

KIDSGROVE SKI CENTRE, BATHPOOL PARK, KIDSGROVE
NORTH STAFFS SKI CLUB. 11/00627/FUL

The Application is for full permission for an extension to the existing ski slope.

The site lies within the Green Belt, an Area of Landscape Restoration and a Site of Biological Importance as indicated on the Local Development Framework Proposals Map.

The application has been called to Committee by two Councillors for decision on the grounds that it is in the public interest for the Committee to decide this application in which the Council has an interest as landowner.

The statutory determination period for this application expires on 5 March 2012.

RECOMMENDATION

Permit subject to the following conditions:

- (i) **Approved drawings.**
- (ii) **Standard time limit.**
- (iii) **Boundary treatments.**
- (iv) **Landscaping scheme to include replacement woodland planting.**
- (v) **Tree protection measures.**
- (vi) **Details of button ski lift.**

Reason for Recommendation

Given the nature of the proposals and the lack of built development, it is considered that the development is appropriate in the Green Belt. Although the loss of the woodland would have an impact upon the character of the landscape in the immediate locality, in the wider context of the Bathpool Park, the impact would not be so significant to justify a reason for refusal on the ground of loss of trees. It is not considered that the proposal would exacerbate existing on-street parking problems in the area to any significant degree and there would be no adverse impact on residential amenity. The proposed development therefore accords with Policies D4, D5B, NC1 and NC13 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011, Policy CSP4 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026, Policies S3, N12, N21 and T16 of the Newcastle under Lyme Local Plan 2010 and the aims and objectives of PPG2, PPS7, PPS9 and PPG13.

Policies and Proposals in the Approved Development Plan Relevant to this Decision:-

West Midlands Regional Spatial Strategy (WMRSS) 2008

Policy QE1: Conserving and Enhancing the Environment

Staffordshire and Stoke-on-Trent Structure Plan (SSSP) 1996-2011

Policy D1: Sustainable Forms of Development
Policy D2: The Design and Environmental Quality of Development
Policy D4: Managing Change in Rural Areas
Policy D5B: Development in the Green Belt
Policy T1A: Sustainable Location
Policy T13: Local Roads
Policy NC1: Protection of the Countryside: General Considerations
Policy NC2: Landscape Protection and Restoration
Policy NC7C: Sites of Local Nature Conservation Importance
Policy NC13: Protection of Trees, Hedgerows and Woodlands

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

Policy CSP1: Design Quality

Policy CSP4: Natural Assets
Policy ASP6: Rural Area Spatial Policy

Newcastle-under-Lyme Local Plan (NLP) 2011

Policy S3: Development in the Green Belt
Policy T16: Development – General Parking Requirements
Policy N3: Development and Nature Conservation – Protection and Enhancement Measures
Policy N12: Development and the Protection of Trees
Policy N21: Areas of Landscape Restoration

Other Material Considerations include:

National Planning Policy

PPS1: Delivering Sustainable Development
PPG2: Green Belts
PPS7: Sustainable Development in Rural Areas
PPS9: Biodiversity and Geological Conservation
PPG13: Transport

Companion Guide to PPS1 “The Planning System: General Principles”

Supplementary Planning Documents (SPDs)

Newcastle-under-Lyme and Stoke-on-Trent Urban Design (2010)

The Secretary of State’s Announcement of His Intention to Abolish RSS

The Secretary of State has made it clear that it is the Government’s intention to revoke RSSs and the Localism Act 2011, which includes powers to give effect to that intention, received Royal Assent on 15 November 2011. However, pending the making of a revocation order in accordance with the new Act, the RSS remains part of the statutory development plan. Nevertheless, the intention to revoke the RSS and the enactment are material considerations.

Emerging Draft Policy

Draft National Planning Policy Framework (July 2011)

Whilst it (the draft NPPF) is a consultation document and, therefore, subject to potential amendment, nevertheless it gives a clear indication of the Government’s “direction of travel” in planning policy. Therefore the draft NPPF is capable of being a material consideration, although the weight to be given to it will be a matter for the decision maker’s planning judgement in each particular case. The current Planning Policy Statements, Guidance notes and Circulars remain in place until cancelled.

Relevant Planning History

2003	03/00557/FUL	Permit – re-grading of existing slope profile and construction of new platform to provide counter slope and extension to dry ski slope.
2010	10/00055/DEEM3	Permit - general refurbishment and alterations to improve disabled access to the building involving rebuilding of steps, new parking area, new doors and blocking up of fanlights and work in connection with the above

Views of Consultees

The **Environmental Health Division** has no objections to the application and indicate that they have no concerns relating to the change in position of the existing lighting columns.

The **Highway Authority** has no objections. It is stated that consideration has been given to the fact that no increase in staff will be required and the informal car park is of sufficient space to accommodate a small increase in the number of visitors.

The **Landscape Development Section** has concerns about the loss of 2000 square metres of woodland that would result and the visual impact on the users of footpaths within Bathpool Park and the wider landscape setting. The statement in the developer's arboricultural report that with the exception of the Category R trees, all trees offer 'low or temporary screening benefit' is questioned. The affected section of woodland is highly visible from public footpaths and the bridlepath within Bathpool Park. Individual woodland trees adjacent to the eastern elevation of the extended slope are particularly prominent.

Based on the amended plans a number of comments were made as follows:

- The reduction in the area occupied by the ski slope extension and the retention of new maturing woodland planting to the south of the site is welcomed.
- The increase in the width of the landscaping buffer to the east of the site and the retention of trees identified in Group 5 is welcomed as these trees will form a significant landscaping buffer towards what would become open views onto the extended ski slope.
- The removal of the two lines of fencing along the eastern boundary of the site is welcomed.
- It is disappointing that a planted woodland island cannot be accommodated to soften the visual impact.
- It is unclear how the changes will affect the proposed levels for the site and the height of any retaining structures that may be needed. Further information is requested.

Should the development be approved it is suggested that:

- Replacement woodland planting is provided.
- Landscaping proposals are agreed and implemented.
- Surplus excavated material is removed from the site.
- Details of boundary treatments are approved.
- Tree protection measures are required.

No comments have been received by the due date from **Kidsgrove Town Council**, **Staffordshire Wildlife Trust**, and Staffordshire County Council as the **Rights of Way Authority**. Therefore it must be assumed that they have no observations.

Representations

Four letters of objection and a petition with 76 signatories objecting to the development have been received. Objection is made on the following grounds:

- Impact on traffic and parking in residential area. Infrastructure unable to support any further increase in traffic brought about by additional members and visitors.
- Destruction of significant area of trees which provides an important habitat for local wildlife and enhances the beauty of the location.
- The relocation of the lift which is tall and unsightly will have an impact on neighbouring properties. Landscaping to screen it will take years to mature and the lift can be noisy.
- The proposed traveller may be noisy.
- Concerns regarding the proposed bund at the top of the slope.

Applicant's/Agent's Submission

A Design and Access Statement has been submitted. The main comments are as follows:-

- The facility is run by 40 volunteers on a part-time basis. At any one time there are typically 4-8 instructors or volunteers at the club.
- The ski club would like to increase the width of their ski slope and have provisionally agreed to extend their lease with Newcastle Borough Council.
- The club are not actively seeking to increase their membership as a result of the proposal.

- The centre is mainly used in the evenings and at weekends with increased demand towards the skiing season. The largest group lessons cater for around 20 people.
- The total site area is 0.5578ha and the proposed site area is 1.0756ha. The total vertical drop is 22.5m with a maximum horizontal run of 110m.
- The proposal is to move the site boundary approximately 40m due south. A replacement button lift would be located to the southern end of the slope with a new traveller installed to the north. The mechanism for the button lift would be approximately 4m high.
- The extension would comprise white matting to match the existing surface.

A Tree Survey and a Phase I Habitat Survey have been submitted. All of these documents are available for inspection at the Guildhall and on www.newcastle-staffs.gov.uk

Key Issues

The application is for full planning permission for an extension to the existing ski slope. The site lies within the Green Belt, an Area of Landscape Restoration and a Site of Biological Importance as indicated on the Local Development Framework Proposals Map.

The key issues for consideration in the determination of this application are:-

- Is the proposal appropriate or inappropriate development in Green Belt terms and if inappropriate, do the required very special circumstances exist to justify approval?
- Is there any conflict with policies on the impact of development on the landscape?
- Would there be any adverse impact on highway safety?
- Are there any issues regarding impact on residential amenity?
- Would the proposed development have any significant adverse impact on the trees on the site?
- Would there be any impact upon any protected species?

Is the proposal appropriate or inappropriate development in Green Belt terms and if inappropriate, do the required very special circumstances exist to justify approval?

PPG2 states that there is a general presumption against inappropriate development within Green Belts and such development should not be approved except in very special circumstances. The development does not involve new buildings, but does involve engineering operations and paragraph 3.12 of PPG2 indicates that such operations are inappropriate development unless they maintain openness and do not conflict with the purposes of including land in the Green Belt.

Policy S3 of the Local Plan permits development for sport or recreation uses of a predominantly open character within the Green Belt subject to limitations to prevent loss of farmland.

The original proposal included the creation of a 10m wide earth bund along the southern boundary of the site. However, amended plans have been submitted omitting the bund from the scheme. The applicant's agent has confirmed that the proposed levels would match the existing. No new buildings are proposed and the only structures would be a traveller which would have no structures above ground level and a button lift which would replace the existing but would be sited further to the south.

Given the nature of the proposals and the lack of built development, it is considered that the openness of the Green Belt would be maintained. The development would not conflict with any of the purposes of including land in Green Belts and as such it can be concluded that the development is appropriate in the Green Belt. There is no need for the applicant to demonstrate very special circumstances.

Is there any conflict with policies on the impact of development on the landscape?

The ski centre is located on a steep wooded slope on the side of the Fowlea Valley within an Area of Landscape Restoration. Policy N21 of the Local Plan states that within these areas it will be necessary to demonstrate that development will not further erode the character or quality of the landscape.

The proposal involves the loss of an area of trees to the south of the existing ski slope. Although the loss of the woodland would inevitably have an impact upon the character of the landscape in the immediate locality,

the existing ski slope already has an impact on the landscape and in the wider context of the Bathpool Park, the impact would not be significant.

Although the proposal does conflict with Policy N21 of the Local Plan, it is considered that on balance a refusal on the grounds of impact on the landscape could not be sustained.

Would there be any adverse impact on highway safety?

Concerns have been raised on the basis that parking facilities for the existing ski centre are inadequate and that the additional parking generated by the proposed extension would exacerbate on-street parking problems.

PPG13 sets out a comprehensive approach to managing travel demand and states that Local Planning Authorities should not require developers to provide more spaces than they themselves wish, other than in exceptional circumstances which might include for example where there are significant implications for road safety which cannot be resolved through the introduction or enforcement of on-street parking controls. Policy T16 of the Local Plan indicates that development which provides significantly less parking than the maximum levels specified in the Plan, will not be permitted if this would create or aggravate a local on street parking or traffic problem, and that development may be permitted where local on-street parking problems can be overcome by measures to improve non-car modes to the site and/or measures to control parking and waiting in nearby streets and that in such cases the development will be required to make an appropriate contribution towards the initial and ongoing cost of required schemes.

Applying the maximum parking standards in the Local Plan for sports and leisure centres, the existing facility would require approximately 16 parking spaces and the proposed extension would require a maximum of approximately 15 further spaces. There is an existing car park to the north of the ski slope, which is accessed via Westmorland Avenue. The application states that there are currently 15 parking spaces but your Officer's view is that in practice approximately 20 – 25 cars could be accommodated within the car park. The application confirms that there would be no increase in the number of employees and that the Club is not actively seeking to increase their membership as a result of the proposed development.

The Highway Authority has no objections to the proposal and states that in making their comments, consideration has been given to the fact that no increase in members of staff is proposed and that the car park is of sufficient space to accommodate a small increase in the number of visitors.

Given that no increase in the number of staff is proposed and given that the proposal comprises an extension to an existing facility, it is not considered that the proposal would exacerbate existing on-street parking problems in the area to any significant degree. It is not considered that an objection on highway safety grounds could be sustained.

The applicants have advised that a car parking survey is to be submitted and upon receipt of the results of the survey the intention is to address this issue further in an advance supplementary report to Members.

Are there any issues regarding impact on residential amenity?

The closest residential property is No. 41, Westmorland Avenue immediately to the west of the top of the existing ski slope. The occupiers of that property have raised concerns regarding the relocation of the lift in terms of noise and the view from their property. The existing slope, lift and platform are currently to the east of the adjacent dwelling and the proposed extension to the slope and the relocated lift would be to the south of the rear boundary of that property, and therefore further away from the dwelling. It is not considered therefore that an objection could be sustained on the grounds of impact on residential amenity.

Would the proposed development have any significant adverse impact on the trees on the site?

The site of the proposed ski slope extension is currently an area of woodland. Policy N12 of the Local Plan states that the Council will resist development that would involve the removal of any visually significant tree, shrub or hedge, whether mature or not, unless the need for the development is sufficient to warrant the tree loss and the loss cannot be avoided by appropriate siting or design. Where, exceptionally, permission can be given and trees are to be lost through development, replacement planting will be required on an appropriate scale and in accordance with a landscaping scheme.

A Tree Survey has been submitted. The Survey concludes that the majority of the trees are Category C on the grounds that they offer 'low or only temporary screening benefit'. The Landscape Development Section has questioned this conclusion on the basis that the woodland is highly visible from public footpaths and the bridlepath within Bathpool Park. Your Officer agrees that the trees are highly visible in the landscape and on this basis it is likely that the trees are Category B – of moderate quality and value.

Discussions with the applicant's agent have resulted in the submission of amended plans which have reduced the area of the ski slope extension and retained new maturing woodland planting to the south of the site. The width of the landscaping buffer to the east of the site has been increased and the retention of the existing group of trees will form a significant landscaping buffer in views from Bathpool Park.

Whilst it remains the case that quite a significant area of woodland will be removed to facilitate the development, in the context of the existing ski slope and in the wider context of the substantial woodland in Bathpool Park, the impact on visual amenity would not be significant. On balance, it is not considered that an objection could be sustained on the grounds of loss of trees.

Would there be any impact upon any protected species?

A Phase I Habitat Survey has been submitted. It concludes that whilst no evidence of badgers or bats was found, the trees on the site are suitable for nesting birds which means that all trees that will be affected must be checked by a competent ecologist prior to any works commencing. No comments have been received from Staffordshire Wildlife Trust. On the basis of the conclusions of the Survey it is not considered a refusal could be sustained on the grounds of impact on protected species.

Background Papers

Planning files referred to

Planning Documents referred to

Date Report Prepared

21 February 2012