

Marple Area Committee

30th October 2024

DEVELOPMENT APPLICATIONS

Report of the Deputy Chief Executive

ITEM 1

DC086492

SITE ADDRESS

Land/Field Between Plucksbridge Road And Barlow Wood Drive, Strines, Stockport

PROPOSAL

Material change of use of land from agricultural to recreational, comprising a private use BMX/mountain bike track, with associated earth works and ramp structures (Retrospective)

INFORMATION

These applications need to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants [and those third parties, including local residents, who have made representations] have the right to a fair hearing and to this end the Committee must give full consideration to their comments.

Article 8 and Protocol 1 Article 1 confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Unitary Development Plan, the Head of Development and Control has concluded that some rights conferred by these Articles on the applicant(s)/objectors/residents and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. He believes that any restriction on these rights posed by approval of the application is proportionate to the wider benefits of approval and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

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ITEM 1

Application Reference	DC/086492
Location:	Land/Field Between Plucksbridge Road and Barlow Wood Drive, Strines, Stockport
PROPOSAL:	Material change of use of land from agricultural to recreational, comprising a private use BMX/mountain bike track, with associated earth works and ramp structures (Retrospective).
Type Of Application:	Full Application
Registration Date:	07/10/2022
Expiry Date:	02/12/2022 (Extension of Time Agreed)
Case Officer:	Mark Burgess
Applicant:	Mr N Hughes
Agent:	

DELEGATION/COMMITTEE STATUS

Marple Area Committee – Application referred to Committee due to receipt of more than 6 letters of objection, contrary to the Officer recommendation to grant.

** Note – Application advertised as a Departure from the Development Plan in error **

DESCRIPTION OF DEVELOPMENT

Retrospective planning permission is sought for the material change of use of a parcel of land to the North of Plucksbridge Road/West of Barlow Wood Drive in Strines from agricultural to recreational, in the form of a private use BMX/mountain bike track with associated earth works and ramp structures.

In terms of engineering operations undertaken, the facility comprises mown tracks throughout the site, along with a number of grassed mounds (Ramps A, B, C and D) and metal/timber structures (Ramps E, F, G, H and I), of differing lengths, widths and heights which are used as obstacles for users of the facility. The dimensions of the ramps, as specified on the plans appended to the report, are as follows :-

- Ramp A (Grassed Mound) : Overall length 4.0 metres; ramp length 1.0 metre; width 1.0 metre; height 0.4 metres.
- Ramp B (Grassed Mound) : Overall length 5.0 metres; ramp length 1.0 metre; width 1.0 metre; height 0.8 metres.
- Ramp C (Grassed Mound) : Overall length 5.0 metres; ramp length 1.6 metres; width 1.0 metre; height 0.8 metres.
- Ramp D (Grassed Mound) : Overall length 6.0 metres; ramp length 1.8 metres; width 1.0 metre; height 0.8 metres.
- Ramp E (Timber Structure) : Overall length 5.2 metres; ramp length 1.6 metre; width 0.8 metres; height 0.5 metres.

- Ramp F (Metal and Timber Structure) : Overall length 19.9 metres; ramp length 6.0 metres; width 0.85 metres; height 2.0 metres.
- Ramp G (Timber Structure) : Overall length 6.2 metres; ramp length 1.9 metres; width 0.85 metres; height 0.6 metres.
- Ramp H (Timber Structure) : Overall length 11.0 metres; width 0.8 metres; height 1.4 metres.
- Ramp I (Timber Structure) : Overall length 14.0 metres; width 0.6 metres; height 0.4 metres.

A Method Statement has been submitted in support of the application, detailing how the facility would be used/operated and states the following :-

- The facility was created at the site following the 2020 Covid 19 lockdown. The applicant's son is a keen mountain bike rider and, due to lockdown restrictions, was unable to undertake the trips that they normally would.
- Access to the field/facility is by way of a field gate entrance and the gate should be closed at all times.
- The facility will be used by the applicant's family and close friends and they would be made aware of the requirements of the Method Statement.
- The maximum number of people to ride at the facility at any one time will be 8 persons.
- People attending the facility will travel by bicycle.
- The facility can be used any day of the week, with riding potentially taking place between 10.00 and 20.30.
- Activities at the site will include riding of the tracks, along with maintenance of the facility including grass and shrub control.
- The facility will not be used for commercial events, displays or any events for the general public. Third parties will not be permitted to use the facility.
- Persons using the facility should be mindful of neighbours and communicate respectfully at all times.

In addition to the Method Statement, an Ecology Report has been submitted in support of the application.

The plans and drawings submitted with the application, along with photographs of the structures, are appended to the report.

SITE AND SURROUNDINGS

The application site is located on the Northern/Eastern side of Plucksbridge Road/the Western side of Barlow Wood Drive in Strines and comprises a 0.48 hectare parcel of former open/agricultural land on which the BMX/mountain bike track for which retrospective planning permission is sought has been created. Access to the site is taken via a field gate from Plucksbridge Road to the West. Site

levels slope down from North to South and from West to East. The site is screened by mature trees to the Northern, Southern and Western boundaries and by way of a mature hedge to the Eastern boundary.

A Public Right of Way (163M) runs along the Northern boundary of the site, beyond which is a wooded area with residential properties beyond. To the East of the site is Barlow Wood Drive with residential properties beyond and to the South of the site is Plucksbridge Road with residential properties beyond. The site is adjoined to the West by Plucksbridge Road and Hollinwood Lane, with the Peak Forest Canal beyond.

POLICY BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications and appeals to be determined in accordance with the Statutory Development Plan unless material considerations indicate otherwise.

The Statutory Development Plan for Stockport comprises :-

- Policies set out in the Stockport Unitary Development Plan Review (saved UDP) adopted on the 31st May 2006 which have been saved by direction under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004; and
- Policies set out in the Stockport Local Development Framework Core Strategy Development Plan Document (Core Strategy DPD) adopted on the 1^{7th} March 2011.

The application site is allocated within the Green Belt and a Landscape Character Area (Goyt Valley), as defined on the UDP Proposals Map. The Peak Forest Canal Conservation Area and the Grade II Listed 'No. 21 Routing Walls Bridge' is located to the West of the site. The site is also located within the boundaries of the Marple Neighbourhood Plan Area. The following policies are therefore relevant in consideration of the application :-

Saved UPD policies

- LCR1.1 : LANDSCAPE CHARACTER AREAS
- LCR1.1A : THE URBAN FRINGE INCLUDING THE RIVER VALLEYS
- HC1.3 : SPECIAL CONTROL OF DEVELOPMENT IN CONSERVATION AREAS
- GBA1.1 : EXTENT OF GREEN BELT
- GBA1.2 : CONTROL OF DEVELOPMENT IN GREEN BELT

Core Strategy DPD policies

- CS1 : OVERARCHING PRINCIPLES: SUSTAINABLE DEVELOPMENT – ADDRESSING INEQUALITIES AND CLIMATE CHANGE
- SD-1 : CREATING SUSTAINABLE COMMUNITIES
- CS8 : SAFEGUARDING AND IMPROVING THE ENVIRONMENT
- SIE-1 : QUALITY PLACES
- SIE-3 : PROTECTING, SAFEGUARDING AND ENHANCING THE ENVIRONMENT
- CS9 : TRANSPORT AND DEVELOPMENT
- T-1 : TRANSPORT AND DEVELOPMENT

- T-2 : PARKING IN DEVELOPMENTS
- T-3 : SAFETY AND CAPACITY ON THE HIGHWAY NETWORK

Marple Neighbourhood Plan policies (MNP)

- NC1 : NATURAL CAPACITY AND BIODIVERSITY
- HT1 : BUILT HERITAGE

National Planning Policy Framework (NPPF)

The NPPF, initially published in March 2012 and subsequently revised and published in December 2023 by the Department for Levelling Up, Housing and Communities, sets out the Government's planning policies for England and how these are expected to be applied.

In respect of decision-taking, the revised NPPF constitutes a 'material consideration'.

Paragraph 1 states *'The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied'*.

Paragraph 2 states *'Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise'*.

Paragraph 7 states *'The purpose of the planning system is to contribute to the achievement of sustainable development'*.

Paragraph 8 states *'Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives) :-*

- a) *An economic objective*
- b) *A social objective*
- c) *An environmental objective'*

Paragraph 11 states *'Plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means :-*

c) Approving development proposals that accord with an up-to-date development plan without delay; or

d) Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless :-

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'.

Paragraph 12 states '.....Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local Planning Authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed'.

Paragraph 38 states 'Local Planning Authorities should approach decisions on proposed development in a positive and creative way..... Decision-makers at every level should seek to approve applications for sustainable development where possible'.

Paragraph 47 states 'Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing'.

Paragraph 225 states 'existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.

National Planning Practice Guidance (NPPG)

NPPG is a web-based resource which brings together planning guidance on various topics into one place (launched in March 2014) and coincided with the cancelling of the majority of Government Circulars which had previously given guidance on many aspects of planning.

RELEVANT PLANNING HISTORY

- DC000382 : Proposed three bedroom detached house : Refused – 19/06/2000.

NEIGHBOUR'S VIEWS

The owners/occupiers of surrounding properties were notified in writing of the application and the application was advertised by way of display of notices on site and in the press.

14 letters of objection have been received to the application. The main causes for concern raised are summarised below :-

Impact on Green Belt

- The land is part of the Green Belt, which is intended to preserve the natural environment and prevent urban sprawl. The development of a BMX track in this area would be in direct conflict with the purposes of the Green Belt.
- The Green Belt is at constant risk. The change of use should not be allowed as it does not offer anything positive or beneficial and would erode the Green Belt further.

- The preservation of the Green Belt is crucial for maintaining the natural environment, preventing overdevelopment and ensuring that future generations can enjoy the benefits of Green Spaces.
- The Green Belt, besides controlling urban sprawl, is there to preserve the countryside for everyone's enjoyment. Our environment needs protecting more than ever before.
- The need to protect the country's green aspect is vital. The change of use of the agricultural land is not necessary and there is no valid reason for it, considering the land forms part of the Green Belt.
- The countryside and Green Belt is gradually being destroyed and it seems wrong for this to be another instance.
- Green Belt boundaries should only be altered where exceptional circumstances are fully evidence and justified through the preparation or updating of plans. The change of use does not have any exceptional circumstances and is inappropriate. It only has negative impacts and brings no benefits to the area.
- This is the countryside and Green Belt and it is a totally inappropriate site for BMX bikes and ramps.
- Harm caused to and represents a highly intrusive use in the Green Belt.
- Do not want the land to lose its Green Belt status. If the status is changed to recreational, it is a step closer to becoming eligible for building purposes.
- It would set a dangerous precedent for future development, leading to further encroachment on protected land.
- The fact that the application has been advertised as a 'Departure from the Development Plan' serves to endorse how out of keeping the use would be from its rural surroundings.

Impact on Visual Amenity, Landscape Character and Heritage Assets

- The area in which the site lies is highly sensitive in nature, being within the Green Belt and a Landscape Character Area. The Peak Forest Canal to the West is a designated Conservation Area and the nearest bridge (No. 21 'Routing Walls Bridge') is a Grade II Listed Building. Given these policy and heritage considerations, new development must be strictly controlled with particular attention given to changes or use with their associated construction forms and harm that is caused to the locality.
- The nature of the proposed development would be harmful to the visual amenity of the Landscape Character Area and identified heritage assets.
- Detrimental to visual amenity, given the harm caused to the Landscape Character Area.
- There are numerous elevational changes of the land by up to 2.0 metres in height which will have an adverse visual impact.

- The site forms part of Barlow Wood and should be considered so and managed in the same way the lower Wood is (below Strines Road). The vista is an important consideration for walkers, climbing the hill from the Goyt River to the canal at Plucksbridge Road. This is a rare and valuable resource to Marple and should be highly regarded and respected.
- It would spoil the landscape.
- Visual impact and degradation of the landscape.
- It would be an eyesore, fundamentally altering the rural and scenic character of the area.
- The BMX track and associated infrastructure would degrade the landscape, reducing the aesthetic value of the area.
- It would interfere with the landscape.
- The end result is visually obtrusive and not in keeping with the local environment.
- The development is unsuitable, unnecessary and out of character with the area.
- The field can be seen from an adjacent public footpath.
- Negative impact on the character and appearance of the tranquil setting of the adjacent Peak Forest Canal Conservation Area with its listed building bridges.
- In view of the above, the change of use and associated works are contrary to Paragraphs 135 and 203 of the NPPF, UDP policy LCR1.1 and Core Strategy policies CS8 and SIE-3.

Impact on Residential Amenity

- Core Strategy DPD policy SIE-3 states that obtrusive noise and unacceptable levels of vibration are considerable factors in the enjoyment of tranquil areas of the borough, most notably the river valleys and other areas used for informal recreational purposes, but also in the enjoyment of residential amenity. The policy seeks to control obtrusive noise unacceptable levels of vibration so as to not detract from tranquillity and/or residential amenity.
- The land borders numerous residential properties on Barlow Wood Drive with further dwellings on Plucksbridge Road and more houses on Strines Road, all of which are within earshot of the application site making the use readily apparent at all times and leading to a loss of residential amenity by way of the noise nuisance caused.
- The Method Statement informs that the use will be undertaken up to 10.5 hours every day including weekends with up to eight people riding at any one time.

- The facility can be used any day of the week with riding potentially taking place between 10.00am and 8.30pm: This is totally unacceptable. That is ten and a half hours every day of the year of potential noise and nuisance.
- The facility would inevitably lead to increased noise levels from use of bikes, gatherings and potential events. The peaceful, residential nature of the area would be severely disrupted, leading to a decline in the quality of life for local residents.
- There are many residents in the area who are vulnerable to the noise.
- Harmful to local residents by way of significant noise impact and disturbance.
- Neighbours find the constant disturbance intrusive.
- Spoils the lovely quiet life that residents enjoy.
- The original intention for the facility had been for personal use. Widening the participation to family and friends will increase noise.
- Third parties i.e. trespassers do use the land, probably unbeknown to the owner as they do not live in the area.
- Although it is claimed that the facility cannot be used for commercial events, private parties have been held on the site, accompanied by loud music, causing noise and disturbance to residents.
- Shouting and music from the activities should be taken into account.
- Along with riding of the tracks, activities at the site will include maintenance of the facility including grass and shrub control. This 'maintenance' is not on a few occasions a year, it's every time they come for hours on end. The area is huge, approximately an acre and the excessive and loud noise from strimmer's etc., from during the day and into the late evening, potentially until past 8.30 p.m. 365 days of the year. This is extremely stressful and concerning as it impacts the living conditions of local people. The people strimming use ear defenders.
- The noise coming from the upkeep of the fields affects the peace, quiet and tranquil setting of the area.
- Noise pollution from upkeep and strimming can be heard along the canal towpath, at the bottom of Plucksbridge Road and on Strines Road, which is regular, alarming and prolonged.
- Noise from strimmers until 8.30 at night even in the Winter.
- There are high noise levels including, shouting and dog barking, and at times, loud music, and a loud generator.
- Having lived with it, it is truly awful. It can be heard with the windows closed and the TV turned up loud.
- No Noise Surveys appear to have been taken.

- Noise pollution is not only a nuisance but also has well-documented effects on mental and physical health, including stress and sleep disturbances.
- Additional traffic on the road adds to the noise and pollution.
- Impact on privacy from proximity to neighbours and height of the ramp which results in overlooking.
- Past communication has definitely not been the case.

Highways Issues

- The development would result in more vehicles using this quiet, country road which is used by walkers and horse riders. It is a no through road without any footpaths. Adults, children and pets have no alternative but to walk in the road.
- Plucksbridge Road is narrow and residents on Strines Road who do not have a parking space regularly park on the road. If drivers park on both sides of the road, utility vehicles cannot access Plucksbridge Road or Barlow Wood Drive.
- Plucksbridge Road and Barlow Wood Drive already get congested with parked cars at times and more vehicles will worsen the situation.
- Increase in traffic from bikes and cars on a road which is already well used and exacerbated by double parking at the junction of Plucksbridge Road and Strines Road, which forces pedestrians to walk in the road with horses and bikes. This limits vehicles turning from Strines Road safely with restricted access.
- There is already considerable congestion due to parked cars on Plucksbridge Road which affects the living conditions of local people.
- People using the site use cars and park on Plucksbridge Road which is very narrow.
- Those who are brought by car will worsen the local parking situation.
- There is inevitably going to be additional traffic from parents bringing children and bikes or others calling in to watch and check up on the riders.
- The parking situation is worst at weekends when walkers park along the roads. It is at this time that the road is busiest and is likely to coincide with use of the track.
- Parked cars have affected access to Barlow Wood Drive for delivery vans and refuse collections and could impede access for emergency vehicles.
- Access and parking is a big problem. Essential services are sometimes not able to get through to Barlow Wood Drive.
- Concerns that access for emergency vehicles could be blocked.

- There have been times where refuse collection vehicles have not been able to proceed.
- It is ingenious of the applicant to suggest that people attending the site will travel by bicycle. It is unlikely that all users will cycle to the facility. There is no way of knowing whether participants travel by bicycle. It is illegal for BMX bikes to be ridden on public roads.
- There are a number of elderly residents on Barlow Wood Drive and it is essential to keep a clear access for emergency vehicles. An ambulance would need to have free access to the field in the event that a rider fell off an earth work or ramp.
- There is a safety issue. Who will be checking this?
- More traffic on the road would add to noise and pollution.

Impact on Protected Species, Wildlife and Ecology

- The agricultural land has been left undisturbed for many years and has supported wildlife such as owls, woodpeckers, Roe deer and many more. The change of use would have negative impacts and effects on and disruption to wildlife.
- For many years, the field has been used for keeping horses and maintained as a meadow, with small sapling trees removed, larger trees professionally managed and maintained with fences and dry-stone walls well kept, repaired and maintained.
- The land had been left for many years which would no doubt increased its biodiversity value, some of this may have been destroyed by the installation of the track.
- The area was abundant with wildlife, bats, badgers, foxes and native species birds present, including sightings of Cranes, Ducks Harriers and Hawks. In recent years and within a similar time to that the cycle track appeared, sightings have declined.
- The meadow, once short grass interspersed with small native flora, attractive to pollinators and small insects have declined, although the current landscape is (without the cycle track) a haven for Prickles of Hedgehog, a rapidly declining native species.
- The site is a haven for wildlife and nature.
- The field serves as a habitat for local wildlife. The noise, disruption, and physical alterations associated with the construction and use of a BMX track would destroy and frighten wildlife, leading to a loss of biodiversity.
- Soil has been moved to make the ramps which has likely disturbed habitat and wild flowers such as spotted orchids and ragged robin.
- The maintenance of grass and shrub control for more regular usage would impact on the wildlife. Badgers, foxes and deer have regularly visited the area and the area is a haven for bats who fly nightly at dusk.

- Has the site been checked beforehand for protected trees, hedgerows, plants or wildlife? Any harm that has been caused cannot be rectified in retrospect.
- No ecological or environmental checks have been made. There is a pond within 250m which supports amphibians. The land itself would support amphibians, there are existing bat flights and roosts, locally.
- No ecological surveys seemed to have been carried out. The area has a population of Badgers, Roe Deer, Bats, Birds and Amphibians.
- There was no ecological survey done before this therefore they have potentially destroyed habitat.
- The damage to trees, would be irreversible. Such a development could have long-term detrimental effects on local ecosystems.
- They have also been clearing during bird nesting season.

Other Concerns

- Information provided in support of the application is very limited. Information published on the Council website is not helpful or clear.
- The submitted Method Statement does not realistically provide any limitations, is open to interpretation and does not provide clarity as to the amount of people, cars on site, times or use and use of strimmers.
- The site is not fenced off, is not secure and is easily accessible to other users and trespassers, causing a nuisance which has been the case with trespassers using the track for anti-social behaviour and unsupervised.
- There is no way of the applicant knowing or monitoring who uses the land as they do not live here, which would not comply with 'family requirements'.
- The track has been used by motorbikes and dirt bikes, not belonging to family and friends and probably unbeknown to the owner.
- Whilst it is proposed to limit users of the site to eight, once the facility becomes widely known, users from the wider area will use it and will not be subject to the applicant's supervision.
- The ramp structures are dangerous pose a risk to health and safety, especially the 2.0 metre high one, both to the proposed users and to individuals who trespass to gain access. There appears to be total disregard to health and safety and no duty of care has been put in place, with a level of hazard which could result in injury or fatality. If there is a serious accident, whose responsibility would it be?
- There are no amenities in the area and no toilet facilities are provided on the site. Due to the location of the nearest public toilet, this offers a health hazard

as riders would use it as an open air toilet, fouling the area and creating human waste problems.

- Previous Planning Inspectors determining appeals concluded that as a bike training circuit was essentially a training facility, even though it was for personal use, it went beyond the usual functional relationship between a dwelling and an incidental use.
- Flammable materials such as petrol and oil are stored on the land. Fuel handling at the site is not shown as a hazard or controlled for contamination or fire risk.
- The maximum number of people to use the facility at any time would be 8, however that does not include spectators, family etc.
- There are similar, purpose-built facilities elsewhere.
- The long-running nature of the application is causing residents an unnecessary and prolonged period of anxiety. A swift refusal of the application should be issued to bring the matter to a close.
- Would have a profoundly negative impact on the local community and environment.
- The application is contrary to local planning policies and the NPPF.
- The application should be refused to consider the long-term welfare of residents, wildlife and the natural landscape. It represents a highly intrusive use in the Green Belt, harmful to the visual amenity of the Landscape Character Area, detrimental to heritage assets and harmful to residential amenity.
- Action should be taken by the Council to restore the land to its previous condition to eliminate the harm that has been caused visually and to biodiversity.

CONSULTEE RESPONSES

Highway Engineer

Original comments

This application seeks retrospective permission for the change of use of agricultural which abuts Plucksbridge Road and Barlow Wood Drive in Strines to recreational use, comprising a private use BMX/mountain bike track, together with associated earth works and the retention of ramp structures. Information submitted in support of the application outlines that the facility was created by the applicant's son for use during lockdown when he was unable to travel to facilities elsewhere, it is only used by the family and close friends and no commercial activities take place at the site.

Examination of the facility on site concludes that it appears to be used in a fairly low key way. Access remains via a field gate which leads directly to a bike track, no car parking is provided within the site and the facility/site does not appear to have been used extensively. I am also not aware of any highway issues associated with its use, such as parking taking place on the adjacent roads.

After considering the scheme, I would conclude that, subject to the facility remaining for private use only and operating in a low key manner, it should not have any material highway implications. In order to ensure that this is the case, however, I would recommend that any approval granted is subject to a condition which requires the land/bike track to be used in complete accordance with a method statement which sets out how the facility will be used. As the application is retrospective, I would recommend that such a statement is submitted at this stage and therefore I can confirm that I would raise no objection subject to this application, subject to the receipt of a satisfactory method statement and a condition which requires the facility to be used in accordance with the statement.

With respect to the contents of the method statement, I would request that it includes the following details:

- 1) Who will use the facility (e.g. the applicant's family and close friends)
 - 2) The maximum number of people who will use the facility at any time (e.g. I would suggest no more than 6-8)
 - 3) How people will travel to the site (e.g. by cycle)
 - 4) Days / hours of use
 - 5) Activities that will take place at the site (mountain biking / BMX-ing by the applicant's family and close friends, together with maintenance of the land / track)
 - 6) Activities that will not be permitted to take place at the site (e.g. commercial events / activities, public displays, use of the facility by third-parties etc.)
- Recommendation: No objection subject to the receipt of a satisfactory method statement and the following condition.

This permission grants approval for the land which is the subject of this planning application and the approved tracks and structures to be used as a private use BMX / mountain bike track. The land / bike track shall only be used in accordance with the approved operational method statement (or such other statement that may be agreed in writing by the Local Planning Authority). The land / bike track shall not be used by the general public and no commercial events, public displays or similar activities shall take place at the site at any time.

Reason: To ensure that the proposed development does not result in a level of vehicle movements to / from the site or a car parking demand greater than the level considered as part of the planning application, having regard to Policies T-1 'Transport and Development', T-2 'Parking in Developments' and T-3 'Safety and Capacity on the Highway Network' of the Stockport Core Strategy DPD.

Further comments following submission of additional information

I write with reference to the method statement that has been submitted in response to the comments I made in my consultation response of the 26th October 2022. A review of the statement concludes that it includes all the information I requested, and I confirm that if the facility operates in accordance with the method statement it should not have any material highway implications. As such, I raise no objection to the application, subject to a condition.

- Recommendation: No objection subject to the receipt of a satisfactory method statement and the following condition :-

This permission grants approval for the land which is the subject of this planning application and the approved tracks and structures to be used as a private use BMX / mountain bike track. The land / bike track shall only be used in accordance with the approved operational method statement (or such other statement that may be agreed in writing by the Local Planning Authority). The land / bike track shall not be used by the general public and no commercial events, public displays or similar activities shall take place at the site at any time.

Reason: To ensure that the proposed development does not result in a level of vehicle movements to / from the site or a car parking demand greater than the level considered as part of the planning application, having regard to Policies T-1 'Transport and Development', T-2 'Parking in Developments' and T-3 'Safety and Capacity on the Highway Network' of the Stockport Core Strategy DPD.

Environmental Health Officer (Noise and Amenity)

No objection.

The supporting document: Planning Application No: PP-11510643 - Covering Letter 11.9.2022, provides background for change of use retrospective planning application.

This service has no current or justified historical nuisance complaints, reported from the neighbours in proximity to the retrospective use of land as a a private use BMX/mountain bike track.

In response to EQ comments, the following documents have been provided :-

- *Additional Noise Information - 24 June 2024, prepared by Peter Black and Neil Hughes, 19 June 2024 and*
- *Method Statement to set out how the facility will be used*

The contents address this service concerns in relation to impact upon the environmental quality of life to existing sensitive receptors, in proximity to the proposed development

This service has no objection to the material change of use of land from agricultural to recreational, comprising a private use BMX/mountain bike track, with associated earth works and ramp structures (Retrospective).

Recommended condition :-

The development shall operate in accordance with : -

- Additional Noise Information - 24 June 2024, prepared by Peter Black and Neil Hughes, 19 June 2024 and
- Method Statement to set out how the facility will be used

Nature Development Officer

Nature Conservation Designations

Peak Forest Canal Site of Biological Importance (SBI) is located approx. 10m west of the application site with Lower Ridge SBI located beyond this. Barlow Wood SBI is also located approx. 70m to the east. Given the nature of the development and that there is no encroachment into the SBI, it is not considered any significant

adverse impacts on the integrity of the designated sites would be likely.

The site has been identified within the Local Nature Recovery Strategy (LNRS) pilot study for Greater Manchester (the southwest corner is 'existing' and the remainder of the site is an 'opportunity area' within the LNRS). This is not necessarily a barrier to development and does not confer protection or prevention of land uses but shows that such areas have been prioritised for restoring and linking up habitats.

Legally Protected Species

The site offers suitable habitat for badger with several records of badger activity and setts in the local area. Badgers and their setts are legally protected by the Protection of Badgers Act 1992.

Suitable habitat for breeding birds is present within/surrounding the site – due to the presence of scrub/young trees on site and more mature trees surrounding the site. All breeding birds and their nests are legally protected by the Wildlife and Countryside Act 1981 (as amended).

At least one pond is located within 250m of the application site (pond is located approx. 120m to the southwest). Ponds and their surrounding terrestrial habitat have the potential to support amphibians, including great crested newt (GCN). There are no records for GCN in the pond but this is not necessarily proof of absence and may just be a reflection of a gap in the baseline survey data available. GCN are protected under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. The latter implements the Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora. GCN are included in Schedule 2 of the Regulations as 'European Protected Species of animals' (EPS). Under the Regulations it is an offence to :-

- 1) Deliberately capture or kill a wild EPS
- 2) Deliberately disturb a wild EPS in such a way that significantly affects:
 - a) the ability of a significant group to survive, breed, rear or nurture young.
 - b) the local distribution of that species.
- 3) Damage or destroy a breeding place or resting site of such an animal

An ecological assessment survey has been carried out and submitted with the application. The survey was carried out in May 2024 by a suitably experienced ecologist and there is no reason to doubt the findings of the assessment (Blackfryers Consultants, Habitat and Biodiversity Report 2024). The assessment included identification of habitats present and an assessment of potential impacts on protected species that may have occurred as a result of the development. The site is dominated by improved grassland and patches of tall ruderal vegetation with scattered scrub and trees and is bordered by hedgerows. A shed is also present on site. No potential roosting features for bats were identified in the trees or shed. The site is considered to however offer suitable foraging habitat for bats. No impacts to badger setts were identified but it is acknowledged that the site has potential to be used by badgers for foraging. No impacts to nesting birds were identified as it is stated in the ecology report that no potential nesting habitats (trees/scrub etc) have been impacted by the development. No significant potential risks to great crested newt have been identified but the stone/rubble piles offer

suitable refuge habitat for amphibians and the hedgerows/scrub areas may provide potential terrestrial habitat. The ecological report concludes that no significant impacts on protected species are likely to have occurred as a result of the BMX track and that there are opportunities to enhance the site for biodiversity.

Invasive species

Cotoneaster and Rhododendron were recorded on site. *Rhododendron ponticum* and several Cotoneaster species are listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended), which makes it an offence to spread or otherwise cause these species to grow in the wild. Snowberry was also recorded on site, and whilst not a Schedule 9 listed species, this species is also invasive and so its removal is recommended (along with the Schedule 9 listed species).

Planning Policy Framework

- Core Strategy DPD policy CS8 'Safeguarding and Improving the Environment' (Biodiversity and Nature Conservation : 3.296 and 3.297).
- Core Strategy DPD policy SIE-3 'Protecting, Safeguarding and Enhancing the Environment' (A- Protecting the Natural Environment : 3.345, 3.346, 3.347, 3.361, 3.362, 3.364, 3.365, 3.366, 3.367, 3.368 and 3.369).
- Saved UDP policy NE1.2 'Sites of Nature Conservation Importance' (*The habitats and biodiversity of sites of biological importance, geological conservation sites and local wildlife sites will be protected and enhanced where possible. Proposals for development on sites so designated must demonstrate that there is a justification which overrides any harm to the nature conservation value of the site*).

Recommendations

The ecological assessment has not identified any significant ecological impacts/impacts on protected species which are likely to have occurred/will occur as a result of the BMX track. The following informative should be attached to any planning consent granted so that the applicant is aware that protected species can sometimes be found in unexpected places. It should also state that the granting of planning permission does not negate the need to abide by the legislation in place to protect biodiversity. If at any time during the course of the development, evidence of any protected species is discovered on site and are likely to be impacted, the scheme must stop, and a suitably experienced ecologist be contacted for advice.

All retained trees and hedgerows should be adequately protected from potential adverse impacts in accordance with British Standards and following advice from the Council's Arboriculture Officer.

Should any future tree/vegetation pruning/clearance works be required during the nesting bird season (which is typically March-August, inclusive) then the following informative should be used as part of any planning consent: Trees, scrub, hedges and structures are likely to contain nesting birds between 1st March and 31st August inclusive. Some of these features are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and it is absolutely certain that nesting birds

are not present.

The current application pre-dates the requirement for mandatory Biodiversity Net gain (BNG) required by the Environment Act 2021. Nonetheless biodiversity enhancements and measurable gains for biodiversity are required as part of developments in line with local (paragraph 3.345 of the LDF) and national planning policy (NPPF). Enhancement measures would be particularly welcomed given identification of the site within the LNRS for Greater Manchester as well as its location within Stockport's SBI network.

It is therefore advised that a Landscape and Biodiversity Enhancements and Management Plan (or equivalent document) is prepared and submitted to the LPA for review (this can be secured by condition). This document should include details of:

- Creation and maintenance of habitat piles/hibernacula (as recommended in the ecology report).
- Methods of invasive species removal (as recommended in the ecology report) and also details of future monitoring to treat any future regrowth.
- Removal of materials from tree root protection areas to avoid soil compaction.
- Provision of bat and bird boxes on mature trees (boxes should be woodcrete/woodstone to maximise longevity).
- Grassland management regime – including details of areas where seeding with wildflowers is proposed (as recommended in the ecology report) and details of sympathetic mowing regime as appropriate.
- In more nutrient-rich areas it is likely more appropriate to plant native scrub species rather than try to create wildflower areas (since wildflowers in nutrient rich soils would likely be outcompeted by coarse grasses resulting in low sward diversity). Details of any native scrub planting should therefore be provided.
- Creation of habitat areas to benefit invertebrates (including pollen-rich landscape planting and also potential creation of scrape(s) in wetter areas.
- Appropriate management options/prescriptions for achieving aims and objectives of the proposed habitats.
- Preparation of a work schedule (including an annual work plan to be rolled forward for long-term management, including monitoring and remedial measures.
- Details of the body or organisation responsible for implementation of the plan.

ANALYSIS

Policy Principle – Green Belt

The site is allocated within the Green Belt, as defined on the UDP Proposals Map. As such, assessment of the proposal against the provisions of the saved UDP policy GBA1.2 and the NPPF is required.

Saved UDP policy GBA1.2 states that, within the Green Belt, there is a presumption against the construction of new buildings unless it is for certain limited purposes, including :-

- *Essential facilities for outdoor sport and outdoor recreation.*

Saved UDP policy GBA1.2 goes on to state that *'forms of development other than new buildings, including changes in use of land, will not be permitted unless they maintain openness and do not conflict with the purposes of including land in the Green Belt'*.

The NPPF addresses the national approach to Green Belt policy under the heading entitled 'Protecting Green Belt Land' and takes as its fundamental starting point the importance of maintaining 'openness' on a 'permanent basis'. Paragraph 142 of the NPPF confirms that *'The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence'*.

Paragraph 154 of the NPPF states that a Local Planning Authority should regard the construction of new buildings as inappropriate within the Green Belt. Exceptions to this include :-

- *The provision of appropriate facilities (in connection with the existing use of the land or a change of use) for outdoor sport, outdoor recreation...as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.*

Paragraph 150 of the NPPF states that certain forms of development are not inappropriate in the Green Belt provided that they preserve its openness and do not conflict with the purposes of including land within it. These include *'Material changes in use of land'*.

In assessment of the application against the provisions of saved UDP policy GBA1.2 and the NPPF, the use of the land for a BMX/mountain bike track is considered to comprise an essential/appropriate facility for outdoor sport/outdoor recreation and, as such, the use of the land is therefore not considered to represent inappropriate development within the Green Belt. However, in order to comply with the requirements of GBA1.2 and the NPPF, an assessment must be made as to the impact of the associated structures/operational development on the openness of the Green Belt.

Openness can be considered as meaning an absence of built or otherwise urbanising development. The courts have also identified other matters in terms of assessing the impact on openness and have confirmed that the concept of 'openness of the Green Belt' is not narrowly limited to the volumetric approach. The word 'openness' is open-textured and a number of factors are capable of being relevant when it comes to applying it to the particular facts of a specific case. Openness is considered to be capable of having both spatial and visual impacts.

At the outset, the requirement for the operational development undertaken on the site in the form of grassed mounds and metal/timber structures of differing widths, lengths and heights is to provide obstacles for users of the facility as clearly a flat site would not allow the BMX/mountain bike track facility to operate in the way in which it is required to.

In respect of the spatial impact on openness, the grass mounds (Ramps A, B, C and D) are low level with a height of between 0.4 metres and 0.8 metres with a natural grassed appearance. As such, Ramps A, B, C and D are considered to have little impact on the openness of the Green Belt from a spatial perspective. In terms of built

timber/metal structures, Ramps E, G and I are low level structures with a height of between 0.4 metres and 0.6 metres and, again, are considered to have little impact on the openness of the Green Belt from a spatial perspective. It is acknowledged that Ramps F and H are larger structures, with a height of 2.0 metres and 1.4 metres respectively. However, due to their lightweight, open sided nature and form, these structures are considered to have limited impact on the openness of the Green Belt from a spatial perspective. In view of the above, it is considered that the structures/operational development that has been undertaken at the site results in a limited impact on the openness of the Green Belt from a spatial perspective.

In terms of the visual impact on openness, it is acknowledged that a Public Right of Way (163M) runs along the Northern boundary of the site. Other than this, very limited public vantage points of the site are available, in view of the fact that the site is screened by way of a mature hedge to the Eastern boundary and mature trees to the Northern, Southern and Western boundaries. On this basis, it is considered that the structures/operational development that has been undertaken at the site results in a low impact on the openness of the Green Belt from a visual perspective.

In summary, it is considered that the use of the land as BMX/mountain bike track comprises an essential/appropriate facility for outdoor sport/outdoor recreation and it is considered that the operational development formed at the site in terms of grassed mounds and metal/timber ramps are of a form, size and height that result in a low or limited impact on the openness of the Green Belt and would not conflict with the purposes of including land within it. As such, the proposal is not considered to comprise inappropriate development within the Green Belt, in accordance with saved UDP policy GBA1.2 and the advice contained within the NPPF.

Impact on Landscape Character and Visual Amenity

The application site is located within the Goyt Valley Landscape Character Area. Saved UDP policies LCR1.1 and LCR1.1A seek to strictly control development in the countryside to ensure that the landscape quality of the area is not adversely affected.

In respect of the engineering operations undertaken at the site, the facility comprises a number of grass mounds (Ramps A, B, C and D) which are low level with a height of between 0.4 metres and 0.8 metres with a natural grassed appearance and which are therefore not considered to have any visual impact on the wider Landscape Character Area. In terms of built timber/metal structures, Ramps E, G and I are low level structures with a height of between 0.4 metres and 0.6 metres and, again, are not considered to have any visual impact on the wider landscape area. It is acknowledged that Ramps F and H are larger structures, with a height of 2.0 metres and 1.4 metres respectively. However, in view of the fact that the site is screened by way of a mature hedge to the Eastern boundary and mature trees to the Northern, Southern and Western boundaries, the visual impact of these structures on the wider Landscape Character Area is considered to be low.

It is acknowledged that designated heritage assets by way of the Peak Forest Canal Conservation Area and the Grade II Listed 'No. 21 Routing Walls Bridge' are located to the West of the site. However, in view of the existence of mature trees to the Western site boundary providing effective screening of the site, it is considered that the use of the land and associated operational development does not result in undue harm to the setting of the Conservation Area or the Listed Building.

In view of the above, it is considered that the use of the land and associated operational development is accommodated on the site without causing harm to the character of the Got Valley Landscape Character Area within which the site is located, the visual amenity of the area or the setting of adjacent heritage assets. As such, the retrospective proposal is considered to comply with saved UDP policies LCR1.1, LCR1.1A and HC1.3, Core Strategy DPD policies CS8, SIE-1 and SIE-3 and MNP policy HT1.

Impact on Residential Amenity

Although located within the Green Belt, residential properties exist to the East of the site on Barlow Wood Drive and Strines Road and to the North and South of the site on Plucksbridge Road. The neighbour objections raised to the application on the grounds of loss of residential amenity resulting from use of the facility are noted and acknowledged.

A Method Statement highlighting how the facility is operated, highlighted within the Description of Development section of the report above, has been assessed by the Council Environmental Health Officer. The Environmental Health Officer notes that no current or justified historical nuisance complaints have been received to the use of the facility and, subject to the facility operating in accordance with the Method Statement, no objections are raised.

In view of the above, in the absence of objections from the Environmental Health Officer and subject to conditional control, it is considered that the facility could be accommodated on the site without causing undue harm to the amenity of surrounding residential properties, by reason of noise or disturbance. As such, the retrospective proposal is considered to comply with Core Strategy DPD policies CS8, SIE-1 and SIE-3.

Highways Considerations

The detailed comments received to the application from the Council Highway Engineer are contained within the Consultee Responses section above.

The Highway Engineer notes the information submitted in support of the application, confirming that the facility was created by the applicant's son for use during lockdown when he was unable to travel to facilities elsewhere, is only used by family and friends and no commercial activities take place at the site.

In assessment of the application, the Highway Engineer concludes that the facility appears to be used in a fairly low-key way. Access remains via a field gate which leads directly to the track, no car parking is provided within the site and the facility does not appear to have been used extensively. The Highway Engineer is also not aware of any highway issues associated with the use of the facility, such as parking taking place on adjacent roads. As such, provided that the facility continues to operate in accordance with the submitted Operational Method Statement, which would be secured by condition, it is considered that the facility should not have any material highway implications.

In view of the above, on the basis of the submitted information, in the absence of objections from the Highway Engineer and subject to conditional control, the development is considered acceptable from a traffic generation, parking and highway safety perspective, in accordance with Core Strategy DPD policies CS9, T-1, T-2 and T-3.

Impact on Protected Species and Ecology

An Ecology Report has been submitted in support of the application. The detailed comments received to the application from the Council Nature Development Officer are contained within the Consultee Responses section above.

The Nature Development Officer notes the location of the site in relation to the Peak Forest Canal, Lower Ridge and Barlow Wood Sites of Biological Importance (SBI's). However, given the nature of the development and that there is not encroachment into the SBI's, it is not considered that any significant impacts on the integrity of these designated sites would be likely.

The Ecological Survey submitted in support of the application has not identified any significant ecological impacts or impacts on protected species which are likely to have occurred as a result of the facility, in respect of badgers, bats, nesting birds or great crested newts. The applicant will however be advised of the potential for protected species to be present on the site, legislation in place to protect biodiversity and procedures to follow should protected species be discovered on the site by way of informative.

It is noted that the application pre-dates the requirement for requirement for mandatory Biodiversity Net Gain (BNG) required by the Environment Act 2021. Nevertheless, biodiversity enhancements and measurable gains for biodiversity are required by policy and have been identified within the submitted Ecology Survey. Such enhancements would be secured by way of a suitably worded planning condition to require the submission, approval and implementation of a Landscape and Biodiversity Enhancements and Management Plan.

Further conditions are recommended by the Nature Development Officer to ensure protection to retained trees and hedgerows and to ensure that any future tree/vegetation pruning or clearance works are undertaken outside the bird nesting season.

In view of the above, on the basis of the submitted information, in the absence of objections from the Nature Development Officer and subject to conditional control, the development is considered acceptable in terms of its impact on protected species, biodiversity and the ecological interest of the site, in accordance with saved UDP policy NE1.2, Core Strategy DPD policies CS8 and SIE-3 and MNP policy NC1.

SUMMARY

At the heart of the NPPF is a presumption in favour of sustainable development. Paragraph 8 of the NPPF establishes three dimensions to sustainable development – economic, social and environmental and indicates that these should be sought jointly and simultaneously through the planning system.

The application seeks retrospective planning permission for the material change of use of a parcel of land to the North of Plucksbridge Road/West of Barlow Wood Drive in Strines from agricultural to recreational, in the form of a private use BMX/mountain bike track with associated earth works and ramp structures.

The site is located within the Green Belt and it is considered that the use of the land as a BMX/mountain bike track, is considered to comprise an essential/appropriate facility for outdoor sport/outdoor recreation and the operational development formed

results in a low or limited impact on the openness of the Green Belt. It is also considered that the use of the land and associated operational development does not cause unacceptable harm to the character of the Got Valley Landscape Character Area, the visual amenity of the area or the setting of adjacent heritage assets.

On the basis of the submitted information, in the absence of objections from relevant consultees and subject to conditional control, the development is considered acceptable in respect of its impact on the amenity of surrounding residential properties; traffic generation, parking and highway safety; and impact on protected species, biodiversity and ecology.

In view of the above, the proposal is considered to comply with relevant saved UDP, Core Strategy DPD and MNP policies. In considering the planning merits of the proposal against the requirements of the NPPF, the retrospective proposal is considered to represent sustainable development. On this basis, notwithstanding the objections raised, in accordance with the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application is recommended for approval.

RECOMMENDATION

Grant.