

MAERFIELD GATE FARM, STONE ROAD, BLACKBROOK
MR STEVE BOOTH

14/00412/FUL &
14/00413/FUL

Two planning applications have been submitted to the Authority for the removal of planning conditions attached to planning application 11/00599/FUL and 11/00601/FUL both of which were allowed on appeal.

Application reference number **14/00412/FUL** is for the removal of condition 3 of planning permission 11/00601/FUL (Retention of groundworks and development of a 1500sqm private manege) which restricts the use of the manege to those persons residing at Maerfield Gate Farm and at no time as a commercial enterprise.

Application reference number **14/00413/FUL** is for the removal of condition 10 of planning permission 11/00599/FUL (for the retention of ground works for the formation of a concrete base and the erection of a timber frame building) which states that no horses other than those owned by the applicant or the owner of Maerfield Gate Farm shall be kept within the building and at no time shall the building be used as a commercial livery.

The application site is partially located within the Maer Conservation Area and to its full extent is within a Landscape Maintenance Area as specified on the Local Development Framework Proposals Map. There are also protected trees in the vicinity.

The application has been 'called in' to the Planning Committee due to concerns regarding harm to highway safety and the commercial use of the site.

The 8 week period for the determination of both applications expires on the 28th July 2014.

RECOMMENDATION

A. Refuse both application reference 14/00412/FUL and 14/00413/FUL for the following reasons:

1. The proposed access to the A51 Stone Road is geometrically substandard in that the access is of insufficient width to accommodate vehicular movements associated with a commercial livery and the entry radii on the access are insufficient to accommodate the swept path of all types of vehicles which would require access to the proposed commercial livery.

2. The traffic generated by the proposed development would be likely to result in an increase in highway danger owing to increased use of the existing access which affords restricted visibility for drivers emerging from the access and or for drivers of vehicles travelling on the A51 Stone Road.

B. The Head of Central Services, if satisfied that there is sufficient evidence that a breach of conditions has taken place, be authorised to issue a breach of conditions notice and all other notices and to take and institute on behalf of the Council all such action and prosecution proceedings as are authorised by and under the Town and Country Planning Act 1990 to secure compliance with the conditions of the permission which restrict the use of the building and manege to the applicant and the owner of Maerfield Gate Farm.

Reason for Recommendation

The applications made to remove conditions in order to allow commercial activity will lead to an increased use of a substandard access which will be harmful to highway safety. In addition if there is sufficient evidence of a breach of such conditions it is expedient to take enforcement action.

Statement as to how the Local Planning Authority has worked with the applicant in a positive and proactive manner in dealing with this application

The applicant has been made aware of highway safety concerns which have not been satisfactorily addressed by the application made.

Policies and Proposals in the Approved Development Plan relevant to this decision:-

Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 2006 - 2026 (Adopted 2009)

Policy ASP6: Rural Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP2: Historic Environment
Policy CSP4: Natural Assets

Newcastle under Lyme Local Plan 2011

Policy N19: Areas of Landscape Maintenance
Policy N17: Landscape character – general considerations
Policy T16: Development – General Parking Requirements
Policy T18: Development – Servicing Requirements
Policy N12: Development and the Protection of Trees
Policy B9: Prevention of Harm to Conservation Areas
Policy B10: The Requirement to Preserve or Enhance the Character or Appearance of a Conservation Area
Policy B13: Design and Development in Conservation Areas
Policy B14: Development in or Adjoining the Boundary of Conservation Areas
Policy B15: Trees and Landscape in Conservation Areas

Other Material Considerations

National Planning Policy Framework (March 2012)

National Planning Practice Guidance (March 2014)

Supplementary Planning Documents/Guidance

Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD

Relevant Planning History

11/00599/FUL	Retention of groundworks, formation of concrete oversite base and erection of a timber frame building	Refused
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Allowed following an appeal

11/00601/FUL	Retention of groundworks and development of a 1500sqm private manege.	Refused
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Allowed following an appeal

Views of Consultees

Maer & Aston Parish Council maintain their objections made in 2011 to planning application 11/00599/FUL which relate to an adverse highway safety impact from use of the access point.

Although the speed limit on the stretch of A51 outside Maerfield Gate Farm has been reduced to 50 miles per hour there have been a number of road safety incidents which have occurred which generate concern. In particular the Parish Council is concerned about the number of

horses exiting from the access point onto the A51. They comment that there is commercial equestrian activity taking place on the site contrary to the conditions imposed.

They also point out that in 2010 Severn Trent Water Ltd were prevented from using this same access point onto the A51 for two vehicle movements per annum in order to upgrade the Maer Village sewage system under a planning application determined by Staffordshire County Council. Severn Trent Water Ltd were required, due to highway safety detriment, to create an alternative access point onto the road into the village of Maer.

The **Highway Authority** recommend refusal of the application on the following grounds:-

1. The proposed access to the A51 Stone Road is geometrically substandard in that:
 - the access is of insufficient width to accommodate vehicular movements associated with a commercial livery;
 - the entry radii on the access are insufficient to accommodate the swept path of all types of vehicles which would require access to the proposed commercial livery.
2. The traffic generated by the proposed development would be likely to result in an increase in highway danger owing to increased use of the existing access which affords restricted visibility for:
 - drivers emerging from the access and or;
 - for drivers of vehicles travelling on the A51 Stone Road.

The **Environmental Health Division** has not provided any comments by the due date of the 30th June therefore it is assumed they have no objections.

Representations

- 2 letters of representation have been received objecting to the applications on the basis that:
- The use of the access is not safe due to restricted visibility and also due.
 - Damage to protected trees is occurring from horse grazing.
 - Horse riding is occurring on the footway through Hill Chorlton.
 - Electric fences marking the boundary where horses are kept makes it difficult for members of public to use public footpaths.
 - Staffordshire County Council determined that Severn Trent Water were required to create a new access to Maer village rather than using the access subject to the current applications due to highway safety concerns.
 - The conditions restricting commercial activity using the manege and buildings should be maintained.
 - The impact the Maer Conservation Area should be given special consideration.

Applicant/agent's submission

Plans, application forms and a Design and Access Statement have been submitted. These documents are available for inspection at the Guildhall and via the following link

Key Issues

The applicant proposes the removal of the conditions in order to provide a full livery service business for customers. In the absence of any significant conservation area or wider landscape impact the sole key issue to consider is:

1. Whether or not the removal of the conditions specified will cause significant harm to existing highway safety levels if approved?

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The most up to date planning policy indicates that development should only be prevented or refused on transport grounds where residual cumulative impact of development are severe.

Access to the site is via an existing private driveway off Stone Road (the A51).

Stone Road has been subject to a change in speed limit from 60 mph to 50mph since the and timber framed building and manege were allowed at appeal. The Highway Authority acknowledges this change in circumstance in giving their advice; however they remain concerned that use of the access for commercial purposes will have a detrimental impact on highway safety.

Their detailed comments also acknowledge that a speed survey of vehicles using Stone Road could be undertaken as a basis to propose specific alterations to the access (which may or may not achieve an acceptable level of visibility and turning facilities in and out of the site). However there is no basis for approval based on the current access arrangement where public safety would be at risk from a significant increased use for the reasons outlined by the Highway Authority.

In conclusion the removal of the conditions would be harmful to interests of maintaining highway safety and the applications should be refused.

The issue of whether it is expedient to take enforcement action, and the nature of that action

There have been allegations in the past that the conditions of the permission were being breached, however no evidence was found to support such allegations. Recently, however, evidence has been obtained that horses not owned by the applicant or owner of Maerfield Gate Farm are being kept within the building and it is very likely that these horses are also being exercised in the manege.

If the Committee's decision is to accept the recommendation and to refuse the application it is considered appropriate, in the circumstances, for the Committee to also address the issue of the expediency of enforcement action. Your Officer considers that for the reasons of highway safety as set out above it is expedient to take enforcement action.

Background Papers

Planning File
Planning Documents referred to

Date Report Prepared

3 July 2014