



Over **30 years** of success and still planning

WALSINGHAM PLANNING

SPECIALIST PLANNING & DEVELOPMENT CONSULTANTS

Examination of Cheshire East Local Plan Site Allocations and Development Policies Document

Hearing Position Statement

Response to Inspector's Main Issues and Questions:
Matter 11 Green/ Open Space Protection (Policy REC 1)

On behalf of The Guinness Partnership Limited

SEPTEMBER 2021

Walsingham Planning

Brandon House

King Street

Knutsford

WA16 6DX

Telephone

01565 757500



knutsford@walsingplan.co.uk
www.walsinghamplanning.co.uk

CONTENTS

1	INTRODUCTION.....	1
2	RESPONSE TO MATTERS, ISSUES AND QUESTIONS MATTER 11 – GREEN / OPEN SPACE PROTECTION (POLICY REC 1).....	2

I INTRODUCTION

- I.1 Walsingham Planning (acting under Agent ID 987684) are appointed to act on behalf of The Guinness Partnership Limited (Guinness) in respect of land at Goddard Street, Crewe. The land in question formerly comprised a football pitch with associated buildings, including a clubhouse and grandstand and was occupied by LMR Sports and Social Club.
- I.2 The site has not been used for sport and recreation for approaching 14 years since the club's closure in 2007. Public access has been prevented since 2012 when the buildings were demolished, and the site secured.
- I.3 By way of context, Knights Plc submitted representations on behalf of Guinness in relation to land at Goddard Street at two consultations relating to the Site Allocations and Development Policies (SADPD) under Representor ID 1226851:
- Publication Draft SADPD consultation (August 2019) – Statement by Knights Plc dated September 2019
 - Revised Publication Draft Site Allocations and Development Management Policies Document (September 2020) – Statement by Knights Plc dated December 2020.
- I.4 The basis of our representations is that the draft SADPD is unsound and not justified; is not effective and is inconsistent with national policy with regard to the allocation of land at Goddard Street, Crewe as 'Open Space'. The land should not be allocated as such and should be unallocated / white land within the defined settlement of Crewe.
- I.5 In the remainder of this Statement, we respond specifically to question 172 of the 'Matters, Issues and Questions for the Examination – Part 2' which relates to Policy REC 1 'Green / Open Space Protection' under Matter 11.

2 RESPONSE TO MATTERS, ISSUES AND QUESTIONS MATTER 11 – GREEN / OPEN SPACE PROTECTION (POLICY REC 1)

Question 172)

Is Policy REC 1 justified, effective and consistent with the LPS and national policy protecting open space in Cheshire East of recreational or amenity value?

- 2.1 Policy REC 1 is in our view not justified and effective and it is inconsistent with national policy protecting open space of recreational or amenity value.
- 2.2 The NPPF provides a very clear definition of ‘open space’. This is “*All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity*”.
- 2.3 The SADPD also provides a definition of ‘Open Space’ within the Glossary contained at Chapter 14. This replicates the NPPF definition word for word.
- 2.4 The Council go on to designate land on the proposals map as ‘*Protected Open Space*’. The issue that then arises is whether land that has been allocated on the Proposals Map as ‘*Protected Open Space*’ meets the definition of ‘*Open Space*’ as defined in both the glossary to the draft SADPD and the NPPF.
- 2.5 Specifically, the Council have given land a ‘*Protected Open Space*’ designation which has neither recreational value nor amenity value. In particular, and in our view quite incorrectly and unjustifiably, land that has historically been used as playing fields/ pitches, but which has not been used for this purpose for many years (and in excess of 5 years) and which has no public access has been designated on the proposals map as ‘*Protected Open Space*’.
- 2.6 Land owned by Guinness at Goddard Street, Crewe receives a designation as ‘*Protected Open Space*’, however for reasons explained below it cannot be described or considered to comprise open space. Its designation cannot therefore be considered to be justified and it is inconsistent with national policy.
- 2.7 Furthermore, its designation is preventing the site from being redeveloped for affordable housing thereby rendering the draft SADPD ineffective in relation to this particular parcel of land.

Question 172)

a) Is the inclusion of term ‘green space’ clear and unambiguous, is it clearly defined in the SADPD and is it consistent with national policy for the protection of open space?

- 2.8 The term ‘Green Space’ is entirely unclear and is very ambiguous. Not only does the draft SADPD not provide a definition of ‘Green Space’ so it is entirely clear what type of land can be expected to be considered as such, but the draft SADPD treats ‘Green Space’ and ‘Open Space’ as one of the same thing for the purposes of Policy REC I. It is therefore unclear how and in what way ‘Open Space’ is different to ‘Green Space’. Furthermore, Policy REC I appears to indicate that any incidental area of open / amenity space could be considered to constitute ‘Green Space’.
- 2.9 By reference to national planning policy contained in the NPPF and NPPG it is apparent that ‘Open space’ and ‘Green space’ are two entirely different things.
- 2.10 Open space is defined as “*All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity*”.
- 2.11 Green space on the other hand is described as “*a green areas of particular importance to local communities*’ (para 005 Ref. ID 37-005-20140306 NPPG). Such land is also required to meet three criteria: (a) be in reasonably close proximity to the community it serves; (b) be demonstrably special to a local community and hold particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of wildlife; and (c) be local in character.
- 2.12 With regard to our client’s land at Goddard Street, it is assumed by virtue of its allocation on the Proposals Map that the Council consider it to falls within the ‘Open Space’ category rather than the ‘Green Space’ category. However, it is entirely unclear. Notwithstanding this fact, it does not meet the definition of either.
- 2.13 In terms of the definition of ‘Open space’, the site has no public value, it does not offer any opportunity for sport and recreation, and it does not act as visual amenity. With regard to the definition of ‘Green Space’, it does not hold any special value or importance to the local community.

2.14 The lack of clarity raises concerns for our client that the Council may be seeking to 'hedge their bets' with regard to parcels of land designated 'Protected Open Space' and have the option of considered land to be either typology.

b) Is the methodology used to define open spaces for protection robust and are the areas of land identified on the Proposals Map as protected open space justified, based on proportionate evidence?

2.15 The methodology used to define open spaces is not considered robust or justified.

2.16 The continued designation of land at Goddard Street as 'Protected Open Space' appears to arise from the site's historic and previous use as a football pitch and as a result of guidance contained within the Playing Pitch Strategy and Action Plan (May 2021), which recommends that pitches that are categorised as either lapsed or disused should continue to form part of the Council's open space and green infrastructure provision and be protected by policy.

2.17 The justification given is that such land should be protected, regardless of its status or how long it has not been used, given that Cheshire East do not currently have a surplus of playing pitches.

2.18 This approach is contrary to the aims of national policy which seeks only to protect and safeguard land which meets the definition of open space i.e. land that is publicly accessible and offers opportunities for sport and recreation.

2.19 The Playing Pitch Strategy and Action Plan (May 2021) acknowledges that the Goddard Street site is a 'lapsed' football pitch. However, it recommends that it is protected (alongside other lapsed sites) due to there not being a surplus of football pitch provision within Cheshire East.

2.20 The Action Plan differentiates between 'lapsed' sites and 'disused' sites. Lapsed sites are sites that have not been used as a playing field for more than 5 years whereas disused sites are sites that have been used as playing fields within the last 5 years. Notwithstanding the difference in status, the same policy approach and recommendations are applied to both categories of site.

2.21 The result is that regardless of how long it has been since a playing pitch was last used, the land will continue to be protected as open space and its redevelopment precluded unless one of the tests in Policy REC 1 can be met i.e. it is surplus to requirements; or it is being replaced

by equivalent or better provision in terms of quality and quantity and it is in a suitable location; or the development is for alternative sports and recreation provision.

- 2.22 This makes no logical sense and has the effect of preventing land which has been vacant for many years and could make a positive contribution to meeting current development needs from being redeveloped.
- 2.23 That is clearly not the intention of national planning policy and the Council seem to be confusing and intertwining national planning policy in respect of open space with Sport England policy and guidance specific to development affecting playing fields.
- 2.24 The Action Plan notes that playing pitches that have not been used for more than five years fall outside of Sport England's statutory remit. As the land at Goddard Street has not been used for 14 years it falls outside of the statutory remit of Sport England. It also does not meet the definition of open space having no public access and not offering opportunities for sport and recreation. Yet the draft SADPD proposes that it is designated as '*Protected Open Space*'.
- 2.25 This clearly indicates that the Councils methodology for designating '*Protected Open Space*' is flawed and is not robust and therefore that the plan is unsound in this respect.

c) Is the identification of the following areas of land as protected open space justified based on their current status?

- **Land at Goddard Street, Crewe**

- 2.26 The designation of land at Goddard Street, Crewe as '*Protected Open Space*' is not considered to be justified based on the status of this land.
- 2.27 National policy provides a clear definition of 'open space' which is set out above and is replicated in the glossary to the draft SADPD. To constitute open space and therefore merit protection, the space is required to have public value and to offer important opportunities for sport and recreational. It can also act as visual amenity.
- 2.28 Our client's land at Goddard Street does not meet any of these essential requirements and it should not therefore be designated as '*Protected Open Space*'.

- 2.29 The land does not have any public value. It has no public access and is completely closed off to the public. There is a 2 metre high palisade fence around the entire site, which prevents access. The only entry is via gates on Goddard Street, which are permanently locked. The land is entirely private and no one other than the landowner has access.
- 2.30 Whilst the site was previously owned by LMR Sports and Social Club and contained a football pitch, club house and grandstand, the use has not been active for approaching 14 years. The last match was played in December 2007 and the structures demolished in 2012. Since that time the site has been closed off and access has not been possible.
- 2.31 There is no prospect that the site will be put back to its former use and public access reinstated as it is now owned by The Guinness Partnerships Ltd who are a registered provider of social housing.
- 2.32 Guinness are currently seeking to obtain planning permission to redevelop the site for affordable housing. A planning application for the redevelopment of the site for 74 dwellings was originally submitted in August 2016 (Ref. 16/4175N). Officers recommended that planning permission be granted, however consent was refused by committee against this recommendation. The reason for refusal related to the design and density of the proposed development and not the principle of the redevelopment of the site.
- 2.33 A revised application was submitted in 2019 which remains undetermined. The application was reported to committee in August 2021 with a recommendation to grant planning permission. The application was however deferred by Committee. The reason for the deferral related to and is a direct consequence of the site designation as 'Protected Open Space' in both the adopted development plan and the draft SADPD.
- 2.34 As well as having no public access, views of the site from public vantage points are also very limited. Consequently, the land cannot be said to have public value as a result of a contribution to the visual amenities of the area.
- 2.35 Views the of site are largely prevented from Goddard Street due to the presence of mature conifer trees along the boundary, the site only being visible from a short section at the northern end. From the south, north and west the land is not visible from public vantage points, but only from adjacent residential properties.

- 2.36 The land has not had any public value since the Club was closed in 2007. It is our view that it cannot be described as anything other than a vacant and overgrown derelict urban infill site in private ownership.
- 2.37 To meet the requirement of open space, as well as having public access, land is also required to offer important opportunities for sport and recreation or act as visual amenity.
- 2.38 Whilst the site did in the past provide opportunities for formal sport and recreation when it was operated as a sports and social club, it has not served this purpose and provided sport and recreation facilities for nearly 14 years.
- 2.39 In some cases, a site may provide opportunities for informal sport and recreation after formal facilities have been closed as a result of continued public access to the land. This is however not the case with the land at Goddard Street as public access was stopped and the site has been secured.
- 2.40 Given these facts, it is clear that the land has not provided any opportunity for either formal or informal sport and recreation for approaching 14 years.
- 2.41 Turning finally to whether the land acts as visual amenity. As is explained above, views of the site from public vantage points are limited and thus its contribution to visual amenity is very limited. They are not sufficient in our view to justify its designation as ‘*Protected Open Space*’ on this basis.
- 2.42 Having regard to this information, together with that provided in representations to both the Publication Draft and Revised Publication Draft SADPD, it is our view that there is no justification for the land at Goddard Street being designated ‘*Protected Open Space*’. Whilst the site unquestionably served an open space function in the past and had done so for many years (historic maps from 1938 depict the site as a football ground), it no longer serves that purpose and has not done so for nearly 14 years.
- 2.43 The land today comprises a vacant greenfield urban infill site and an isolated island of undeveloped land. The wider area around the site having been subject to transformational change and extensive regeneration over the past 20 years related to the scaling back of industrial activity in the area.

- 2.44 Historic mapping shows that the area in an around Goddard Street formed part of ‘Bombardier/ Crewe Works’ and that LMR refers to the ‘London Midland Region’ Sports and Social Club. This indicates that the football ground and sports facilities probably originated and were directly linked to industrial activity in the area associated with Crewe Works and the railway. Indeed, the demise of LMR Sports and Social Club in 2007 corresponds with a scaling back of the Works and the regeneration of the land previously occupied by it, in around Goddard Street.
- 2.45 There is no longer any valid planning justification for the land being designated ‘*Protected Open Space*’ and it is not the intention of national policy that such designations be maintained in perpetuity where the historic use has long since lapsed and there is no reasonable prospect that it will be reintroduced in the future.
- 2.46 It is also not the intention of national policy that designations be simply rolled on from one development plan to the next, as appears to be the case in this instance, particularly where there is no justification for doing so. In the case of land at Goddard Street, the land serves no purposes as open space and therefore there is no justification for it being designated as such.
- 2.47 Our client’s land is located in a highly sustainable location. It is a suitable and appropriate location for new housing and in particular, affordable housing. Officers in Development Management at Cheshire East appear to support and raise no objection to the principle of housing on the site (as demonstrated by the two recent planning applications).
- 2.48 However, the draft SADPD and the designation of the site as ‘*Protected Open Space*’ is effectively preventing planning permission from being granted for its redevelopment and thus the site from coming forward for much needed affordable housing.
- 2.49 Without the ‘*Protected Open Space*’ designation, the problems Guinness is facing would not exist. Currently, and as a direct consequence of the designation, our client is unable to secure planning permission for the redevelopment of the site for affordable housing in order to commit its grant allocation from Homes England, which is fully supported by the Housing Strategy team at Cheshire East.
- 2.50 Sport England have been consulted on the current application as a statutory consultee on account of the site’s current designation as ‘*Formal Open Space and School Playing Fields*’ under Policy RT.1 of the adopted Crewe and Nantwich Local Plan.

- 2.51 Whilst the above circumstances may on the face of it appear to be a development management issue and not a Local Plan issue, the situation has arisen entirely as a consequence of the maintenance of the site's designation as '*Protected Open Space*' in the draft SADPD. At the present time there appears no clear route to resolving the matter whilst the designation remains in place.
- 2.52 If the site were not designated in the draft SADPD as '*Protected Open Space*' and it was white land within the urban area of Crewe, there would be no requirement under Policy REC 1 to replace the historic football pitch; Sport England would not be a statutory consultee; and elected Member's objections could be addressed through a financial contribution towards improvements to existing sports provision in the Crewe area, which Guinness is prepared to undertake and commit to. In such circumstances, it is highly likely that planning permission would then be granted for the development.
- 2.53 To conclude, the draft SADPD should in our view be more positive in its approach and not apply unnecessary, unjustified and unhelpful designations to land, which has the effect of constraining and preventing sites that are wholly suitable and appropriate for new development coming forward. The draft SADPD needs to support and take into account sustainable development opportunities, particularly those which offer the potential to meet local housing needs over the Plan period.
- 2.54 In order for the draft SADPD to be considered justified, effective and consistent with national policy in relation to land at Goddard Street and the Plan to be considered sound, the '*Protected Open Space*' designation currently proposed in relation to the land should be deleted.