

**Application No:** 10/3232M  
**Location:** LAND NORTH OF, CHELFORD ROAD, OLLERTON, CLOSE  
TO THE JUNCTION WITH HALL LANE  
**Proposal:** GOLF DRIVING RANGE WITH BUILDING AND NINE HOLE  
GOLF COURSE  
**For** MR B COUTTS  
**Registered** 29-Sep-2010  
**Policy Item** No  
**Grid Reference** 378768 376514

**Date Report Prepared:** 13 January 2011

<b>SUMMARY RECOMMENDATION</b>	<b>Refuse</b>
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**MAIN ISSUES**

- Whether the proposal complies with Green Belt policy and if not, whether there are any very special circumstances that would overcome the harm caused by inappropriateness and any other harm
- Whether the visual impact of the proposal on the character and appearance of the area is acceptable
- Whether the access and parking arrangements are acceptable
- Whether the proposed use is sustainable in this location
- Whether the proposal would significantly injure the amenity of nearby residents
- Whether the proposal would have any adverse impact on nature conservation interests or on existing trees and landscaping

**REASON FOR REPORT**

As the application site is an 8 hectares site, it constitutes a large scale major application which, in accordance with the Council's constitution, is required to be dealt with by the Strategic Planning Board.

**DESCRIPTION OF SITE AND CONTEXT**

The application relates to a piece of agricultural land located to the north of Chelford Road, in the parish of Ollerton. The land forms part of the agricultural holding of Beeches Farm, with other land located adjacent to the application site and on the opposite side of Chelford Road. There is an existing field gate providing access onto Chelford Road at the eastern end of the site boundary with Chelford Road. There are a number of existing trees and hedges on the site and a number of ponds. A public footpath runs along the western edge of the application site, with another footpath located to the east of the site. The

site is generally relatively flat, with the topography of the site running downhill from south to north, though there are areas of undulation throughout.

There are three residential properties fronting Chelford Road located to the east of the site. Oakwood Nurseries is also located to the east of the site and contains a dwelling.

The site lies in the Green Belt.

## **DETAILS OF PROPOSAL**

Planning permission is being sought for a proposed driving range and academy course golf centre. The proposal is to provide a 20 bay, single storey driving range building, a 9 hole academy course and associated facilities including a new vehicular access off Chelford Road, the creation of a 60 space car park plus 2 disabled spaces, a putting green, tuition green and chipping green. The proposal also involves the importation of inert material onto the site to create the course definition. It is estimated that 80,000m<sup>3</sup> of material will be used to create the course. The range and course would be unlit.

## **RELEVANT HISTORY**

There is none specifically relating to the application site. However, there have been 2 applications for a similar proposal made by the applicant on the opposite side of Chelford Road. They are:

08/0332P

Golf driving range and 9 hole pitch and putt golf course including alterations to vehicular access

Refused and appeal allowed 27.05.09

07/1856P

Golf driving range and 9 hole pitch and putt golf course including alterations to vehicular access

Refused 24.10.07

## **POLICIES**

### **Regional Spatial Strategy**

DP1 Spatial Principles

DP2 Promote Sustainable Communities

DP4 Make the Best Use of Existing Resources and Infrastructure

DP5 Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility

DP7 Promote Environmental Quality

DP9 Reduce Emissions and Adapt to Climate Change

RDF4 Green Belts

W1 Strengthening the Regional Economy

L1 Health, Sport, Recreation, Cultural and Education Services Provision  
RT2 Managing Travel Demand  
RT9 Walking and Cycling  
EM1 Integrated Enhancement and Protection of the Region's Environmental Assets  
EM5 Integrated Water Management  
MCR3 Southern Part of the Manchester City Region

### **Local Plan Policy**

NE2 Landscape Protection and Enhancement  
NE11 Nature Conservation  
NE17 Nature Conservation  
BE1 Design Guidance  
GC1 New Buildings  
RT18 Golf Courses  
T2 Integrated Transport Policy  
DC1 New Build  
DC3 Amenity  
DC6 Circulation and Access  
DC8 Landscaping  
DC9 Tree Protection  
DC13 Noise  
DC33 Outdoor Commercial Recreation

### **Cheshire Replacement Waste Local Plan**

Policy 12 Impact of Development Proposals  
Policy 14 Landscape  
Policy 15 Green Belt  
Policy 17 Natural Environment  
Policy 23 Noise  
Policy 24 Air Pollution: Air Emissions Including Dust

### **Other Material Considerations**

PPS1: Delivering Sustainable Development  
PPG2: Green Belts  
PPS4: Planning for Sustainable Economic Growth  
PPS9: Biodiversity and Geological Conservation  
PPG17: Planning for Open Space, Sport and Recreation

### **CONSULTATIONS (External to Planning)**

**Highways:** no objections subject to conditions regarding parking, visibility splays and the submission of a Travel Plan.

**Environmental Health:** no objections subject to conditions regarding management of imported materials, construction hours restriction, submission of lighting plan if lighting proposed in the future.

**Environment Agency:** no objection subject to a condition regarding Great Crested Newts.

**Public Rights of Way Unit:** no objection subject to the imposition of an advice note.

## **VIEWS OF THE PARISH / TOWN COUNCIL**

**Ollerton with Marthall Parish Council:** note that the latest application takes into account many of the comments previously made by the Parish Council and local residents. For example, the site does not now adjoin the Conservation Area and is not historical parkland and there is less likelihood of visiting vehicles blocking Hall Lane, School Lane and Moss Lane. The size and design of the new site is such that flying golf balls are less likely to cause problems to neighbouring properties (particularly the driving range where balls will be hit away from the A537 into open areas).

If the Council is minded to grant permission, they would like to see a condition that, if for any reason the enterprise fails, then the land is restored to its present agricultural condition.

## **OTHER REPRESENTATIONS**

To date, 7 representations have been received objecting to the proposal. 6 are from individual residents/properties and 1 is on behalf of the Chelford Road Action Group, though it is not clear which residents are represented by the group. The main points raised in objections are listed below:

- Additional traffic on Chelford Road
- Lack of need – already a number of existing golf facilities nearby
- Concern regarding the need for future floodlighting which would cause significant light pollution to homes near to the site and would adversely affect the rural nature of the site
- Area is Green Belt and open aspect would be lost and replaced by an ugly building and a large car park detrimental to rural character
- Contrary to Parish Plan
- Significant earthworks detrimental to Green Belt and against policy
- Destruction of habitats
- Concerns regarding the viability of the scheme
- Concern regarding surface water drainage system
- Consider that detailed business plan should have been provided with the application
- Question reason for the re-location of the approved driving range and golf course
- Question how foul sewage is to be disposed of
- New site entrance will spoil the rural character of the area
- Would involve loss of prime agricultural land

- Amount of landfill required will create a huge environmental impact including large number of vehicles needed to transport the material creating more noise and air pollution as well as being visibly unacceptable
- Concern about future development of the site

## **APPLICANT'S SUPPORTING INFORMATION**

A number of supporting documents have been submitted with the application. These can be viewed on the application file and include:

- Planning statement
- Landscape Character and Visual Impact Assessment
- Design & Access Statement
- Flood Risk Assessment and Surface Water Assessment
- Ecological reports
- Geological report
- Transport statement
- Draft Travel Plan

The Planning Statement concludes that the landscape around the site is robust and that only a few properties immediately adjacent to the site are likely to experience any change in views. The overall visual impact from each of these properties is likely to be low and is mitigated by significant new planting. Overall it is considered that the new golf course would enhance the wildlife habitat of the area, whilst providing an outdoor recreation facility for local people, which would benefit the local economy and result in golfers not having to travel to other courses further afield.

## **OFFICER APPRAISAL**

### **Principle of Development**

PPG2 and Local Plan policy GC1 state that the construction of new buildings inside a Green Belt is inappropriate unless it is for a limited number of purposes including essential facilities for outdoor sport and outdoor recreation and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it. PPG2 also states that development including engineering and other operations and the making of a material change in the use of land are inappropriate development unless they maintain openness and do not conflict with the purposes of including land in the Green Belt. Paragraph 1.5 of PPG2 sets out the five purposes of including land in Green Belts which are:

- To check the unrestricted sprawl of large built-up areas;
- To prevent neighbouring towns from merging into one another;
- To assist in safeguarding the countryside from encroachment;
- To preserve the setting and special character of historic towns; and
- To assist in urban regeneration by encouraging the recycling of derelict and other urban land.

## **Policy**

All relevant policies are listed earlier in the report.

Local Plan policy DC33 deals specifically with proposals for outdoor sport and recreation uses such as golf driving ranges and sets out various criteria against which proposals will be assessed. Some of the criteria listed are not relevant to the site but the following criteria are considered relevant.

- The design, siting, scale and materials of any necessary buildings or structures should harmonise with the existing landscape setting and should not significantly harm or detract from the visual character of the site and its surroundings. Wherever possible new buildings should be sited in close proximity to existing non-residential/non-sensitive buildings to minimise visual impact
- The site should be able to accommodate any necessary lighting without undue intrusion or significant adverse impact upon the immediate locality or wider environment
- The proposal should not have a significant adverse impact upon existing residential amenity
- Car parking provision and access into the site should be to the satisfaction of the Local Planning Authority. The site should have good access to an existing network of main roads (A Roads)
- Full details of existing and proposed contours, public rights of way, tree and vegetation cover and proposed landscaping should be submitted with the application

## **Green Belt**

When considering the previous application on the opposite side of Chelford Road, it was acknowledged that golf driving ranges and pitch and putt courses need not be inappropriate development in the Green Belt. However, it was also acknowledged that driving ranges and pitch and putt courses are generally a more intensive use of land than other forms of outdoor sport and recreation, such as golf courses, as they tend to require more operational development than other sport/recreation uses.

When considering the previous appeal, the Planning Inspector concluded that the proposal would not be inappropriate development in the Green Belt, noting that the proposed pitch and putt course and driving range would cover the majority of the site and noting that significant earthworks would not be required. She considered that the substantive use of the site would maintain openness and help support the purposes of including land in the Green Belt by checking the unrestricted sprawl of built up areas. It was considered that the proposed access and car park would cause a small loss of openness but that they would occupy a relatively small part of the site and be necessary for the development. She considered that the proposed building would be essential for the proposed use, noting that it would be similar in size to other

driving range buildings in the Green Belt and would include no unnecessary facilities such as a café or a shop.

When compared to the appeal proposal, the current proposal is broadly similar in that it involves the provision of a 20 bay, single storey driving range building, a 9 hole pitch and putt course and a new vehicular access and parking area. However there are a number of differences between the appeal proposal and the current proposal and these are summarised below.

- The size of the building now proposed (646m<sup>2</sup>) has a larger footprint than the appeal proposal (576m<sup>2</sup>) and represents a 12% increase in footprint, though it is similar in height and materials.
- The number of car parking spaces has more than doubled from 30 to 62.
- The current proposal involves the importation of a significant amount of material (80,000m<sup>3</sup>) and in some places, a significant change in existing site levels (up to 7m) including the formation of mounds. The appeal proposal did not require any significant earthworks.

It is not considered that the facilities proposed are essential facilities for outdoor sport and recreation and as such it constitutes inappropriate development in the Green Belt. No evidence has been submitted to justify the increase in the scale of the proposal from that previously granted on appeal.

Additionally, it is considered that due to:

- The increased scale of the proposal
- The amount of earthworks required, and
- The more prominent location of the facility close to Chelford Road

The proposal would also have an adverse impact on the openness of the Green Belt.

The proposal is therefore considered to be contrary to PPG2 and Local Plan policy GC1. For permission to be granted it would need to be demonstrated that there are very special circumstances that exist that overcome the harm caused by inappropriateness and by the reduction in openness of the Green Belt.

### **Visual Impact**

The proposed access, car park and range building would be located immediately to the north of Chelford Road, with the car park being located approximately 40m away from the road and the building approximately 80m away. The car park would measure 50m x 34m and cover an area of approximately 1700m<sup>2</sup>. It would be formed from some sort of permeable material, the exact details of which have not been provided. The range building would be externally clad in timber, with a brick plinth, and a profile metal sheet roof. The proposed range would be located to the north of the range building and would be approximately 256m long. It is proposed to raise the levels along the length of the driving range boundaries to provide

definition and protective contouring to either side of the range area. A 9 hole pitch and putt course is proposed to the east of the range, approximately 80m from the rear gardens of the existing residential properties fronting Chelford Road. It is also proposed to raise levels across the pitch and putt course. A number of greens are also proposed towards the front of the site, closest to Chelford Road. The site boundary with Chelford Road is currently marked by a hedgerow.

A Landscape Character and Visual Impact Assessment has been submitted in support of the application and one of the Council's Landscape Officers has been consulted on the application.

The submitted landscape assessment concludes that the overall visual impact of the proposal is likely to be low. The Council's Landscape Officer does not agree with this conclusion and notes that the submitted assessment is at variance with the relevant guidelines, 'Guidelines for Landscape and Visual Assessment' (2<sup>nd</sup> Edition) in that it does not provide a thorough landscape and visual assessment of the effects of the proposal and makes a number of subjective comments that compromise the objectivity of the assessment as a whole.

The Council's Landscape Officer notes that the importation of 80,000m<sup>3</sup> of inert material will be used to create a series of mounds across the site. In some areas, this will raise the level by more than 8m and a number of the mounds, especially a number in close proximity to Chelford Road, will be more than 4m in height. It is considered that, while there may need for a subtle remodelling of the existing landform, these mounds will fundamentally change the character of the site to one that is incongruous with its surroundings. It is also considered that the new landscaping will be out of scale with the surrounding area, in addition, the layout of the academy course and driving range appear to indicate that the mounding is not actually necessary to facilitate the proposal. Whilst the views of the Council's Forestry Officer are still awaited, there is also concern that the proposed changes in topography brought about by the importation of so much inert material may well have a detrimental impact of existing hedgerows and trees. Any response received from the Forestry Officer will be provided in an update to Members.

Additionally given the increased scale and prominence of the proposed range building, parking area and access and given the relative openness of the site, it is considered that these facilities will be visually prominent and would have an adverse impact on the character and appearance of the area. Whilst the previous Inspector noted that Chelford Road is already dominated by traffic and active land uses, the application site is located at the end of the ribbon and in a location that is much more open and prominent than other sites in the immediate locality.

The proposal is considered to be contrary to Local Plan policy NE2 as it is not considered that it conserves or enhances landscape character, nor does it respect local landscape character. The proposal is similarly considered to be



contrary to RSS policies DP7 and EM1 and Local Plan policies BE1, RT18, DC1 and DC33.

## **Highways**

As previously stated, a Transport Statement has been submitted in support of the application. The Strategic Highways Manager has been consulted on the application and raises no objections, subject to appropriate conditions. He considers that the site would generate in excess of 30 trips in and out in the traditional peak hours when the background flows on Chelford Road are at their highest. However, the proposed new junction has been assessed in terms of capacity and it is considered that it will operate within capacity with no undue queues formed on the A537. Consequently, there is no requirement for a right turn facility to be provided. It is considered that the access has been designed to provide the required visibility splays in each direction and adequate width to allow two way traffic.

It is also noted that the site can be accessed by public transport and other modes of transport but in sustainability terms is not well located. To encourage the use of non-car modes of transport, a Travel Plan should be provided by the operator. When considering the appeal proposal, it was acknowledged by the Council and by the Inspector that, given the nature of the facility, most users would arrive by car. However, the Inspector concluded that the proposal would be relatively small scale and would be unlikely to attract customers from far afield. As such, it would not generate levels of unsustainable travel to warrant a refusal of permission.

With regard to parking provision, the Strategic Highways Manager advises that there are no maximum parking standards for this type of development so an assessment needs to be made as to whether what is being proposed is reasonable given the proposed use. He considers that the 62 spaces proposed is slightly excessive but that the 30 spaces previously proposed would not be enough. Given that the proposed development offers a similar level of facilities i.e. 20 bay driving range and 9 hole pitch and putt course, to that previously proposed, it is considered that further justification would be required from the applicant to justify the increase in spaces now proposed.

A public footpath is located to the west of the application site. The Public Rights of Way Unit initially lodged a holding objection in relation to the application as there was concern regarding the impact of the proposal on this public footpath. However, this was subsequently lifted following the submission of additional information on behalf of the applicant which demonstrated that there would be no conflict between the public footpath and the use of the proposed greens closest to it.

## **Design**

The design of the proposed range building is broadly similar to the one that was allowed on appeal and no objections are raised to it on design grounds.

## **Amenity**

As stated, there are a number of residential properties located adjacent to the site. Local Plan policies DC3 and DC33 address the impact of proposals on residential amenity and state that there should be no significant adverse impact upon existing residential amenity. Local Plan policy DC13 specifically relates to noise generating developments. Concerns regarding impact on amenity have been raised in representation in terms of the impact of any future floodlighting and increased noise and air pollution resulting from the vehicle movements that would be required in connection with the importation of material.

3 residential properties are located to the south/east of the application site and front onto Chelford Road. The proposed site access would be located approximately 80m away from the nearest residential property, approximately 50m away from the garden boundary of this property. The nearest part of the proposed development to these properties would be a proposed putting green which at the nearest point would be approximately 25m away from the nearest garden boundary. The proposed pitch and putt course would be located approximately 80m away from the rear garden boundaries of these properties, over 100m away from the properties themselves. Given the scale of the development proposed, the likely amount of traffic that would be generated by the proposal, existing traffic levels on Chelford Road, the distances involved and given the existing screening along the garden boundaries, it is not considered that the proposal would result in a significant adverse impact on the amenity of the occupiers of these properties.

The only other residential property located close to the site is the dwelling at Oakwood Nurseries which is located approximately 30m to the east of the application site. The proposed 9 hole pitch and putt course is the nearest part of the proposed development to this property with proposed Hole 8 of the course closest to the boundary. However, given the distances involved, the short length of this hole and extensive boundary screening, it is not considered that the amenity of the occupiers of the dwelling at Oakwood Nurseries would be significantly affected.

## **Trees**

The site contains a number of existing trees. The Council's forestry officer has been consulted on the application though to date no formal comments have been received. Any comments received regarding trees will either be included in an update report or reported directly to the Board.

## **Ecology**

The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places, if there is:

- no satisfactory alternative
- no detriment to the maintenance of the species population at favourable conservation status in their natural range
- a specified reason such as imperative, overriding public interest.

The UK implemented the EC Directive in The Conservation (Natural Habitats etc) Regulations 1994 which contain two layers of protection:

- a licensing system administered by Natural England which repeats the above tests
- a requirement on Local Planning Authorities (“LPAs”) to have regard to the Directive’s requirements.

Circular 6/2005 advises LPAs to give due weight to the presence of a European protected species on a development site to reflect.. [EC] ...requirements ... and this may potentially justify a refusal of planning permission.”

In PPS9 (2005) the Government explains that LPAs “should adhere to the following key principles to ensure that the potential impacts of planning decisions on biodiversity are fully considered..... In taking decisions, [LPAs] should ensure that appropriate weight is attached to .... protected species... ... Where granting planning permission would result in significant harm .... [LPAs] will need to be satisfied that the development cannot reasonably be located on any alternative site that would result in less or no harm..... If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused.”

With particular regard to protected species, PPS9 encourages the use of planning conditions or obligations where appropriate and advises, “[LPAs] should refuse permission where harm to the species or their habitats would result unless the need for, and benefits of, the development clearly outweigh that harm.”

The converse of this advice is that if issues of species detriment, development alternatives and public interest seem likely to be satisfied, no impediment to planning permission arises under the Directive and Regulations.

In this case, ecological reports have been submitted with the application and the Council’s Nature Conservation Officer has been consulted. The reports have identified a small metapopulation of great crested newts breeding at a number of ponds within and adjacent to the proposed development. Only very limited evidence of badger activity was recorded during the submitted survey. However, as the survey is now well in excess of a year old, it is recommended that the badger survey is updated prior to the determination of the application. If any significant evidence of badgers is recorded, mitigation proposals will also be required for any adverse impact resulting from the proposed development.

There is currently an objection to the proposal on ecological grounds as it is considered that additional information is required regarding badgers, any potential loss of hedgerows and details of any lighting. The Nature Conservation Officer is satisfied that the mitigation measures put forward regarding great crested newts are suitable to address any adverse impacts associated with the proposed development. These measures would need to be secured by means of a condition.

In terms of whether the tests prescribed by the Habitat Regulations can be met, these only apply to Great Crested Newts in this instance. The Council's Nature Conservation Officer considers that, in the absence of mitigation, the proposed development would pose a significant risk of killing or injuring any newts on the site when the works were undertaken but that the change of land use from agricultural to a golf facility is likely to have a relatively low adverse impact upon newts. To mitigate the risk of killing/injuring newts, the submitted survey report recommends the trapping and exclusion of newts from the site in accordance with best practise. To mitigate/compensate for the adverse impacts of the change of use, the creation of two additional ponds and the enhancement of a number of existing ponds is proposed together with hedgerow gapping up and the provision of a rough grassland 'buffer zone' around the boundary of the site. The proposed mitigation is considered adequate to address the adverse impacts of the proposed development.

With regard as to whether the proposed development is of overriding public interest, this is less certain. Whilst the proposed scheme would offer some wider benefits in terms of providing an outdoor sport and recreation facility, it would also bring with it dis-benefits as outlined within the report. Additionally, in this case it is considered that there is a satisfactory alternative as consent exists for a similar facility on the opposite side of Chelford Road and the implementation of that consent would not affect European protected species as no evidence of protected species were recorded.

In conclusion, it is not considered that the tests prescribed by the Habitat Regulations are met and further information is required regarding badger activity on the site together with information on hedgerows and lighting. Whilst the applicants have confirmed that there would be no lighting of the range, it is less clear as to what other lighting is proposed i.e. lighting of the car park and building. The applicant considers that further surveys and information regarding hedgerows and ponds could be dealt with by condition. It is not considered that these matters could be dealt with by condition and in the absence of the requested information being submitted, there is insufficient information regarding protected species and nature conservation interests to enable a full and proper assessment to be made regarding the impact of the proposal. The proposal is also therefore recommended for refusal on ecological grounds.

### **Importation of Material**

As noted, the proposal also involves the importation of a large amount of inert material in order to implement the proposal. Whilst it is not considered that

this is a waste operation that would require planning permission in its own right, it is nevertheless considered that the importation of material forms a significant part of the proposal. It is estimated that it would take between 18 and 24 months to complete the re-modelling of the course. It is stated that heavy vehicles associated with construction activities would only be permitted to access the site between 0730 – 1630 Monday to Friday and that it is likely that an average of 4 – 5 vehicles will access the site per hour i.e. 10 two-way trips per hour. A wheel washing facility would be located on site.

A number of policies contained within the Replacement Waste Local Plan are of relevance to this aspect of the proposal. Whilst the additional activities and vehicle movements associated with this aspect of the proposal need to be considered, given:

- The site location off a busy road
- The scale of movements proposed, and
- That no objections have been raised to this aspect of the proposal by either Environmental Health, Highways or the Nature Conservation Officer

It is not considered that objections could be raised relating to those issues. However, as discussed within the report, there is concern regarding the impact that the importation of material and the resultant landform would have on the openness of the Green Belt and on the visual amenity of the area. The proposal would therefore be contrary to Waste Local Plan policies 14 (Landscape) & 15 (Green Belt).

### **Other Matters**

A number of other matters have been raised by third parties in relation to the proposal, some of them were also previously considered by the Inspector when dealing with the appeal. Each is considered below.

Firstly, concern has been raised regarding the viability of the proposal and the need for it given that other golf facilities exist nearby. It is not considered that there is any requirement for the applicant to demonstrate that the proposal is either needed or viable as this isn't required by the relevant policies. When considering the appeal proposal the Inspector noted that viability was a matter for the commercial judgement of the applicant and that she had seen nothing to suggest that the scheme could not succeed on the basis proposed. Third parties have also stated that detailed business plan should have been provided. Again, whilst this may have been preferable, it is not essential.

There is concern that the proposal would result in a loss of prime agricultural land. However, the land affected by the proposal is Grade 3 agricultural land i.e. of lower quality and permitted by Local Plan policy DC33.

Concern has also been raised with regard to drainage including a query regarding foul drainage. A Flood Risk Assessment and Surface Water Assessment was submitted with the application and concludes that the risk of flooding from the development site is low and that there is no change to the

drainage characteristics of the site as a result of the proposed development. It is proposed that excess surface water will drain into the ground through the proposed drainage system. The surface water drainage strategy for the development is to use an infiltration pond. The Environment Agency was consulted on the application and raised no objections to the proposal on issues of drainage or flooding. It is not therefore considered that any objection to the proposal could be raised in relation to these issues. With regard to foul sewage, this matter could be controlled by a suitably worded condition if planning permission were to be granted.

With regard to compliance or otherwise with the Parish Plan, whilst this is a material consideration and whilst it states that there is concern regarding the proliferation of businesses and markets affecting the A537 the plan also indicates that the matters of prime concern to residents are the appearance of, and noise and light pollution and traffic associated with commercial uses. This was not found to be an issue with the appeal proposal but there is considered to be an issue in terms of visual impact of the current proposal as outlined earlier in the report. The recommendation to refuse the proposal would not therefore be contrary to the Parish Plan.

Any future development on the site including floodlighting would need to be considered on its own merits as and when it was proposed. Concern regarding possible future development would not be a sustainable reason for refusal.

The fact that planning permission has been granted for a similar proposal on the applicant's land on the other side of Chelford Road is a material consideration when determining this application. However, for the reasons outlined in the report, it is considered that unlike the appeal proposal, the current proposal is considered to be inappropriate development in the Green Belt which would impact on openness, it would result in an adverse impact on the character and appearance of the area and insufficient information has been submitted to demonstrate that there would be no adverse impact on nature conservation interests including protected species.

Were the Council minded to approve the application, as there is an extant consent for a similar proposal in close proximity of the site and as the cumulative impact of both proposals would be unacceptable, a legal agreement would be required to ensure that only one of the proposals could be implemented. Whilst the applicant has indicated a willingness to enter into such an agreement, none has been submitted to the Council at this stage.

### **Very Special Circumstances**

As it is considered that the proposal involves inappropriate development in the Green Belt, it is for the applicant to demonstrate that very special circumstances exist that would outweigh the harm caused by inappropriateness and any other harm identified. In this case no very special circumstances have been put forward in support of the proposal.

## **CONCLUSIONS AND REASON(S) FOR THE DECISION**

It is considered that the proposed development constitutes inappropriate development in the Green Belt in that it is not considered that it relates to essential facilities for outdoor sport and outdoor recreation and it would have an adverse impact on openness. Additionally the proposal would have an adverse impact on the visual amenity of the area as a result of the visual impact of the proposed range building, car park and access and as a result of the significant changes to the landform proposed. Insufficient information has been submitted to enable a full and proper assessment to be made in relation to the impact of the proposal on interests of nature conservation and the proposal fails to meet the tests of the habitat regulations. The proposal also involves the importation of a significant amount of material and is considered contrary to a number of policies in the Cheshire Replacement Waste Local Plan. The applicant has not put forward any very special circumstances to outweigh the harm identified. The application is therefore recommended for refusal.

Application for **Full Planning**

### **RECOMMENDATION : Refuse for the following reasons**

1. R04MS - Insufficient information (nature conservation/protected species issues)
2. R05LP - Harmful to appearance of the countryside
3. R12LP - Contrary to Green Belt / Open Countryside policies
4. Adverse impact on protected species & failure to meet the tests prescribed in the Habitat Regulations



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Scale 1:5000