

Application No: 12/0596M

Location: MOBBERLEY GOLF CLUB, BURLEYHURST LANE, MOBBERLEY, WA16 7JZ

Proposal: Redevelopment of existing golf club comprising demolition of clubhouse and associated buildings, erection of single detached country manor house with ancillary granny annex, detached garage building, landscaping, associated external works and retention of existing 9 hole golf course for use in connection with the enjoyment of the proposed country manor house dwelling

Applicant: Ollerton Leisure LLP

Expiry Date: 03-Jul-2012

Date Report Prepared: 1 August 2012

SUMMARY RECOMMENDATION	Refuse
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MAIN ISSUES

- Whether the proposal is appropriate development in the Green Belt and if not, whether there are any very special circumstances that outweigh the harm caused by inappropriateness and any other harm
- The impact of the proposal on the openness of the Green Belt
- Whether the scale and design of the proposal and its impact on the visual amenity of the area is acceptable
- The impact on nature conservation interests
- Whether the proposed access and parking arrangements are acceptable
- The impact of the proposal on public rights of way
- The impact of the proposal on existing trees and landscaping
- The impact of the proposal on the amenity of nearby residents

REASON FOR REPORT

This application is referred to Committee at the discretion of the Development Management and Building Control Manager.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises part of Mobberley Golf Club, an existing 9 hole golf course located in a relatively isolated rural location in the Green Belt. The application site contains the existing vehicular access off Burleyhurst Lane, the existing car park, club house and green keepers shed. The existing club house is a modest single storey brick building

containing limited office facilities at first floor in the roofspace. The green keepers shed is located to the rear of the clubhouse, adjacent to the car park and has the appearance of an agricultural building, constructed from a brick plinth with timber boarding above under a corrugated roof.

There are a number of public footpaths in the immediate surrounding area, one of which is to the south of the application site, cutting across the 9 hole course. The nearest residential properties are located to the east of the site at Hollingee, with another residential property, Coppack House Farm, located to the south east of the application site and surrounded by the existing 9 hole course.

DETAILS OF PROPOSAL

Permission is sought for the demolition of the club house and green keepers shed and the erection of a detached two storey dwelling with basement and attached two storey garage/granny annexe. Part of the dwelling would appear three storey as a sunken terrace is proposed at the rear of the dwelling. A detached single storey coach house providing garaging for 3 additional vehicles is also proposed to the north of the granny annexe. Additionally a detached garden building is proposed to the south of the proposed dwelling. The existing access drive would be retained and land included within the application site (the site edged red) would become residential curtilage. The existing 9 hole golf course would be retained for use by the occupiers of the proposed dwelling.

RELEVANT HISTORY

There have been a number of planning applications relating to the site, with the ones most relevant to this application listed below.

09/2857M - EXPANSION AND IMPROVEMENT OF EXISTING 9 HOLE GOLF COURSE AND ASSOCIATED FACILITIES (PART RETROSPECTIVE). Approved 24.06.10

06/0053M - ALTERATIONS TO EXISTING GOLF COURSE; CHANGE OF USE OF 2 AREAS OF AGRICULTURAL LAND TO FORM ADDITIONAL 9 HOLES TO COURSE AND EXTENSIONS TO CLUBHOUSE. Approved 27.03.06

77776P - 9-HOLE GOLF COURSE WITH ASSOCIATED BUILDINGS AND CAR PARK. Approved 19.08.94

POLICIES

Regional Spatial Strategy

- DP1 Spatial Principles
- DP2 Promote Sustainable Communities
- DP7 Promote Environmental Quality
- RDF4 Green Belts
- EM1 Integrated enhancement of the region's environmental assets

Local Plan Policy

NE11 Nature Conservation
BE1 Design Guidance
GC1 New buildings in the Green Belt
H1 Phasing policy
H5 Windfall housing sites
DC1 New build
DC3 Amenity
DC6 Circulation and access
DC9 Tree protection

Other Material Considerations

National Planning Policy Framework (NPPF) 2012.

Paragraph 215 of the NPPF states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the framework, the greater the weight that may be given).

CONSULTATIONS (External to Planning)

Strategic Highways and Transportation Manager: no comments received to date.

Environmental Health: no objection subject to a condition regarding contaminated land.

Manchester Airport: no safeguarding objections.

Public Rights of Way Unit: object – the proposal may affect public footpath Mobberley No.55. A diversion Order for this footpath is currently with the Planning Inspectorate for determination. If the diversion Order is confirmed, the new definitive line of the footpath will be obstructed by the proposed development and we therefore have no option but to object to application.

Sport England: do not wish to comment.

United Utilities: no objection.

Leisure Services: no comments received to date.

VIEWS OF THE PARISH / TOWN COUNCIL

Mobberley Parish Council: no objection subject to a S106 legal agreement tying the use of the golf course to the new dwelling and ensuring that it is not sold off separately. Also mindful of the applicant's previous decided applications and would ask that Cheshire East Council legally safeguard all eventualities so that the applicant cannot pick and choose from each application.

OTHER REPRESENTATIONS

A number of representations have been received from the occupiers of three residential properties located near to the application site raising a number of queries and concerns. The main points raised in representation are summarised below:

- Uncertainty regarding the golf club owners intentions
- Present application unclear in its intent and relationship to previous permissions on the site
- Do not know the Council's position regarding the status of the 2010 permission
- Despite assurances from the applicant, no S106 legal agreement has been submitted linking the proposed dwelling with the existing course
- The application is still not correct and contains several errors
- Principle arguments relating to fallback position and reusing brownfield land advanced as very special circumstances are flawed
- Reference to case law within the Planning Statement Addendum is inappropriate as the case referred to is not directly relevant to this proposal
- Building immediately adjacent to boundary with Hollingee would necessitate the removal of the screening bund
- Consider that the determination of the application be deferred until there is clarification or correction or that it be refused
- In the event that permission is granted, request conditions regarding no vehicular access from Moss Lane, maintenance, use and ownership of the golf course, no development until membership of the club wound up, no further development on the golf course once permission lawfully implemented, no floodlighting and any security lighting to be agreed beforehand, submission and approval of ecological and landscape management plan
- 1994 permission required the site to be returned to agricultural use in the event that the golf club failed
- Inappropriate development in the Green Belt
- Question whether the economic state of the golf course can be used as a very special circumstance
- Concern that the proposal is a means to secure a much larger club house than previously approved
- Question ownership information submitted
- Query where maintenance equipment would be stored

APPLICANT'S SUPPORTING INFORMATION

A Planning Statement (and addendum), a Design & Access Statement (including visual impact assessment), a tree survey and ecological report have all been submitted in support of the application and can be viewed in full on the Council's website. In addition a number of additional documents have been submitted but are not available for public view due to the nature of the financial information contained within them.

As originally submitted, it was stated within the Planning Statement that the proposal was for inappropriate development in the Green Belt but that very special circumstances existed to outweigh the harm caused by inappropriateness and any other harm.

However, the publication of the NPPF during the course of the application means that the applicant's case is now that the proposal complies with paragraph 89 of the NPPF and is not therefore inappropriate development in the Green Belt.

OFFICER APPRAISAL

Principle of Development

As stated, the site lies in the Green Belt. Paragraphs 79 to 92 of the NPPF deal with the Green Belt and allow for the erection of new buildings and certain other forms of development subject to criteria outlined within the relevant paragraphs. Paragraph 87 states "as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances". New development can therefore be acceptable in principle in the Green Belt subject to relevant criteria and subject to compliance with other relevant policies relating to design, amenity, nature conservation, housing and highways.

Policy

Green Belt

The proposal involves the erection of new buildings and the change of use of land to form a residential garden area. No change of use is necessary for the existing 9 hole golf course as both public and private golf courses fall within the same use class (D1).

Paragraph 89 of the NPPF states that the construction of new buildings should be regarded as inappropriate development in the Green Belt unless the construction falls within one of the exception categories. One of the exception categories is "*limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development*". Annex 2 of the NPPF states that previously developed land is land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. Local Plan policy GC1 also deals with new buildings in the Green Belt, though does not allow for the redevelopment of brownfield sites.

The application site is considered to be brownfield. The proposal would involve the partial redevelopment of the existing golf course. The existing club house, green keepers shed, access and car park would be affected by the proposal together with small areas of adjacent ancillary land that forms part of the wider site. The existing buildings on the site would be replaced by the dwelling, detached garage and garden building. According to figures submitted by the applicant, the floorspace of existing buildings/structures on the site is 528 sq metres, with the floorspace of the proposed (excluding the garden building) being 1103 sq metres. This is a floorspace increase of 575 sq metres (109% increase). This floorspace increase together with an increase in height, bulk, massing and spread of built development on the site means that the proposed new buildings would have a greater impact on the openness of the Green Belt than the existing development on site. Whilst it is acknowledged that the proposed built development appears to be wholly within the existing developed part of

the site (either over the footprint of existing buildings or over the existing car park), and whilst it is accepted that when in use, car parks can impact on openness, it is considered that when considered as a whole, the proposed new buildings and change of use would not comply with paragraph 89 of the NPPF.

With regard to the purposes of including land within the Green Belt, the existing use of the site as a golf course available for use by members of the club and paying members of the public, is considered to assist in safeguarding the countryside from encroachment and this is one of the purposes of including land within the Green Belt. Conversely the redevelopment of the site by the construction of a large, country manor house and associated change of use of land to residential curtilage is considered to involve encroachment.

The proposal is considered to be inappropriate development in the Green Belt that would have an adverse impact on openness. Very special circumstances are therefore required to outweigh the harm caused by inappropriateness, the impact on openness and any other harm.

Whilst the applicant's view is that the proposal would have no greater impact on the Green Belt than the existing development on site, reference is also made to the relative impact of the proposal when compared to the schemes approved under application references 06/0053P and 09/2857M. Both of these schemes involved the creation of 18 hole golf courses and extensions to the existing club house building. 09/2857M also involved the erection of a golf driving range building and green keepers shed. The status of these consents and the bearing that they have on the determination of this application will be considered under the very special circumstances section of the report.

Design & Scale of the proposal and Impact on the visual amenity of the area

Existing screening along the site boundary with Burleyhurst Lane and to the west of existing buildings on site means that views of application site from the road are limited, particularly during the summer months. Similarly views are limited from the track to Hollingee (FP 56), though there are some gaps in the existing screening allowing some views into the site from the east. However, the site is highly visible from the public footpath which runs to the south of the site (FP 55). The proposed development would be highly visible and prominent when viewed from FP55 where the additional scale and bulk of development proposed would clearly be apparent.

The proposed dwelling and associated outbuildings have been designed as a country manor house, though it appears that in attempting to keep the relative difference in height between existing and proposed to a minimum, the proportions of the proposed buildings appear somewhat squat. Nevertheless, it is considered that what is being proposed is a substantial detached dwelling and that this would adversely affect the visual amenity of the area and would be contrary to Local Plan policies BE1 and DC1 and to guidance contained within the NPPF.

Ecology

An ecological assessment has been submitted with the application and the Council's Nature Conservation officer has been consulted.

The ecological assessment concludes that the proposal will have minimal impacts on wildlife and according to Natural England license risk assessment no offence in respect of great crested newts is likely. Precautionary amphibian fencing is recommended however, to prevent great crested newts straying into the construction site. The formal comments of the Council's Nature Conservation Officer are awaited.

Highways

No changes are proposed to the vehicular access point onto Burleyhurst Lane. Parking for six vehicles would be provided within the proposed garage/granny annex and detached garage with additional areas for parking available within the courtyard between the proposed buildings.

To date no comments have been received from the Strategic Highways and Transportation Manager, though given that no changes are proposed to the access point and given the existing and proposed use of the site, no highways objections are anticipated. Any comments received will be reported to Committee.

In terms of sustainability, the site is not located in a particularly accessible location with the nearest services being located some distance away. However, given the existing use of the site and the number of vehicle journeys that the current use generates, it is not considered that objections could be raised to a single dwelling on sustainability grounds.

Public rights of way

As things exist on site at the moment, the proposed development would not directly affect any public rights of way. However, following the approval of application 09/2857M, an application was made to divert FP55 and this application is currently being considered by the Planning Inspectorate. Given this, an objection has been raised by the Council's Public Rights of Way Unit because if the footpath diversion order is granted and implemented, the proposed development would obstruct the line of the diverted footpath.

Whilst the comments of the public rights of way unit are noted, it is not considered that the fact that a footpath diversion order has been applied for is grounds to refuse the application. The application to divert the footpath has been made by the applicants and it is clear that if permission is granted for the proposal and if the applicant chooses to implement this permission rather than 09/2857M, there would be no need to divert the footpath.

Trees and Landscaping

A tree survey plan has been submitted with the application and the Council's forestry officer has been consulted. Formal comments are still awaited from the forestry officer.

Whilst it appears that most of the trees and landscaping on the site would be retained, with the exception of some privet hedging and Leylandii in the vicinity of the club house and car park, there is some concern regarding the close proximity of the proposed detached garage to boundary hedging and trees. This issue is being investigated and any further update on this issue will be reported directly to Committee.

Amenity

The nearest residential property is located some distance from the application site and the proposed development. There would therefore be no adverse impact on residential amenity arising from the proposal.

Very Special Circumstances

As the proposal is considered to be inappropriate development in the Green Belt, very special circumstances are required to outweigh the harm caused by inappropriateness and by the adverse impact on openness and on the visual amenity of the area. The very special circumstances put forward by the applicant are numerous and can be summarised as follows:

- Fall back position of previously approved schemes 06/0053M and 09/2857M
- The proposal would provide additional housing at a time when the Council has a housing supply shortage
- The proposal would not result in any reduction in the openness of the Green Belt
- The proposal would not adversely impact on the purposes of including land in the Green Belt
- Would involve the use of brownfield land
- The proposal would improve the visual amenities of the Green Belt
- The proposal represents a welcome alternative for development of the existing club which is unviable and continually returning considerable losses in revenue
- Efforts to find new investment and prospective buyers or other partners to take over the existing club have resulted in next to no interest whatsoever
- The proposal provides an opportunity to remove a land use which has caused some of the neighbouring residential properties to complain
- Opportunity to dramatically improve the climate change credentials of the site and the ability of the site to contribute to reduction in carbon emissions, sustainability and energy efficiency through the removal of hundreds of car movements and a new building that will be designed to the highest environmental standards
- Proposal provides an opportunity to create a country estate set within high quality landscaping to enhance the visual amenity of the area and the biodiversity and nature conservation interests

Whilst the very special circumstances put forward by the applicant have been carefully considered, none of them either individually or cumulatively are considered to outweigh the harm resulting from the proposal.

With regard to the fall back position put forward, it is considered that there are two extant consents, 06/0053P and 09/2857M. 06/0053P has been lawfully implemented and therefore remains extant in perpetuity, whilst 09/2857M doesn't expire until 24 June 2013. However, it is considered that these consents carry only very limited weight. This is because it is not considered that there is a realistic possibility of these consents being carried out. In the supporting information submitted it is stated that without the approval of this application, the approved golf developments could not be carried out. It is therefore illogical to use the previous consents to justify inappropriate development in the Green Belt. Additionally, both of

the previous consents involved the formation of 18 hole courses which required the use of additional land not in the ownership of the applicants. It is understood that this land is no longer available to the golf club. No attempts have been made to further implement 06/0053P beyond the formation of foundations and no attempt has been made to discharge conditions or implement 09/2857M. In any event, even if the previous consents were given significant weight, both of those schemes were considered to be for appropriate development in the Green Belt whereas the current proposal is inappropriate. It is not therefore considered acceptable to trade one off against the other.

Whilst some weight is attached to the provision of new housing and the potential climate change credentials of the scheme, this is limited and is not significant enough to outweigh the harm identified. The Framework is clear at paragraph 14 that there is a strong presumption in favour of sustainable development, particularly noting the housing supply being less than 5 years. However, decisions to refuse permission may be justified where a proposal conflicts with policies in the Framework that exist to restrict development. Green Belt policy is one such restriction and the proposal fails to comply with guidance in the Framework in this respect.

Other Matters

Whilst the application is recommended for refusal, should Committee be minded to approve it, a S106 legal agreement is considered to be required to include the following Heads of Terms.

- The proposed new dwelling and existing 9 hole golf course should remain in the same ownership with the golf course use being incidental to the occupation of the dwelling. At no time should the golf course be used for commercial purposes
- Upon commencement of the dwelling scheme, any other consents that remain extant at that time i.e. 06/0053P and 09/2857M, shall be rescinded

Other planning related concerns raised in representation not already dealt with in the report relate to inaccuracies contained within the submission, storage of maintenance equipment and the impact of 1994 permission. Each of these will be dealt with in turn.

There have been a large number of inaccuracies within the submission, most of which are considered to have been resolved. Additional consultation has taken place during the course of the application in order to allow third parties the opportunity to comment on additional and corrected information received. The only remaining concerns regarding the accuracy of the submission at this stage relate to the position of the proposed detached garage and the impact of this on existing trees and landscaping. Further information has been received on this issue and this is currently being considered by the Council's forestry officer. Any update received will be reported to Committee.

The applicants have confirmed that no further buildings are proposed other than the dwelling and attached granny annexe, detached garage and garden building. As originally submitted, reference was made to a detached green keepers shed that was approved under 09/2857M. This was an error in the original submission.

Some representations have referred to a clause in the 1994 permission (77776P) which requires the use of the site to be returned to agriculture should the golf use cease. There is no such clause attached to the 1994 permission.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The proposed development represents inappropriate development in the Green Belt. Due to the size, scale and design of the proposed dwelling and associated outbuildings, the proposal would have an adverse impact on the openness of the Green Belt and visual amenity of the area. No concerns are raised with regard to amenity and none are anticipated with regard to ecology or highways. There is some concern regarding the impact of the proposed detached garage on existing trees and landscaping and further information on this has been provided by the applicant. This is being considered. None of the very special circumstances put forward are considered to outweigh the harm caused by inappropriateness and by the adverse impact on openness and visual amenity. The application is therefore recommended for refusal.

Application for Full Planning

RECOMMENDATION: Refuse for the following reasons

1. R05LP - Harmful to appearance of the countryside
2. Inappropriate development in the Green Belt



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