

Planning Committee

22 April 2015

Reference:
APP/15/00212

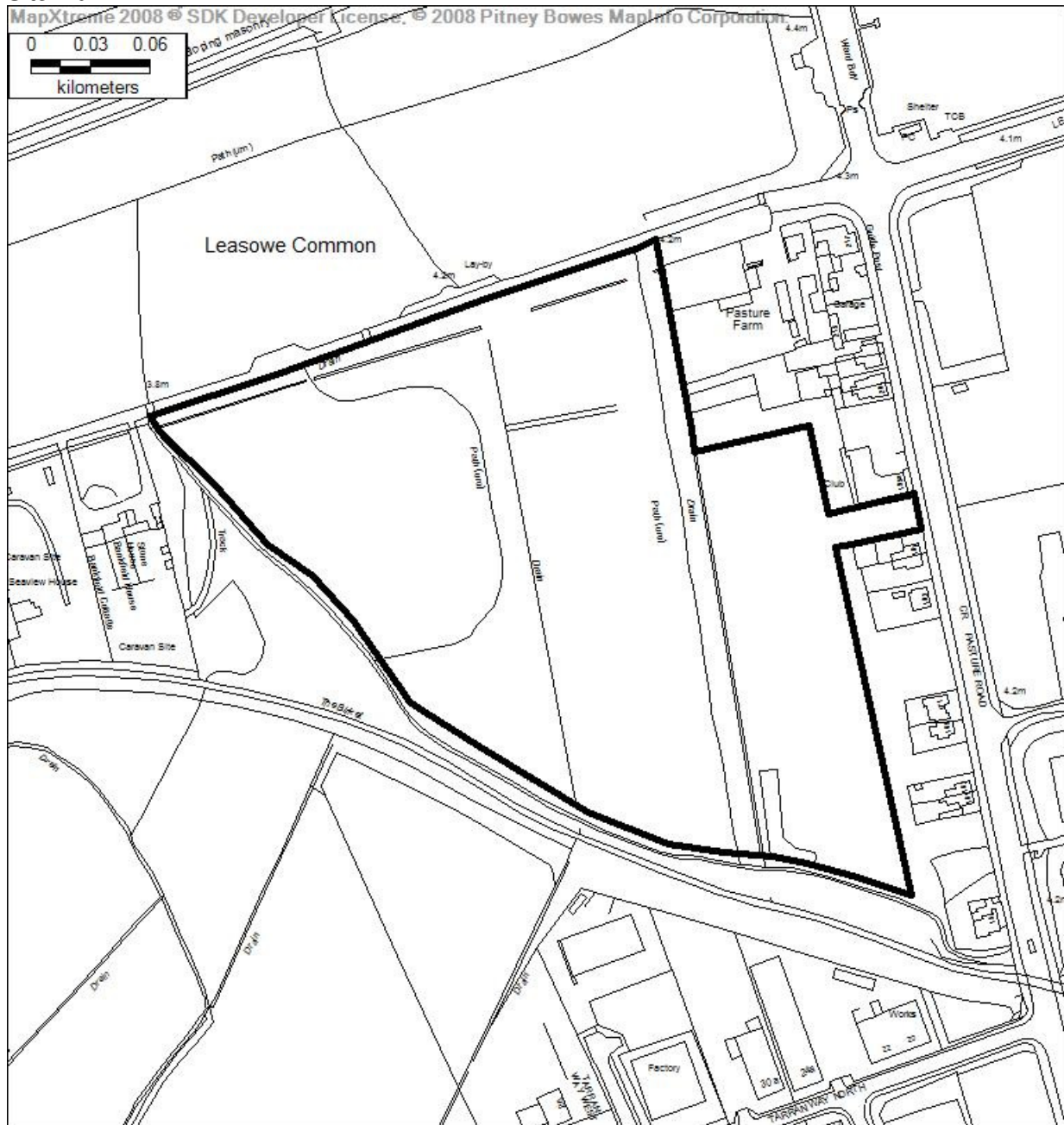
Area Team:
North Team

Case Officer:
Ms J Storey

Ward:
**Moreton West and
Saughall Massie**

Location: LAND AT PASTURE ROAD, MORETON, WIRRAL
Proposal: The provision of new stable blocks, Associated yard, Menage, Access track and change of land use to equestrian.
Applicant: Wirral Council
Agent : Equestrian Design

Site Plan:



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Development Plan allocation and policies:

Washland
Green Belt
Coastal Zone
Countryside Recreation Site

Planning History:

Location: Land following route of (north side) River Birkett from Leasowe Lighthouse to Wallasey
Application Type: Work for Council by outside body
Proposal: Construction of cycle route.
Application No: APP/96/05073
Decision Date: 25/04/1996
Decision Type: Withdrawn

Location: Sites in Leasowe, Moreton, and Meols adjacent to the Rivers Birket and Fender. Wirral.
Application Type: Full Planning Permission
Proposal: Flood alleviation scheme: Mitigation and enhancement of the environment after construction of flood walls and embankments.(amended details)
Application No: APP/97/06025
Decision Date: 13/10/1997
Decision Type: Approved

Location: Kerr's Field, east (adjacent) Bankfield, Leasowe Common, Moreton. L46 5TA
Application Type: Work for Council by Council
Proposal: Change of use to touring caravan and tented accommodation site and formation of vehicular access to Pasture Road.
Application No: APP/85/06854
Decision Date: 22/04/1986
Decision Type: Withdrawn

Location: Sites in Leasowe, Moreton and Meols, adjacent to the Rivers Birket and Fender.
Application Type: Full Planning Permission
Proposal: Flood alleviation scheme comprising construction of earth bunds, flood walls and associated landscaping.
Application No: APP/94/05698
Decision Date: 14/10/1994
Decision Type: Approved

Location: South (rear) Bankfield House, Leasowe Common, Moreton. L46 5TA
Application Type: Full Planning Permission
Proposal: Change of use to all year storage of touring caravans.
Application No: APP/85/06953
Decision Date: 28/01/1986
Decision Type: Approved

Location: Land following route of (north side) River Birkett from Leasowe Lighthouse to Wa
Application Type: Full Planning Permission
Proposal: Construction of a cycle route.
Application No: APP/96/05713
Decision Date: 26/07/1996
Decision Type: Approved

Location: Leasowe Lighthouse ,Moreton Common ,Moreton,Wirral,L46 4TA
Application Type: Full Planning Permission
Proposal: Change of use from lighthouse to public house, manager's accommodation and

maritime display centre, erection of associated two storey extension and construction of car park.

Application No: APP/82/21090

Decision Date: 28/10/1982

Decision Type: Refused

Location: Leasowe Lighthouse ,Leasowe Common ,Moreton ,L46 3R

Application Type: Listed Building Consent

Proposal: Change of use and extension to form Information/Scientific Study Centre and dwelling house

Application No: LBC/83/22186

Decision Date: 31/03/1983

Decision Type: Approved

Location: Leasowe Lighthouse, Leasowe Common, Moreton

Application Type: Listed Building Consent

Proposal: Conversion of existing derelict lighthouse into public house with restaurant facilities, manager's flat, historical maritime display area, observation post, with external parking and beer garden. Materials: painted brick and clear glass.

Application No: LBC/83/22168

Decision Date: 03/05/1983

Decision Type: Approved

Location: Leasowe Lighthouse, Leasowe Common, Moreton, Wirral, L46 3R

Application Type: Full Planning Permission

Proposal: Change of use to public house, manager's flat, historical maritime display area, observatory, beer garden and parking.

Application No: APP/83/22150

Decision Date: 03/05/1983

Decision Type: Approved

Summary Of Representations and Consultations Received:

REPRESENTATIONS

Having regard to the councils Guidance for Publicity on Planning Applications, 37 notifications were sent to adjoining properties and two site notices were displayed near the site. At the time of writing, a petition of objection containing 184 signatures has been received. The objections can be summarised as:

1. smell from horse manure - only to be removed every 8 weeks
2. flies and rat infestation
3. fire escape is going to be fenced out by the stables fencing
4. fencing inadequate with new road to be built alongside the Apollo
5. will not be able to open the fire doors for fresh air - flies and smells will be a problem
6. inconvenience due to construction
7. extra traffic to Pasture Road
8. noise impact assessment should have been issued to that users don't complain about the noise from the dancing school
9. change of use from Green Belt

CONSULTATION

Head of Environment & Regulation (Traffic & Transport Division) - No objection

Fire and Rescue Service - No objection

Natural England - No objection

MEAS - No objection subject to conditions

Environment Agency - No objection subject to conditions

Wirral Wildlife - objection - Loss of breeding habitat for Biodiversity Action Plan species, damage to biodiversity, no mitigation measures, damage to the SBI, removal of land designated in UDP as public open space.

Director's Comments:

REASON FOR REFERRAL TO PLANNING COMMITTEE

A qualifying petition of objection has been received. As such, under the provisions of the Scheme of Delegation for Determining Applications, this application is required to be determined by the Planning Committee.

BACKGROUND

The site is owned by the Council.

Upton Park Pony Association currently use Fernbank Farm, off Manor Drive in Moreton. The majority of this site is allocated as a housing development site within Wirral's Unitary Development Plan. Cabinet approval was given to dispose of the Fernbank site for housing and the Councils Cabinet also resolved to assist the club and pursue alternative sites to relocate and operate from.

A short list of five alternative sites was identified. However, for various reasons, including size, short term leases and the close proximity to residential properties, these sites were not considered suitable by the association to operate. The applicant's conclusion was that Kerr's Field, the application site, was the most suitable alternative. The Council's Cabinet 9th December 2014 resolved that approval be given for works at the Kerrs Field, subject to planning approval. It was agreed that the Council would maintain ownership of the site and offer the club a 99 yr lease at an agreed rent (item 115 refers).

INTRODUCTION

This proposal is for the change of use of the site and provision of new equestrian facilities in the form of two stable blocks to provide stabling for up to 10 horses. The proposal also includes an associated yard area, access track and menage. The buildings are in the form of an American barn and will be located to the east of the site. The two buildings differ slightly in size with the largest measuring 18m x 10.5m x 4,6 m to the ridge.

PRINCIPLE OF DEVELOPMENT

The application site is subject to a number of development plan designations and is identified in the UDP as being within the North Wirral Coastal Park - a Countryside Recreation Site, the Green Belt, a Coastal Zone and Washland for the North Wirral Floodplain. The site is also adjacent to the Leasowe Common Site of Biological Importance. The planning application will be assessed against the relevant National and Local Planning Policy and Guidance. . The application has been advertised as a departure from the Unitary Development Plan (UDP), as the proposals would conflict with UDP Policy CO2 which only permits small scale development for tourism and water based recreation that clearly requires a coastal location. Policy GB2 and NPPF make provision for appropriate facilities that preserve the openness of the Green Belt. Stables are capable of being appropriate as essential facilities for a recreational use in the Green Belt

SITE AND SURROUNDINGS

The eastern part of the site comprises of a piece of land between Pasture Road, Lingham Lane and the river Birket. The site is predominately flat, with the exception of the flood defence bund located to the north with pasture farm beyond. There are a number of properties along Pasture Road that back onto the site and these include houses and the Apollow Dance Club. The south of the site contains trees and a public footpath/bridleway and the River Birket.

The western part of the site is bounded by Lingham Lane to the north, a public footpath/bridleway and the River Birkett to the south and the flood defence bund to the east. The site is mainly rough grassland, open in appearance with small areas of scrub and bushes.

POLICY CONTEXT

Wirral Unitary Development Plan

- Policy GB2 – Guidelines for development in the Green Belt
- Policy TL11 – Development at Countryside Recreation Sites
- Policy NC01 – Principles for Nature Conservation
- Policy LA5 – Criteria for Horse Shelters and stables
- Policy WA1 – Development and flood risk
- Policy C02 Development within the Undeveloped Coastal Zone

UDP Policy GB2 indicates that there is a general presumption against inappropriate development in the Green Belt and that planning permission will not be granted unless the proposals are for 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. UDP Policy LA5 makes provision for small scale equestrian facilities within the Green Belt.

UDP Policy LA5 states that such proposals will be acceptable providing the proposed development will not be intrusive within the landscape or prejudice nature conservation interests, appropriate to a rural setting, in terms of scale, design, materials and external appearance and that at least 0.4 hectares of grazing land is available for each horse. Adequate grazing land is considered to be available for the no of proposed horses. The applicants have advised that most of the horses diets are supplemented through hard feeds and the provision of a menage reduce the reliance on the pasture for both exercise and grazing purposes.

UDP Policy C02 states that small scale facilities for tourism and water-based recreation will be permitted providing, the proposal requires a coastal location, is located so as not to disturb areas of quit enjoyment of the coast, does not adversely affect coastal and marine nature conservation or earth science, archaeology, landscape value or visual quality or impeded the maintenance of sea defence or coastal protection.

The applicants contend, in terms of justification for the proposed location of this development, that "by their very nature equestrian facilities generally require an expanse of open land for horses to graze and exercise. Opportunities for keeping horses in more urban locations are limited because such land is scarce. Equine related activities are more often located within the Green Belt or open countryside designations to help facilitate such uses." As outlined above, a number of site options were considered but no suitable alternative sites were found to be available.

- NPPF -Section 9 - Protecting Green Belt Land in particular paragraph 89, which states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt, exceptions to this include provisions 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. Current analysis based on the UDP/emerging Core Strategy standard of 2.4ha per thousand residents shows there is a deficiency of 49ha within the adjoining Settlement Area 5. However, when a 400 metre buffer is added to include part of Settlement Area 8 (which includes the application site) there would be a surplus of 264ha due to recreational sites in the surrounding Green Belt. As such, given the proximity to the remainder of the North Wirral Coastal Park, it would be reasonable on this occasion to release the site for the proposed development.
- NPPF - Section 10 - Meeting the Challenge of climate change, flooding and coastal change
- NPPF – Section 11 Conserving and Enhancing the natural environment.

APPEARANCE AND AMENITY ISSUES

In terms of siting, the stable buildings have been located in the north west corner of the site in reasonable proximity to the Apollo dance club. The siting of the buildings in this location ensures that the open character of the site is not affected and the facilities less conspicuous. This part of the site is also protected by the adjacent flood defence measures. In addition, the buildings have been located adjacent to the access to the site from Pasture Road. This minimises extensive tracks across the site.

With regards to the stable buildings, these are constructed from timber sheeting and corrugated Onduline roof. The applicants advise that the American barn arrangement reduces the risk of associated paraphernalia such as loose boxes and will ensure that the built footprint is kept to a minimum as it condenses the size of the yard and in turn the expanse of the development. The

applicants further confirm that the American barns are far quieter than traditional stable construction. Once horses are inside the barn, all the noise is retained inside.

The size of the buildings have been determined by the requirement to provide not just stabling for the horses but also tack stores for equipment. The larger of the buildings will contain the stable blocks the second building will contain the tack room, manage maintenance equipment and show jumps, hay and food store. A small amount of external lighting will be fixed to buildings and to each gate onto the bridleway. Concrete areas of the yard will provide an area for bathing and washing down of the horses. The proposed manage to the south of the stables will be enclosed by a timber post and rail fence. The manure is stored in a covered trailer to be emptied and returned on the same day every 8 weeks. In terms of appearance and amenity issues, the proposed stables and associated works have been designed and sited to as to minimise their impact on the openness of this Green Belt Location. The stables will be sited some 30m away from the rear elevation of the dance school and the manage a greater distance away from no's 183 and 185 Pasture Road. This distance in addition to the fact that there is no external lighting proposed will ensure that there is no detrimental impact on the residential amenities of surrounding occupiers, through noise, general disturbance or poor outlook.

The applicant is to enclose the site with 1.2m high double post and rail fencing 2m apart in order that new hedging can be planted between.

HIGHWAY/TRAFFIC IMPLICATIONS

A new gated access is to be created from Pasture Road adjacent to the Apollo Dance Club. The Head of Environment & Regulation (Traffic & Transport Division) - No objection

ENVIRONMENTAL/SUSTAINABILITY ISSUES

The application has been supported by a phase1 habitat survey report, an ornithological survey report and amphibian and reptile method statement repro. Merseyside Environmental Advisory Service in advising the Authority have confirmed that the submitted ecological reports form an acceptable basis for determining the ecological impacts of the proposal. The application site is close to the following designated sites and UDP policies NC2, NC3 and NC 5 apply:

- Mersey Narrows and North Wirral Foreshore SPA and Ramsar sites;
- Dee Estuary SAC, SPA and Ramsar sites;
- North Wirral Foreshore SSSI;
- Leasowe Common Local Wildlife Site; and
- Pasture Farm Ponds Local Wildlife Site.

The location of the proposed development is within the recently updated (February 2015) Natural England Impact Risk Zone (IRZ). The proposed development meets the consultation trigger 'All planning applications outside/extending outside existing settlements/urban areas affecting greenspace, farmland, semi-natural habitats or features such as trees, hedges, streams, rural buildings/structures.' It is considered that there would be no impact on the North Wirral Foreshore SSSI as a result of the proposed development.

Due to the proximity of the application site to the Mersey Narrows and North Wirral Foreshore SPA and Ramsar sites, the potential for likely significant effects has been assessed using the Source-Pathway-Receptor model This is to demonstrate that Wirral Council as Competent Authority has engaged with the requirements of the Habitats Regulations 2010 (as amended) the assessment of likely significant effects should be included with any decision report

Due to the nature of the proposals, and the distance separating the sites, adverse impacts to the nearby Local Wildlife Sites will not occur as a result of the proposed development, subject to conditions.

The submitted amphibian and reptile method statement proposes undertaking Reasonable Avoidance Measures (RAMs) during the works as a precaution in order to avoid to impacts to great crested newts, toads and reptiles. I advise that the reasoning for this approach, as described in the method statement, is acceptable. The undertaking of the RAMs can be secured by a suitably worded planning condition.

As great crested newts are unlikely to be affected by the proposals with management measures the Council does not need to consider the proposals against the three tests (Habitats Regulations).

Vegetation on site may provide nesting opportunities for breeding birds, which are protected. No tree felling, scrub clearance, hedgerow removal, vegetation management, ground clearance and/or building works is to take place during the period 1 March to 31 August inclusive. If it is necessary to undertake works during the bird breeding season then all trees, scrub and hedgerows are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If present, details of how they will be protected would be required. This can be secured by a suitably worded planning condition.

As the proposed development would alter the habitat available for breeding bird species on the site, section 5.3 of the phase 1 habitat survey report recommends that the embankment present on the site and the majority of the easternmost field be fenced off and maintained as rank unmanaged vegetation in order to provide suitable breeding bird habitat. This can be secured by a suitably worded planning condition.

Both Japanese knotweed and Himalayan balsam are present within the site boundary. The applicant is required to submit a method statement for approval that includes the following:

- A plan showing the extent of the plant;
- What method will be used to prevent the plant spreading further, including demarcation; and
- What method of control will be used, including details of monitoring.

This statement can be secured by a suitably worded planning condition.

Flood Risk

The application site is sited within Flood Zone 3 on the Environment Agency's Flood Map, The application has been supported by a Flood Risk Assessment that has been reviewed by the Environment Agency. They have advised that in accordance with the submitted report there are no objections to the proposal subject to the conditions attached at the end of this report.

HEALTH ISSUES

There are no health implications relating to this application.

CONCLUSION

The change of use of this site from public open space to use by the pony club is considered to increase slightly some existing localised green space deficiency for parts of the housing areas on the north edge of Moreton and west edge of Leasowe, nevertheless, much of Moreton and Leasowe would remain within 800m access of North Wirral Coastal Park. However current analysis based on the UDP/emerging Core Strategy standard of 2.4ha per thousand residents shows there is sufficient publically accessible open space available to the wider adjoining settlement area when a 400 buffer is applied. The linear nature of the park would remain intact and Leasowe Common opposite the site would remain available for use as a green space. The mitigation measures proposed are considered to be adequate and the proposed development is unlikely to have a detrimental impact on existing habitat within the area. Furthermore the proposed development in terms of its siting, design and external appearance is not considered to impinge on the openness of the Green Belt location or the amenities of surrounding occupiers and businesses.

Summary of Decision:

Having regards to the individual merits of this application the decision to grant Planning Permission has been taken having regards to the relevant Policies and Proposals in the Wirral Unitary Development Plan (Adopted February 2000) and all relevant material considerations including national and regional policy advice. In reaching this decision the Local Planning Authority has considered the following:-

The change of use of this site from public open space to use by the pony club is considered to increase slightly some existing localised green space deficiency for parts of the housing areas on the north edge of Moreton and west edge of Leasowe, nevertheless, much of Moreton and Leasowe would remain within 800m access of North Wirral Coastal Park. However current analysis based on the UDP/emerging Core Strategy standard of 2.4ha per thousand residents shows there is sufficient publically accessible open space available to the wider adjoining settlement area when a 400 buffer is applied. The linear nature of the park would remain intact and Leasowe Common opposite the site

would remain available for use as a green space. The mitigation measures proposed are considered to be adequate and the proposed development is unlikely to have a detrimental impact on existing habitat within the area. Furthermore the proposed development in terms of its siting, design and external appearance is not considered to impinge on the openness of the Green Belt location or the amenities of surrounding occupiers and businesses.

Recommended Decision: **Approve**

Recommended Conditions and Reasons:

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.

2. The proposed development and associated works shall only take place in accordance with the submitted amphibian and reptile method statement

Reason: To ensure there is no adverse impact to great crested newts, toads and reptiles and to the nearby Local Wildlife Sites.

3. No tree felling, scrub clearance, hedgerow removal, vegetation management, ground clearance and/or building works is to take place during the period 1 March to 31 August inclusive

Reason: To ensure there are no adverse impacts to the nearby Local Wildlife Sites

4. The embankment present on the site and the majority of the easternmost field shall be fenced off in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The approved fencing shall be erected before the development is commenced and the approved areas shall maintained as unmanaged vegetation and retained as such thereafter.

Reason: In order to provide suitable breeding bird habitat and to ensure no adverse impacts to the nearby Local Wildlife Sites

5. Both Japanese knotweed and Himalayan balsam are present within the site boundary. A method statement shall be submitted within 1 month of the date of this approval that includes the following:

- A plan showing the extent of the plant;
- What method will be used to prevent the plant spreading further, including demarcation; and
- What method of control will be used, including details of monitoring.

The approved scheme shall be implemented in full.

Reason: To ensure a satisfactory form of development

6. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment FEB 2015/2014-124-RevB/Flood Risk Consultancy Ltd and the following mitigation measures detailed within the FRA:

- Raising the stable block finished floor level to a minimum of 4.13m AOD
- Limiting discharge of surface water run-off from site to existing undeveloped rates and volumes for a range of return periods up to the 100-year climate change adjustment standard of flood protection (where this criteria cannot be adhered to, the rate will be

- limited to QBAR)
- The stables are to register with the Environment Agency's Flood Warnings Direct Service
- The stables are to develop and practice a flood warning procedure and evacuation plan
- Appropriate flood warning signage to be erected on the site.

The mitigation measures shall be fully implemented prior to the occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing by the Local Planning Authority and shall be maintained as such thereafter.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

7. The development hereby permitted shall not be commenced until such time as a surface water regulation scheme has been submitted to, and approved in writing by, the Local Planning Authority.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may be subsequently agreed, in writing by the Local Planning Authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

8. This permission shall enure for the benefit of the Upton Park Pony Owners Association only and for only such period of time as they may be occupying the premises and the permission shall not enure for the benefit of the land nor of any other person(s).

Reason: The proposed development would be undesirable if allowed to become permanently established in this area, but a personal permission is given to avoid undue hardship to the applicant

9. Within one month of the date of this permission, details of the size and species of the proposed hedging to be planted shall be submitted to and agreed in writing with the Local Planning Authority. The approved scheme shall be planted within the first available planting scheme before or after the development is commenced and shall be maintained as such thereafter.

Reason: To ensure a satisfactory form of development.

10. No more than 10 horses shall be stabled or graze within the site at any one time.

Reason: To ensure there is no adverse impact to the nearby Local Wildlife Sites as a result of this development.

11. The menage equipment shall be removed and stored within the proposed building when not in use.

Reason: In the interest of visual amenity

Further Notes for Committee:

1. Under the terms of the Water Resources Act 1991 and the Land Drainage Bylaws, the prior written consent of the Agency is required for any proposed works or structures in, under, over or within 8 meters of the top of the bank of the main River Birket.

Under the terms of the Water Resources Act 1991 and the Land Drainage Bylaws, the prior written consent of the Agency is required for any proposed works or structures in, under, over or within 8 meters of the tidal or fluvial flood defence.

2. Consent under the Highways Act is required for the construction of a new or the amendment/removal of an existing vehicular access. Such works are undertaken at the developer's expense, including the relocation/replacement and/or removal of street furniture and vegetation as necessary. You are advised to contact the Council's Highway Maintenance team on 0151 606 2004 prior to the commencement of development for further information.

Last Comments By: 23/04/2015 09:17:28
Expiry Date: 25/05/2015