentary to the existing High School where there are already playing fields.

The proposal is therefore found to be sustainable in the social, environmental and economic sense. The application is in accordance with the relevant policies of the Development Plan and NPPF advice and it is therefore recommended that the proposal is approved subject to conditions.

**APPROVE subject to the following conditions;**

- 1. Standard time limit (3 years)**
- 2. Accordance with submitted plans**
- 4. External lighting to be submitted and approved**

**\* \* \* \* \***

**In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Planning (Regulation), in consultation with the Chair (or in his absence the Vice Chair) 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.**

**Should this application be the subject of an appeal, authority be delegated to the Head of Planning (Regulation) in consultation with the Chairman of the Northern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement should they be required.**

