

Strategic Planning Board – 22nd February 2017

UPDATE TO AGENDA

APPLICATION No.

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.

LOCATION

Proposed Poynton Relief Road, CHESTER ROAD, POYNTON

UPDATE PREPARED

20th February 2017

OFFICER REPORT

Representations:

Since publication of the agenda for this meeting, 2 representations have been received.

In response to the officer report, a further representation has been made by Jacobs, the agent acting on behalf of the applicant. They reiterate that the land that the replacement golf course would occupy would be entirely outside of the control of the applicant and on that basis, would be contrary to Section 72 of the 1990 Town & County Planning Act which only allows for planning conditions to be imposed in relation to land that is “under the control of the applicant (whether or not it is land in respect of which the application was made)”. They also comment that the proposed condition no. 40 would not meet the tests for conditions outlined in para 206 of the NPPF.

Jacobs comment that there are “already a large number of golf courses in the area, with an estimated eight alternate facilities within a five mile radius of Adlington Golf Centre (Avro Golf Club, Bramhall Golf Club, Bramhall Park Golf Club, Davenport Golf Club, Hazel Grove Golf Club, Stockport Golf Club, Styal Golf Club, and Prestbury Golf Club)”. They also go on to state that the principle of the relief road and its route is already established in emerging planning policy and that in their view, “the benefits of the scheme considerably outweigh the disbenefits, including (both cumulatively and in isolation) the potential impact on Adlington Golf Centre”.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that decision must be made in accordance with the plan unless material considerations indicate otherwise. Specifically, Jacobs have commented that ‘material considerations can include matters that may in due course be dealt with by the CPO process’. Jacobs also say that “contrary to paragraph 3.9 of the update report, these material considerations do include the impact of the scheme on existing businesses and interests and members should give this due weight in their consideration of the application. Members should also bear in mind that approving the scheme without Condition 40 would conflict with paragraph 74 of the NPPF”.

Further representations have also been made by Emery Planning Partnership (EPP), who is the agent acting on behalf of Adlington Golf Centre and landowners Mr and Mrs Moss.

In addition to their earlier representations, EPP have stated that they consider the imposition of condition no. 40 to be necessary as without it (or an obligation), the scheme would otherwise be unacceptable in planning terms contrary to para 203 of the NPPF. They have stated that without condition no. 40, the proposal would have serious implications for the profitability of the golf centre and that it would lead to job losses, impacts on the local / rural economy as well as the health and wellbeing of the wider population. The impacts they have referenced are summarised as follows:

- the existing nine-golf course would be reduced substantially in size resulting in a maximum six-hole course, which is a wholly unproven concept
- a six-hole golf course would be significantly less attractive and not be of equivalence in quantitative or qualitative terms
- the golf centre’s loyal customer base would likely seek alternative facilities elsewhere
- impacts on the existing course which have not been fully assessed either in officer report or submitted Environmental Statement e.g. air pollution, dust, road noise and vibration and adverse visual and landscape impacts
- golf centre was recognised as an important facility for the health and wellbeing of the community when the Council considered the planning application 15/4406M for the replacement nine-hole golf course
- Proposal is contrary to para 74 of the NPPF

- There is no evidence to show that the condition is not feasible and to justify a departure from policy
- Highly unlikely that the storage compounds proposed on the existing 9 hole golf course will enable the land to be returned to its former condition once the relief road is constructed
- There must be a planning-related mechanism to ensure that the replacement facility is available for use prior to the loss of any part of the existing facility
- The use of a Grampian style condition would be wholly appropriate in this case and in line with para. 21a-008 of the NPPG

Officer Appraisal

In response to the comments made by the applicant's agent, it is important to note that Grampian conditions, (i.e. conditions requiring works on land that is not controlled by the applicant) can be imposed unless there are no prospects of the action required by the condition being performed within the time limit of the permission (NPPG Paragraph: 009 Reference ID: 21a-009-20140306).

In this case, the applicant would be reliant on the Golf Centre providing a replacement facility. This would be unreasonable insofar as it would preclude (effectively veto) the delivery of the whole Poynton Relief Road scheme should the Golf Centre decide not to implement a replacement facility. In this case, it is the view of officers that the proposed condition would not meet the tests for conditions as set out in the officer report and therefore should not be imposed.

Whilst the applicant's agent has referenced the existing golf course provision within the area, this does not constitute an assessment as required by para 74 of the NPPF. Accordingly, in the absence of condition no. 40 and in the absence of an assessment to show that the land is surplus to requirements, the proposal is contrary to para 74 of the NPPF. However, as stated within the original officer report and updated report, the benefits of the scheme are deemed to outweigh the dis-benefits in terms of the impact on the existing golf centre. This includes the future operation of golf centre in terms of air pollution, dust, road noise and vibration and adverse visual and landscape impacts. Such impacts, whilst attracting weight against the proposal, would not be enough to outweigh the significant social and economic benefits of the scheme as already highlighted in the committee report.

With respect to the CPO process, Para 3.9 of the officer report confirms that it is not the function or purpose of the planning system to financially compensate the landowners. Officers confirm that this is not a material planning consideration.

RECOMMENDATION

No change to recommendation on page 163 of the agenda reports pack.