

REPORT TO: Development Control Committee

DATE: 8 November 2010

REPORTING OFFICER: Strategic Director, Environment & Economy

SUBJECT: Planning Applications to be determined by the Committee

WARD(S): Boroughwide

PLAN NUMBER: 10/00109/COU

APPLICANT: Mr Stuart Rutter.

PROPOSAL: Proposed change of use of agricultural land to create an electric bike trail, conversion/redevelopment of existing buildings (to form reception/cafe, bike prep station, secure storage/workshop, toilet facilities and office) together with car parking, new vehicular/pedestrian access and ancillary development

ADDRESS OF SITE: Hill Top Farm, Windmill Lane, Preston-on-the-Hill, Runcorn.

WARD: Daresbury

SUMMARY RECOMMENDATION:

Approve subject to Conditions

CONSULTATION AND REPRESENTATION:

A wide consultation of surrounding properties has been undertaken by post and the application has been advertised by way of site and press notices. The Parish Council were notified.

41 formal representations have been registered in relation to this application raising issues relating to the following:

Noise, dust, accuracy and availability of information, security and likely antisocial behaviour, increase in traffic, parking in the village and on Hilltop Road, and highway safety, insufficient parking, lack of need or demand for the proposal and that this will lead to future demand for further more harmful uses and development, lack of local demand will increase traffic and undermine any

environmental benefits, light pollution, impact on ecology and wildlife features, impact on character of the area particularly in relation to adjoining village, Green Belt and within an Area of Special Landscape Value, loss of quality agricultural land, environmental impacts of dust suppression chemicals, should be located on other sites not in agricultural/ rural area but on brownfield land within urban areas, visual impact on character of area, village and Hill Top Road, loss of property value, disturbance to worship at adjoining chapel, unsustainable location, that the proposal is a race track and not an eco-trail, that proposed facilities are not essential, impact on adjoining farms and livestock, that large numbers of visitors will be required to justify investment thereby exacerbating parking and other issues.

Preston Brook Parish Council have confirmed their objection to the application with respect to issues of noise, highway safety, dust, detrimental impact on the character of Hill Top Road through entrance formation and that it represents an inappropriate scheme at this location due to impact on overall character and quality of life of residents.

One letter of in principle acceptance of the proposals has been received subject to strict implementation as described and control.

Any further comments not covered within the body of this report will be reported orally to the Committee.

SITE/LOCATION:

Site of approximately 3 ha lies to the north-north-east of Preston on the Hill. The site is predominantly open and agricultural in character and contains a number of run down agricultural buildings.

RELEVANT HISTORY: None directly relevant.

UDP PLAN DESIGNATION, KEY POLICIES AND SUSTAINABILITY OBJECTIVES:

The site is within designated Green Belt and within an Area of Special Landscape Value in the Halton Unitary Development Plan. The following policies are of relevance:

- BE1 General Requirements for Development
- GE1 Control of Development in the Green Belt,
- GE5 Outdoor Sport and Recreation Facilities in the Urban Fringe and Open Countryside,
- GE23 Protection of Areas of Special Landscape,
- GE21 Species Protection,
- PR2 Noise Nuisance and
- GE14 Noise Generating Sports

Planning Policy Guidance Note 2 (PPG2) Green Belts, PPS7 Sustainable Development in Rural Areas and the Halton Landscape Character Assessment 2009 are also considered of relevance.

Observations and Issues

This application seeks permission for use of land bordering the village of Preston-on-the-Hill, formerly used for agricultural purposes, as an electric bike trail park. The proposed facilities building will be new-build on the site of a much larger group of barns and other agricultural buildings, which are currently disused and in a state of significant disrepair and are to be demolished as a result .

Policy Considerations

All parts of the site are identified as within designated Green Belt as defined by the Halton Unitary Development Plan. UDP Policy GE1 provides that planning permission will not be given for inappropriate development except in very special circumstances or for development conspicuous from the Green Belt that would harm its visual amenity. Within PPG2 appropriate development is defined as including “engineering and other operations, and material changes of use, if they maintain openness and do not conflict with the purposes of including land in the Green Belt”. It is considered that outdoor sport and recreation, including motor sports, can be acceptable in principle and PPG2 specifically identifies the use of land within the Green Belt as having a positive role to play in fulfilling a number of objectives including provision of “opportunities for access to the open countryside for the urban population” and “for outdoor sport and outdoor recreation near to urban areas”. A letter of in principle support has also been provided from Sport England, a government agency, albeit in relation to earlier drafts of the proposals. That letter acknowledges that “the proposed development would represent a significant investment in sport, and given the nature of the motorsport activity proposed, is relatively unique in its approach to the provision of sporting opportunity”.

Policy GE5 provides further key assessment criteria in defining appropriate development in regard to such areas including provision of essential facilities including roads, buildings etc for outdoor sport and recreation having particular regard to preserving character, amenity and best and most versatile agricultural land. National guidance in the form of PPS7: Sustainable Development in Rural Areas suggests that “the Government is also supportive of the replacement of suitably located buildings of permanent design and construction in the countryside for economic development purposes. The replacement of buildings should be favoured where this would result in a more acceptable and sustainable development ..., for example, where the replacement building would bring about an environmental improvement in terms of the impact of the development on its surroundings and the landscape”. It is therefore considered that, having regards to all other material considerations, provision of such buildings, roads etc to provide essential facilities for sport and recreation in the countryside can be appropriate

development in the Green Belt. The use of solar panels within the building to include provision for charging of bikes is also a welcome feature in this regard.

The site also lies within an Area of Special Landscape Value as defined by the Halton Unitary Development Plan. Policy GE5 provides further criteria for development in such areas to ensure that development does not have an unacceptable impact on the visual and physical characteristics for which the area was designated. Further discussion in this regard is contained later within the report.

The application as submitted was determined prima facie to have the potential to be a departure, in part, from the development plan and the proposals were therefore advertised as such. Through refinement to the scheme and detailed assessment, the proposals are considered, on balance, to accord with the principles of that policy guidance and the key criteria identified within UDP Policy.

Design and Character

The proposals seek to create an electric bike trail through an enhanced landscape setting including woodland planting, grassland and wildflower meadows with new pond creation. Tracks through these areas will be mown, however, undoubtedly they will become worn to bare earth dependant on weather conditions and usage levels. With the exception of proposed entrance and access track creation, indicative levels and sections do not suggest significant changes to levels across the site with the exception of small jumps of up to a maximum of 1m high along the track length and pond creation. The access track will skirt the eastern boundary of the site set against existing landscaping and require a degree of cut and fill to create appropriate levels particularly in relation to the south east corner of the site. Indicative sections do, however, show that this will be predominantly set at a lower level than existing land levels and will essentially form a cut through the slope thereby, with careful choice of materials significantly reducing any visual impact.

Whilst the track creation and landscaping works will require site stripping to bare earth to allow for some engineering operations and landscaping works which will take time to establish this must be viewed as a short term impact only and balanced against normal agricultural regimes which could take place at the site on an annual basis including ploughing etc using heavy plant. The proposed creation of the new access to Hill Top Road will undoubtedly be visually obvious during the construction phase and whilst replacement planting reaches a degree of maturity. The character of the new entrance is not, however, considered dissimilar from other field entrances on Hill Top Road and the wider area and not therefore considered out of character.

The proposal also seeks to provide a new building to accommodate a reception and waiting area, café, bike preparation station, secure storage/workshop, changing and shower facilities and office together with associated parking. The proposed design of Cheshire brick construction with dual pitched slate roof is considered wholly in keeping with the character of the area. It is

sited to replace a group of redundant and derelict barns having a significantly smaller footprint and ridge height thereby acting not only to reduce visual massing and scale but as a visual improvement. Creation of customer parking around the building has, as far as possible, been sensitively created using predominantly bark surfacing and landscaped to soften the impact of parked cars on the hill side. The scale of these associated facilities are accepted as essential to the use rather than merely desirable and, as such, considered to comply with the criteria identified within UDP Policy GE5.

The site is within an Area of Special Landscape Value as defined in the Halton UDP. The Council has commissioned the Halton Landscape Character Assessment (2009), which identified distinctive special features and characteristics of the landscape and opportunities for landscape enhancement. It is considered that significant weight must be given to that study in assessing planning applications with respect to impact on landscape character. That document clearly identifies the character of the area of Preston on the Hill, as gently undulating farmland with distinct field patterns created by linear tree planting within hedgerows with field ponds and scattered woodland copses. The report advises that pattern should be conserved and enhanced particularly through careful woodland planting and management. Through amendments to the scheme it is considered that the proposals will not conflict significantly with that character but that the proposed planting and additional ecological features will contribute significantly to it. The proposed new building is also considered to be in keeping with the aspirations of that document through design, materials and location near to the existing built form of the village.

Noise and Other Amenity Issues

Motor sports are widely considered to raise potentially significant issues in terms of noise, dust and other such nuisance issues, which can have significant detrimental effects on both the character of the area and the amenity of nearby residents and businesses. Indeed such uses can be generally classed as “noisy sports activities”. This application does not, however, propose such a use nor does it include proposals for organised races with substantial jumps, public address systems, race crowd spectators, significant external lighting, orange tape and other race style paraphernalia. Whilst those uses do exist throughout the UK, the proposed use relates only to electric powered bikes with limited numbers of riders through enhanced woodland and countryside style setting. Such a use is not currently thought to exist anywhere in the UK although similar facilities are reported to exist in Austria and Germany.

The application proposes to landscape the area with a mix of woodland style, ponds, grass and wildflower meadows with relatively narrow routes cut through longer grass to demarcate the tracks. Any jumps within the track will be limited to 1m high or less. Traditional motocross bikes are generally powered by petrol/ diesel engines which themselves act as a significant noise source as well as tyre noise and mud splatter. The proposed use specifically relates to electric bikes only for customers although some more traditional

petrol/ diesel vehicles will be used for maintenance etc. Issues relating to dust are not considered likely to raise significant amenity issues especially given separation to residential properties. Such issues can be resolved through proper site management including track spraying with dust control agents during dry periods and an indicative method statement has been supplied in this regard.

All such issues must, however, be considered in the context of their proposed surroundings. The application is supported by a detailed noise assessment, which has been reviewed by the Councils Environmental Health Officers. The scheme has been designed to provide track locations no nearer than 40m to the nearest residential property off-set by landscaping and grazing paddocks. In this context the report concludes that with current background noise levels dominated by motorway noise from the M56 motorway noise from the bikes, including tyre and mud splatter, customer activities such as parking and closing doors etc, noise will be virtually inaudible at nearest residential properties even accounting for potential bunching of a number of riders. As such it concludes that additional measures to mitigate noise from the bikes will not be necessary.

It is considered that sufficient control can be exerted on the exact nature of the use including types of bike allowed, the noise levels which they produce, numbers of riders on the track at any one time, use of public address systems, external lighting through a combination of planning conditions and legal agreement

Highways and Parking

The proposal includes provision of a new vehicular and pedestrian access adjoining St. Faiths Chapel on Hill Top Road with the access skirting to the eastern boundary of the site. The creation of these will require engineering works to cut into the lower slopes to create suitable land levels for access and create appropriate visibility splays to vehicular traffic at the entrance.

This has been designed in close consultation with the Councils Highways Engineers and in accordance with detailed speed readings undertaken on what is a relatively narrow country lane. The revised access now requires much less intrusive engineering operations to create suitable visibility splays and has been designed to encourage traffic flows to the west through Preston Brook rather than the village to the east at the top of the hill. This will require maintenance of visibility at the access including across third party land by legal agreement. The applicant is aware of this and has confirmed agreement in principle. There will also be a need for the applicant to enter into agreement with the Highway Authority for the construction of this new access and design to ensure no surface water run off onto the adopted highway from the new access road.

Given the unique nature of the proposals there is no clear parking standards for this type of business. Notwithstanding that, the Councils Highways Engineers have confirmed that, based on the submissions contained within

the submitted supporting design & access statement, the proposed parking provision of 25 spaces is adequate and that any potential overspill parking is unlikely to spill onto the adopted highway. As such, it is not considered that this will create a highway safety issue.

In order to promote non motorised forms of transport to the site, a travel plan can be agreed by condition. This would further help to reduce parking demand and ensure that the travel patterns quoted in the design and access statement are achieved. Due to the distance and levels required to access the main buildings from the proposed new access at Hill Top Road, especially for those with limited mobility travelling by means other than car, it will be necessary for the applicant to make arrangements to collect from the gate. Given the proposed pre-booking only system being proposed, this is not reported to raise significant objection and can be secured through the travel plan.

Given the unusual nature of the proposals the Councils Highways Engineers have by necessity based their advice on the details contained within the submission and, most notably the submitted Design and Access Statement which includes details regarding the management and operation of the proposals. On that basis, however, they have confirmed that they raise no objection to this application subject to conditions.

Loss of Trees and Hedgerows

The proposals will result in the loss of three mature ash trees and a section of hedgerow at the location of the site entrance as well as relatively short sections of hedgerow within the site to allow track creation. The removal of the three mature trees has previously been agreed in principle by the Councils Trees and Woodlands Officer with two being classified as mediocre and a third being potentially hazardous. None of the trees are protected by Tree Preservation Order.

The sections of hedgerow to be removed, and in particular the length to be removed at the proposed entrance, are considered of merit as an ecological, environmental and characteristic feature of the area and lane. The sections to be removed are considered relatively small in their wider context. Opportunity exists for substantial replacement planting throughout the proposals which are considered to provide environmental and ecological benefits in the long term to more than adequately compensate for the proposed losses. This view has been agreed by the Councils Open Space Officers. A letter of support has also been received from The Mersey Forest in relation to the proposed woodland and tree planting.

Issues relating to character of the entrance and lane are considered elsewhere within this report.

Ecology

The application is supported by an ecological assessment which identified no statutorily protected species or habitats on site. The survey does identify

measures for due care in carrying out the development with particular regards to bats and nesting birds which are protected through wider legislation and significant potential through the development to secure improved wild life habitat through pond creation, appropriate landscaping and inclusion of bird and bat features within the scheme. It is considered that this can be adequately secured by condition.

Loss of Agricultural Land

In accordance with Planning Policy Statement 7 (Sustainable Development in Rural Areas) Policy GE5 of the Halton Unitary Development Plan requires that proposals for outdoor sport and recreation do not cause damage to the best and most versatile agricultural land, or conflict with agricultural interests. Best and most versatile land is designated as land in grades 1, 2 and 3a. The site is identified as falling within classification 3 but has not undergone full site analysis to determine its detailed status within that class as 3a or 3b. Notwithstanding that, the proposals are considered to deal predominantly with the use of the land and not likely to result in significant damage or conflict with agricultural interests and as such it is not considered that further analysis is required or that refusal could be justified in this regard.

Archaeology

The application has been assessed by the Councils retained adviser on archaeological matters who has suggested that, given the history of the area, the proposal does have the potential to reveal archaeological remains during the construction phases and therefore suggests a developer funded watching brief of the area to record any remains present. Given the nature and scale of the works it is advised that no further assessment is required prior to determination of the planning application and that this can be adequately secured by condition.

Summary and Conclusion

The submitted proposals raise a number of substantive issues and have raised a degree of local opposition and concern. The use of the Green Belt for activities associated with sport and recreation, including more traditional motor sports, together with essential associated facilities are considered to be in line with the principles of national and local policy objectives. Such uses and facilities do have the potential to significantly alter the character of rural areas and the amenity of nearby residents as well as the enjoyment of visitors. Such issues become of particular concern in relation to motor sports and other so-called noisy sports with associated race events and crowds which they attract and a balanced view must be made in relation to such issues. The current proposals are considered markedly different from more traditional forms of motor sports and must be judged on their individual merits. Proposals for an electric bike trail aimed at pre-booked riders are not considered likely to give rise to the same levels of noise and other amenity issues. Significant effort has been made through the proposals not only to preserve the existing character features and quality of the area but to enhance it through attention

to materials, planting and ecological enhancement. The visual impact of the use in terms of car parking, number of riders on bikes within the landscape and what will undoubtedly become a dirt track rather than mown grass together with likely impacts on the character of the village and amenity of adjoining residents are not considered to result in harm which would outweigh the wider merits of the scheme.

RECOMMENDATION:

The application be approved subject to the following:

- a) The adjoining site owner entering into a legal or other appropriate agreement relating to securing sight lines across land not within the ownership of the applicant
- b) Conditions relating to the following:
 1. Submission and agreement of a timetable and phasing plan relating to the proposed demolition of buildings and implementation of planting and landscape works including pond creation (BE1)
 2. Submission and agreement of a construction environmental management plan and plan for the control of routeing and access/ egress of all construction traffic (BE1)
 3. Wheel cleansing facilities to be submitted and approved in writing. (BE1)
 4. Securing a scheme of archaeological works (BE6)
 5. Materials condition, requiring the submission and approval of the materials to be used (BE2)
 6. Landscaping condition, requiring the submission of detailed hard and soft landscaping to include tree planting. (BE2)
 7. Boundary treatments to be submitted and approved in writing. (BE2)
 8. Construction and delivery hours to be adhered to throughout the course of the development. (BE1)
 9. Submission and agreement of detailed construction of ponds (GE21)
 10. Vehicle access, parking, servicing etc to be constructed prior to occupation of properties/ commencement of use. (BE1)
 11. Requiring provision and maintenance of access visibility splay (BE1)
 12. Conditions relating to the agreement and implementation of bin stores cycle parking provision (GE15 and TP6)
 13. Submission and agreement of finished floor and site levels. (BE1)
 14. Conditions relating to tree protection during construction (BE1)
 15. Restricting external lighting (PR4)
 16. Restricting external working and storage (E5)
 17. Submission and agreement of ecology/ habitat enhancement features including bird/ bat boxes (GE21)
 18. Submission and agreement of a woodland and pond management plan (GE21)
 19. Restricting all riders to those on a pre-booked basis and prohibiting race events (BE1)

20. Restricting all bikes to those which are electric powered only and noise emissions with the exception of those for track maintenance unless otherwise agreed (PR2)
 21. Restricting width and areas for track creation/ layout including location, construction methods and height of any jumps or other obstacles (PR2)
 22. Restricting use of tannoy or public address systems (PR2)
 23. Restricting use of facilities building to floor space and uses as detailed (GE5)
 24. Submission and agreement of detailed dust suppression methodology (BE1)
 25. Submission and agreement of a detailed travel plan including visitor transfer (TP16)
 26. Restricting hours of use (BE1)
 27. Restricting maximum numbers of bikes on the track to 25 at any time (BE1)
- c) That if the S106 Agreement or alternative arrangement is not executed within a reasonable period of time, authority be delegated to the Operational Director – Environmental and Regulatory Services in consultation with the Chairman or Vice Chairman of the Committee to refuse the application on the grounds that it fails to comply with Policy S25 (Planning Obligations).

PLAN NUMBER: 10/00320/FUL

APPLICANT: Argent Developments

PROPOSAL: Proposed demolition of existing building and construction of 14 No. new affordable dwellings with associated access road

ADDRESS OF SITE: Widnes Timber, Foundry Lane, Widnes

WARD: Ditton

SUMMARY RECOMMENDATION:

Approve subject to Conditions

CONSULTATION AND REPRESENTATION:

Adjoining properties have been consulted and the application advertised by way of site notice and in the press. The Parish Council have been notified. The Environment Agency, United Utilities, The Health and Safety Executive Natural England, The Council's Highways Engineer, Environmental Health, Open Spaces Officers have all been consulted.

The Health and Safety Executive have confirmed they do not advise on safety grounds, against the granting of planning permission. The Council's Environmental Health Officers, United Utilities and the Environment Agency have no objections to the proposal but have recommended a number of conditions.

SITE/LOCATION:

The site is located in Foundry Lane and is bounded by residential property to the north east and north west. Opposite the site and to the west are long established business premises. The site is accessed from Foundry Lane and is currently occupied by Widnes Timber and is approximately 0.25 hectares in size.

RELEVANT HISTORY:

None directly relevant.

UNITARY DEVELOPMENT PLAN DESIGNATION, KEY POLICIES AND SUSTAINABILITY OBJECTIVES:

The site is within the Halebank Action Area in the Halton Unitary Development Plan. The following policies are of relevance:

- RG5 Action Area 5 Hale Bank
- BE1 General Requirements for Development
- BE2 Quality of Design
- PR14 Contaminated Land
- H2 Design and density of New Residential Development

The SPD for New Residential Development is also considered of relevance.

OBSERVATIONS AND ISSUES:

Full planning permission is sought for the demolition of existing building and construction of 14 No. new affordable dwellings with associated access road.

Design, Character and Amenity

The site is within the Halebank Action Area as identified in the UDP and therefore the principle of residential development is acceptable. The site adjoins the recently developed residential scheme. The scheme comprises fourteen 2 storey houses providing a mix of two and three bedroom properties. The design of the properties is in keeping with the adjoining residential development. The privacy distances between the proposed development and the existing residential properties are in accordance with the Council's standards. The proposed layout also provides garden spaces that meet the Council's minimum standards. It is, however, considered necessary to restrict permitted development rights for the resultant dwellings to avoid

potential over-development of the plots and to safeguard residential amenity into the future.

The site is bounded to the south and west by commercial properties. It is considered that the amenity of the future occupiers of the proposed dwellings can be adequately safeguarded by available mitigation measures. The Council's Environmental Health Officer has recommended a condition requiring the submission of a noise assessment and the implementation of its findings.

Ground Conditions

The application has been supported with a contamination and geotechnical assessment. The Council's Environmental Health Officer have assessed the report and recommend a condition is attached requiring further investigation once the use of the site has ceased, this report should also include the details of the remediation strategy for the site.

Highways and Parking

Whilst the Council's Highways Engineer has confirmed that no objection in principle to residential on the site, however, there is still a number of outstanding issues, which it is considered can be resolved through the submission of amended plans.

The site is accessed from Foundry Lane and the proposed scheme provides two parking spaces for each property. The current layout within the site would not meet the Council's standards in terms of adoption therefore a condition is recommended that a management plan for the shared parking and landscaped areas to the front of the property be submitted and approved.

Amended plans/ additional information have been requested to show an adequate visibility splay from the site onto Foundry Lane and to show an adequate turning area for service vehicles. Discussions are ongoing with the applicant and the Council's Highways Engineers to provide satisfactory resolution of these outstanding issues to ensure that adequate provision can be made for highway circulation, servicing and parking and Members will be updated as required.

Summary and Conclusion

The proposed residential proposal raises no objection in principle. Whilst the submitted proposals raise a number of relatively minor issues and discussions are ongoing, it is considered that the outstanding matters can be resolved. The scheme is considered to be in character of the wider area and that the requirements and aspirations of UDP policy can be met.

RECOMMENDATION:

Approve subject to conditions relating to the following:

1. Requiring the development to be carried out in accordance with the approved
2. Materials condition, requiring the submission and approval of the materials to be used (BE2)
3. Landscaping condition, requiring the submission of both hard and soft landscaping to include replacement tree planting. (BE2)
4. Boundary treatments including retaining walls to be submitted and approved in writing. (BE2)
5. Wheel cleansing facilities to be submitted and approved in writing. (BE1)
6. Submission and agreement of finished floor and site levels. (BE1)
7. Construction and delivery hours to be adhered to throughout the course of the development. (BE1)
8. Vehicle access, parking, servicing etc to be constructed prior to occupation of properties/ commencement of use. (BE1)
9. conditions relating to restriction of permitted development rights relating to extensions and outbuildings and boundary fences etc. (BE1)
10. Site investigation, including mitigation to be submitted and approved in writing. (PR14)
11. Noise survey and mitigation to be submitted (BE1)
12. Management plans for shared areas to be submitted and approved.
13. Adequate visibility splays to be maintained (BE1)
14. Proposal to be carried out in accordance with the submitted flood risk assessment.
15. Cycle parking to be provided in accordance with details submitted. (BE1)

PLAN NUMBER: 10/00366/COU

APPLICANT: Mr M Say, Finerose Properties Ltd, 23 Wharf House, Preston Brook, Warrington WA7 3AH

PROPOSAL: Proposed conversion & alterations to form 6 No. one and two bedroom apartments

ADDRESS OF SITE: The Tunnel Top Public House, Northwich Road, Runcorn, W7 6PE

WARD: Daresbury

SUMMARY RECOMMENDATION:

Approve subject to conditions

CONSULTATION AND REPRESENTATION:

The application was advertised by a site notice displayed near to the site. The nearest affected occupiers of the adjacent residential properties were notified by letter. United Utilities, The Health & Safety Executive, Shell UK, British

Waterways, Cheshire West & Chester, the Council's Highway Engineers and Environmental Health Officers have all been consulted.

The Council's Conservation Consultant has raised no objections to the proposal and its impact on the nearby Grade II listed building of the tunnel on the Preston Brook stretch of the Trent and Mersey Canal. However, it is recommended that views of the development be broken up with additional landscaping. This can be the subject of a landscaping planning condition.

The Council's Highway Engineers have raised no objection to the proposal. However, the access to the development is within the boundary of Cheshire West & Chester and as such the applicant has submitted a planning application to that Authority, which is currently under consideration. Members will be updated on the progress of that application.

The Council's Environmental Health Officer has suggested a precautionary standard planning condition relating to ground conditions.

The Health & Safety Executive does not advise, on safety grounds, against the granting of planning permission in this case.

At the time of writing the report an objection has been received from Graham Evans the MP for Weaver Vale on the basis that the proposal would see the removal of a 'core part of the centre' of the community; it is popular with dedicated regulars; the pub has experienced success in 2010 receiving awards for its produce; the pub is financially viable and popular.

The Council has received 69 objections to the proposal including one from CAMRA (Campaign for Real Ale). The objections raised are as follows:-

- Loss of a vital public house
- Loss of a community facility in walking distance from Preston Brook
- Impact on the green belt – inappropriate development with no special circumstances given
- Pub has been in the community a long time
- Visual impact on the green belt from walls
- Loss of jobs – Currently stated as 3 full time and 8 part time excluding the landlady
- Loss of home for current landlord/lady
- Allowing this would set a precedent for other 'greedy developers' within Preston Brook parish
- Lack of pre-application neighbour consultation
- Too many car parking spaces
- Loss of trees not stated
- Loss of staff not stated
- Access to the Council website for application and UDP information was poor
- Misleading address on application details
- Parish Council's and MP not notified

- Poor location of site notice
- Loss of centre for community activities related to the public house;- pool and darts teams; meeting place for local meetings; event venue
- Visual impact of walls on existing area character
- Loss of recipient of local services from Weaverham, Frodsham and other local farms and a north Cheshire small brewery
- Irreplaceable loss of public house facility
- Tourist facility accessing canals and used by ramblers and cyclists – loss would be a loss of income in the Borough
- CAMRA Public House Viability Test should be used to confirm the viability of the business
- Impact on quality of life of residents of Dutton and other users of the public house
- Also requiring planning permission from Cheshire West & Chester Council
- Neighbour consultation period too short
- Lack of information on planning application not compliant with the Council's Statement of Community Involvement
- Potentially contaminated land
- Application should have indicated that the landlord/landlady live on the site
- Halton's population is falling therefore there will be less demand for housing in the borough
- Application should have identified that it is also a restaurant as well as pub
- Will encourage future occupiers to be car based
- Halton does not have a policy to protect the 'last pub in the village' and approving this would be contrary to PPS7
- The Institute for Public Policy Research in its report "Pubs and Places – The social value of community pubs" states that pubs promote community cohesion between groups of people from different walks of life
- CAMRA survey found that 84% of respondents thought that a pub was as essential to village life as a shop or post office
- The Tunnel Top is an economically viable public house
- Popular public house
- CAMRA's sole entry into the prestigious Champion Pub of Cheshire competition – offering a well kept cask beer that is brewed within a defined local area
- Will force people to travel further to find a public house
- Apartments not viable in this area
- None existent public transport system and reduced blood/alcohol limits with motorists being encouraged not to drink and drive, it does not make sense to close another pub which the local residents can walk to
- Sponsors a kids football team
- Pub where parents can watch children play whilst using the facilities
- Loss of community hub and place for people to meet

Any comments received from Dutton and Preston Brook Parish Councils will be reported orally to Committee.

SITE/LOCATION:

The site is located in the area of Dutton, at the edge of the Borough. The public house is situated on the main A533 Northwich Road and is within the small residential community of Dutton and adjacent to the Whitehouse Employment Area. The site and surrounding properties are within the green belt.

The site is currently occupied by two main buildings, one the Tunnel Top Public House, which is still open and to the rear a separate large building named the Pavilion which has been used for ancillary uses with the public house. The site currently has car parking, access is direct from Northwich Road and there is a large ancillary play area to the side of the public house. The site is relatively isolated with dwellings to the west and south.

RELEVANT HISTORY:

Previous approved planning applications 94/00385/FUL – approved single storey extension to kitchen; 05/00502/FUL – refused demolition of bowling pavilion and erection of two storey extension to rear; 05/00852/FUL - approved demolition of bowling pavilion and erection of two storey extension to rear.

UNITARY DEVELOPMENT PLAN DESIGNATION, KEY POLICIES AND SUSTAINABILITY OBJECTIVES:

The following national guidance/statements and Council Unitary Development Plan policies and policy documents are relevant to this application:-

New Residential Development Supplementary Planning Guidance
Designing for Community Safety Supplementary Planning Document
BE1 General Requirements for Development
BE2 Quality of Design
BE22 Boundary Walls and Fences
GE1 Control Over Development in the Green Belt
GE4 Re-Use of buildings in the Green Belt
GE23 Area of Special Landscape Value
PR14 Contaminated Land
TP6 Cycling Provision as part of New Development
TP7 Pedestrian Provision as Part of New Development
TP12 Car Parking
TP17 Safe Travel for All
LCT5 Protection of Community Facilities
LCT8 Protection of Tourist Attractions
LCT10 Water-Based Recreation

Planning Policy Guidance 2 – Green Belts

OBSERVATIONS AND ISSUES:

The Proposal

Full planning permission is sought for the change of use of an existing public house building to form 6 apartments with associated car parking and landscaping, with access from Northwich road. The main issues arising as a result of the proposal are; impact on the surrounding green belt; loss of a public house; highway safety; impact on existing residents.

Impact on Green Belt

As the site lies within the green belt, the proposal has been assessed against the Halton Unitary Development Plan policies GE1 and GE4 in this regard and Planning Policy Guidance 2 – Green Belts (PPG2).

PPG2 states that the re-use of an existing building within the green belt is appropriate development and does not conflict with the purposes of including land in the green belt and in principle is acceptable.

Halton UDP policies GE1 and GE4 provide criteria to be met for development proposal to re-use buildings in the green belt. The main thrust of these criteria is to ensure that the building is appropriate for re-use without resort to significant re-building; any extensions would not be significant or alter its appearance; and that there is adequate control over the ancillary requirements associated with the use, e.g. garden areas, car parking areas.

Policies GE1 and GE4 have been designed to deal with redundant agricultural buildings in the main and it is clear from the current buildings use that it is in a well maintained and robust condition. However, the applicant has provided a written statement to express the buildings suitability for conversion and will submit the structural survey required by the UDP policies prior to the Committee meeting, the conclusions of which will be reported orally to Members.

The applicant has been requested to submit amended plans to reduce the size of the car parking area to 15 spaces, to allow for compliance with car parking standards and extra visitor spaces, given that the road on which it sits is not suitable for on street car parking. Members will be updated with regard to this.

The plans show some areas of landscaping around the car park. This will be the subject of a planning condition and will need to consist of a hawthorn mix so that the surrounding land designation as an Area of Special Landscape Value is not compromised. The application was submitted with the required tree survey and tree loss will be the subject of replacement planting to be incorporated within the landscaping scheme.

In built form there will be no significant differences resulting from the proposed small single storey extension to the side, substantially smaller than the previously approved public house extensions. The building to the rear, identified as the 'pavilion', is proposed to be retained for future use by the residents of the apartments. In order to control the use of this building and any future impact on the surrounding green belt, the association of the building with the use of the apartments as dwellings will be the subject of a planning condition.

The proposal provides more than sufficient on site private amenity space for use by the future occupiers and refuse storage. A planning condition will require details of cycle storage areas but there is scope for this to be provided on site.

The overall character of the building will remain the same as it appears at present and although the car parking area is relocated to where the current public house play space is, the overall impact is unchanged.

On this basis it is considered that the proposal does not conflict with green belt policy and as such, complies with PPG2 and Policies BE1, BE2, GE1, GE4, GE23 and TP12 of the Halton Unitary Development plans and is acceptable on this basis.

Loss of Public House

Several objectors have referred to the CAMRA (Campaign for Real Ale) groups 'Sustainability Guide for Public Houses' in support of their view, which is the overwhelming view of the objectors to the proposal, that the facility should be retained. This is neither a national or locally recognised planning appraisal and has no status in the current framework of planning policies. However, given that it has been referred to, an assessment of the current status of the public house using the CAMRA document has been undertaken.

The CAMRA assessment is a very rudimentary exercise in identifying the current status of a public house. CAMRA is not a statutory consultee and is an independent, voluntary, consumer organization, whose main aims are promoting real ale, real cider and the traditional British pub. It is now the largest single-issue consumer group in the UK. In terms of the 'Viability Test', it is apparent from some of the findings in this case that the assessment is unhelpful. For example if it is accepted that the site is within a rural area, the test suggests that the site has a potential catchment area which includes St Helens, Lymm, Halewood and Speke, which cannot reasonably be accepted as the natural catchment for this public house.

The test establishes a moment in time for this site in terms of how it is managed, its characteristics and its customer potential. However, there appears to be no scientific basis for the format of the survey and its use and findings should be applied with caution.

The relevant national policy guidance in relation to the potential loss of public houses is contained in Planning Policy Statement 4 – Planning for Sustainable Economic Growth (PPS4) and Planning Policy Statement 7 – Sustainable Development in Rural Areas (PPS7). The relevant local policies, specifically in relation to this issue and this site are BE1 General Requirements for Development, LCT5 Protection of Community Facilities, LCT8 Protection of Tourist Attractions and LCT10 Water-Based Recreation. In relation to the latter, it should be noted that the current public house management restricts car parking on site to that for patrons of the public house alone.

In PPS4, Policy EC12 states that the re-use of buildings in the countryside for economic development purposes will usually be preferable, but residential conversions may be more appropriate in some locations and for some types of building.

PPS4, Policy EC13 states that when assessing planning applications affecting shops, leisure uses including public houses or services in local centres and villages, local planning authorities should:

- a) take into account the importance of the shop, leisure facility or service to the local community or the economic base of the area if the proposal would result in its loss or change of use
- b) refuse planning applications which fail to protect existing facilities, which provide for people's day-to-day needs
- c) respond positively to planning applications for the conversion or extension of shops, which are designed to improve their viability
- d) respond positively to planning applications for farm shops, which meet a demand for local produce in a sustainable way and contribute to the rural economy, as long as they do not adversely affect easily accessible convenience shopping.

PPS7 states that planning authorities should support the retention of local facilities, including rural public houses, and should set out in Local Development Documents (LDD) the criteria they will apply in considering planning applications that will result in the loss of important village services (e.g. as a result of conversion to residential use). Halton currently has no LDD in relation to this and the specific protection of public houses (rural or otherwise) is not contained within the current adopted planning policies of the Council. PPS7 is supportive of the principle of re-use of buildings in the countryside for residential purposes, where it is appropriate.

Policy Chapter 7 of the Halton UDP deals with indoor leisure and tourism; and community facilities. Whilst these policies deal with how to control these types of facilities within the borough, protection of public houses specifically is not included in its aims and objectives. Of this set of policies LTC5 – Protection of Community Facilities is of particular relevance. Policies LTC8 - Protection of Tourist Attractions and LTC10 – Water-Based Recreation can also have relevance, although it is considered that the site has limited credentials as a tourist facility or centre for water-based recreation.

In taking PPS4 and Policy LTC5 into account Members should be aware of the role this public house now has, as the sole service remaining in this area, given that the petrol station has recently closed. Members should attach weight to this proportionate to the type of community use that the public house offers. In this case, the public house serves, as a drinking and eating hostelry with no other service attached to the facility e.g. a post office or shop. It is considered that the public house currently serves a narrow community requirement as a result and as such it is not considered that a refusal could be sustained.

Highway safety

There are no objections to the proposal on the basis of highway safety, however, it should be noted that the access to the site lies within the Borough of Cheshire West & Cheshire who act as the planning authority for this aspect of the scheme. An application is currently being dealt with by Cheshire West & Cheshire and Members will be updated orally on progress of that application.

Amenity of Existing Residents

The nearest residential occupiers directly affected by the proposed development are those of No.1 Tunnel Top cottages, Northwich Road, which is adjacent to the site across the Tunnel Top North access and 'Belmont' and 'Tall Trees' two residential properties on Northwich Road facing opposite the site, No's 1 and 2 Vale Court are opposite the site across Northwich Road but have side and rear elevations facing the site. It is considered that given that the current use of the site as a public house, that the re-development of 6 apartments is likely to result in a reduced impact on the nearest occupiers by virtue of noise, late night disturbance, traffic movements and potential anti-social behaviour. On this basis the proposal meets the requirements of Policy BE1 of the Halton Unitary Development Plan and is acceptable.

Conclusion

The proposal has been considered in relation to the impact of the proposed development on the surrounding green belt and Area of Special Landscape Value. The proposal will not result in significant additional harm to the openness and visual amenity of either the green belt or landscape character, over and above the current use of the site. The Council can sufficiently control the future uses of the site to this end.

The applicant has provided evidence that the public house has made a net loss of over £40,000 in the year ending 2009 and from the responses to the CAMRA 'test' is of the view that its future as a public house is unviable.

In terms of the impact of the loss of the public house use, it is clear that a section of the surrounding community and other users of the public house have valid concerns that this will remove a valuable facility, which they currently use. UDP Policy LTC5 is not specific in including public house uses in its protection of community facilities, which 'serve an important local need'.

The current public house service is that of a drinking and eating hostelry with little further wider community provision and it would be unreasonable to apply the protection that LTC5 affords to this particular site.

On this basis the proposal is recommended for approval.

RECOMMENDATION

The application be approved subject to S.106 Agreement for the provision of off-site public open space financial contribution and the following conditions:

- 1 Time limit for development (BE1)
- 2 Amended Plans (BE1, GE4, TP12)
- 3 Boundary Treatment (BE22)
- 4 Materials Submission (BE2)
- 5 Bin Store Details (BE1, BE2)
- 6 Cycle Store Details (TP6)
- 7 Landscaping Scheme (including tree replacement) (BE1, GE4)
- 8 Landscaping Implementation (BE1, GE4)
- 9 Wheelwash (BE1)
- 10 Hours of construction and deliveries (BE1)
- 11 Restricted use of the 'Pavilion' building to purposes ancillary to the enjoyment of the dwellings (BE1, GE1, GE4)
- 12 Restriction in erection of sheds and other buildings/structures external to the apartment and pavilion buildings (BE2, GE1, GE4, GE23)