

CHESHIRE EAST COUNCIL

STRATEGIC PLANNING BOARD

Date: 22nd February 2017
Report of: David Malcolm: Head of Planning (Regulation)
Title: 16/4436M - Proposed Poynton Relief Road, CHESTER ROAD, POYNTON

1.0 Purpose of Report

- 1.1 To consider the removal of condition no. 40 from the resolution to approve planning application ref; 16/4436M for the construction of the proposed Poynton Relief Road, Chester Road, Poynton.

2.0 Decision Required

- 2.1 To remove condition no. 40 from the resolution included in the minutes of the meeting of the Strategic Planning Board held on 10th January 2017 and to instruct Officers to approve the application subject to referral to the Secretary of State.

3.0 Background

- 3.1 Following publication of the agenda for the Strategic Planning Board meeting of 10th January 2017, Emery Planning Partnership (EPP) made a further representation on behalf of Adlington Golf Centre and landowners Mr and Mrs Moss. This was reported to Members by way of a verbal update.
- 3.2 In this further representation, the owners of Adlington Golf Centre wanted to make it clear that they did not object to the scheme but wished to see the use of conditions to safeguard their business and interests. They considered that the golf centre is an existing recreation facility as recognised by paras 69-78 of the NPPF and that Sport England should have been consulted.
- 3.3 Officers explained to Members that this application did not relate to a sports playing field and as such Sport England was not a Statutory Consultee. Sport England had confirmed this with officers. However, officers recognised that there were valid concerns regarding the potential loss of recreational land both permanent and temporary during construction and the impact that this may have on the viability of the business.
- 3.4 Para 74 of the NPPF states that sports and recreational land should not be built on unless an assessment has been undertaken which has

clearly shown the open space, buildings or land to be surplus to requirements; or 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 or that lost would be replaced by equivalent or better provision or the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

- 3.5 In the absence of an assessment to demonstrate that the recreational land is surplus to requirements or that the proposed development is not for alternative sports and recreation provision, it was considered that the loss of the land could be offset by replacing it elsewhere. As reported within the committee report, the golf centre already benefits from a recent planning approval (15/4406M refers) to provide an alternative 9 hole-golf course. As such, it was recommended that a condition be attached to ensure that suitable replacement is provided prior to any works affecting the existing golf course. This draft wording is below:

“Prior to the commencement of any works involving the loss of part of the Adlington Golf Centre, the alternative replacement 9 hole golf course shall be implemented and made available for use, unless any variation is first agreed in writing by the Local Planning”

- 3.6 However, since the meeting was held, the applicant has expressed concern about the feasibility of such a condition and has deemed it to be unnecessary and does not satisfy the relevant tests for a condition. On this basis, the applicant has requested that the condition not be included in the resolution to approve the construction of the relief road.
- 3.7 The Planning Practice Guidance (NPPG) and paragraph 206 of the NPPF makes it clear that conditions should only be imposed where they are (i) necessary; (ii) relevant to planning and; (iii) to the development to be permitted; (iv) enforceable; (v) precise and; (vi) reasonable in all other respects. If a proposed condition fails to meet any of the 6 tests, then the condition should not be imposed.
- 3.8 When considering whether a condition is necessary, it is useful to ask whether it would be appropriate to refuse planning permission without the requirements of the condition. As Members will recall, significant weight was attributed to the economic and social benefits of providing the relief road. Whilst there would be a dis-benefit if the part of the golf course to be lost were not replaced, on balance, it is not considered that the partial loss of the course would be significant enough to outweigh the benefits of the scheme.
- 3.9 Further, the Council has already granted planning permission to provide an alternative 9 hole-golf course which would offset the partial loss of the existing course. This is extant and capable of being implemented should the Golf Centre wish to do so. Coupled with this, in terms of compensating the landowners for any land take and their

own business and interests, this is not a material planning consideration and would be a function of the compulsory purchase procedure.

- 3.10 Taking this into account, the proposed condition is not necessary in this case and is also considered unreasonable to expect the applicant to deliver a replacement of the golf course land on land that it has no interest or control of at this time. Consequently, the condition does not meet all of the tests for conditions.

4.0 Recommendation

- 4.1 On the basis of the above, it is considered that the imposition of condition number 40 would not be necessary or reasonable and as such should be excluded from the resolution to approve planning application 16/4436M.

5.0 Risk Assessment and Financial Implications

- 5.1 To continue with an unnecessary and unreasonable condition could be subject to future challenge at appeal which as a result could lead to unnecessary costs for the Council.

6.0 Consultations

None

7.0 Reasons for Recommendation

- 7.1 To ensure the permission is granted with reasonable conditions.

For further information:

Portfolio Holder: Councillor Ainsley Arnold
Officer: Rob Law – Principal Planning Officer
Tel No: 01270 686758
Email: Robert.Law@cheshireeast.gov.uk

Background Documents:

SPB Committee Minutes 10 January 2017
Application 16/4436M