

Application No: 09/2857M
Location: MOBBERLEY GOLF CLUB, BURLEYHURST LANE,
MOBBERLEY, KNUTSFORD, CHESHIRE, WA16 7JZ
Proposal: EXPANSION AND IMPROVEMENT OF EXISTING 9
HOLE GOLF COURSE AND ASSOCIATED FACILITIES

For OLLERTON LEISURE LLP

Registered 10-Sep-2009
Policy Item No
Grid Reference 381131 380522

Date Report Prepared: 22 January 2010

REASON FOR REPORT

SUMMARY RECOMMENDATION	APPROVE
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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 to outweigh any harm caused by the proposal
- Whether the design and visual impact of the proposal is acceptable
- Whether the access and parking arrangements are acceptable
- Whether the proposal would have a significantly adverse impact on the amenity of nearby residents
- Whether there are any ecological issues associated with the proposal
- Whether the proposal would have an acceptable impact on trees on or adjacent to the site
- Whether there are any other material considerations/issues to be taken into account

The application site exceeds 1 hectare in area and is therefore a major application.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises an existing 9 hole golf course located in a relatively isolated rural location approximately 2km northeast of the village of Mobberley. It incorporates an existing clubhouse, green keepers shed, access and parking area together with an area of agricultural land. The total site area is 39.6 hectares. Vehicular access to the site is off Burleyhurst Lane with the site lying to the south east of the lane. The site contains a number of public footpaths, a number of ponds and a large number of trees. The site is

dissected by Sugar Brook which passes through the site in a northwest, southeasterly direction. An existing residential property, Coppock House Farm, is surrounded by the site with other residential properties adjoining the site boundary to the south and east.

DETAILS OF PROPOSAL

Planning permission is sought for alterations to the existing golf course, the change of use of land to provide an additional 9 holes, the extension of the existing clubhouse, the construction of a green keepers shed, the construction of a practice range (driving range) and a 6 hole academy course. The proposal has been amended during the course of the application in an attempt to overcome concerns raised by officers.

RELEVANT HISTORY

77776P

Full Planning

9 HOLE GOLF COURSE WITH ASSOCIATED BUILDINGS AND CAR PARK

Approved 19/08/94

00/1867P

Full Planning

ALTERATIONS OF EXISTING GOLF COURSE. CHANGE OF USE OF AGRICULTURAL LAND TO FORM ADDITIONAL 9 HOLES AND EXTENSION TO EXISTING CLUBHOUSE.

MOBBERLEY GOLF CLUB BURLEYHURST LANE MOBBERLEY

Withdrawn 26/10/00

05/1438P

Full Planning

ALTERATIONS TO EXISTING GOLF COURSE. CHANGE OF USE OF TWO AREAS OF AGRICULTURAL LAND TO FORM AN ADDITIONAL 9 HOLES TO THE EXISTING COURSE AND EXTENSIONS TO THE CLUB HOUSE.

MOBBERLEY GOLF CLUB BURLEYHURST LANE MOBBERLEY
KNUTSFORD WA167JZ

Withdrawn 10/08/05

06/0053P

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

MOBBERLEY GOLF CLUB BURLEYHURST LANE MOBBERLEY
KNUTSFORD WA167JZ

Approved 27/03/06

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
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

NE11 & NE17 Nature Conservation
BE1 Design Guidance
GC1 New Buildings
GC8 Reuse of Buildings
RT18 Golf Courses
T2 Integrated Transport Policy
DC1 New Build
DC2 Extensions and Alterations
DC3 Amenity
DC6 Circulation and Access
DC8 Landscaping
DC9 Tree Protection
DC17 Water Resources
DC33 Outdoor Commercial Recreation
DC64 Floodlighting

Other Material Considerations

PPS1: Delivering Sustainable Development
PPG2: Green Belts
PPG17: Planning for Open Space, Sport and Recreation

Council's SPG on Floodlighting
ILE Guidance Notes for the reduction of obtrusive light

CONSULTATIONS (External to Planning)

Strategic Highways Manager: no objections subject to conditions.

Environmental Health (Contaminated Land): no objections.

Environmental Health (Health & Safety): advise that the business would need to take account of 'Health and Safety in Golf Course Management and Maintenance' which has been produced by the Green keepers Training Committee and the HSE. This document specifically states that risk assessments must take account of the potential risks of injury from flying golf balls and work activities and to take some form of 'reasonable' action to reduce the risks of injury.

Environmental Health: no objections raised with regard to the impact of the proposal on the amenity of nearby residents subject to a condition requiring windows and doors in the clubhouse to remain closed at times when amplified entertainment is taking place.

Public Rights of Way: have submitted a holding objection due to concerns regarding the impact of the proposal on footpaths 45 & 55. A site meeting has subsequently taken place to discuss the concerns of the Public Rights of Way Officer and additional information is to be submitted by the applicants.

Manchester Airport: no objection subject to conditions.

MOD Safeguarding: no safeguarding objections.

Environment Agency: the proposed development will only be acceptable if a planning condition is imposed requiring a scheme to be agreed to protect the buffer zone around the Sugar Brook.

United Utilities: no objections.

VIEWS OF THE PARISH / TOWN COUNCIL

Mobberley Parish Council – no strong objections to the expansion of the golf club into an 18 hole course with modest extensions to the clubhouse. But no extensions to the club house should take place before the golf course has been modified for 18 hole play. The golf clubhouse should be for golf-related activities only. Particularly concerned about the practice range in terms of impact on the adjoining farm/livery, safety relating to golf balls being hit, impact on the countryside, impact of required netting/landscape screening and impact of the lighting. Concerns regarding the information provided on car parking and flooding. The risk of flooding needs to be addressed as does the issue of sustainability. The application lacks detail in terms of how sustainability would be achieved.

OTHER REPRESENTATIONS

To date, 13 representations have been received in relation to the application, two in support of the proposal and 11 against. Copies of these representations are available to view on the application file and are summarised below.

In brief the letters of support state the following:

- it is an excellent scheme and that design, size, appearance and layout have been taken into consideration to optimise both amenity, residential and highway considerations
- the impact on the area will be to enhance the natural features and comply with all planning regulations
- it is an excellent facility for the Mobberley area, giving young people and their families an excellent friendly environment to participate in sport
- new development will have little or no impact on local properties as no homes directly overlook the new proposals for the club

The main grounds of objection are as follows:

Health & Safety/Amenity

- adverse impact on Hollingee Farm as a result of an unacceptable safety hazard to all horse riders which materially prejudices the viability of a long standing rural enterprise involving agricultural diversification
- concern about the noise generated by a golf ball being hit by a golf club and the impact that this noise would have on horses
- learner golfers are much more likely to lack control and as a result wayward balls will land in Hollingee fields making them less available for riding
- driving range and academy course should be moved to less intrusive locations and if this is not possible, abandoned
- Hollingee already inundated with stray golf balls from careless golfers, no doubt this would be increased
- Proposal would place two greens within a few metres of the border of Oak Bank Farm which would amount to a significant reduction in privacy
- Concern about stray golf balls going onto Burleyhurst Lane
- Noise generated from an occasional golf function can be tolerated but would not be acceptable if became a regular occurrence
- Show jumping horses are kept at Hollingee and these are more highly strung than the average horse kept at a livery yard
- The proposed fences and trees used as a protective barrier to the driving range will not give adequate protection to adjacent land
- Track at Hollingee used for hacking and to access local bridleways

Visual Impact

- design of two tier driving range building of an unfortunate and dominant design detracting from the more rural feel of the golf clubhouse
- height of the range building totally unsuitable for such a rural location
- proposed lighting to the range would materially and adversely change the visual character of the Green Belt and cause light pollution to wildlife
- Substantial and irrevocable impact on the character and appearance of the area
- Concern about impact on natural beauty of the area
- Proposed lights will dramatically change the environment at night

Green Belt

- protective fencing around the driving range and to the rear of properties in the vicinity of Oakbank Farm will introduce a high and alien feature compromising the openness of the Green Belt
- groundsmans facilities constitute an isolated building in the Green Belt, affecting openness and presenting a dominant and intrusive feature alongside a well used public footpath
- the leisure accommodation is excessive to serve an 18 hole golf course and no very special circumstances have been shown to justify the increase in floorspace over that considered necessary in 2006
- Increased damage to the Green Belt area which is constantly being eroded
- Already very many private golf courses in the vicinity and therefore no need or demand for expansion in the Green Belt on this scale

Highways

- Increased traffic on what is already a busy road
- No public transport available to the venue

Footpaths

- introduction of two tees alongside the groundsmans accommodation would remove an unacceptable length of ancient and important hedgerow and dominate and detract from the well used public footpath
- the proposed footpath diversion appears to downgrade the walking experience markedly

Landscaping

- No provision for buffer zones
- More detail required on whether trees to be felled close to proposed site for green keepers shed

Other

- the submitted plans omit several of the key public footpaths and the indicative locations would not appear to accord with published guidance
- high netting would be a problem with migrating birds, Hollingee is home to many nesting swallows and also supports a local community of tawny owls
- Serious concerns about the effect on security of nearby properties
- Adverse impact on views from the rear of Oak Bank Farm
- Lighting study does not follow accepted guidelines for environmental controls of lighting within rural areas
- Discrepancy between proposed hours of use and hours of lighting
- Concerns that the Club will endeavour to hire out their improved facilities once completed in order to further develop their commercially viable business
- Concern about enforceability of restrictions on the hours and use of the clubhouse
- Driving range will attract frequent short visits from a very large projected population of visitors
- Concern about the incremental effect of these repeated applications for expansion
- Examples of driving ranges built on golf courses in the area are sited in the middle of the golf course and not on the perimeter
- Existing clubhouse already used for non golf related activities
- Golf club has already caused problems with flooding of the land at Hollingee Farm and can only see this getting worse if the Club expands on the site directly abutting the farm
- Redress against golfers who hit the ball beyond the site boundary has been a problem in the past

Further neighbour notification has recently taken place following the receipt of amended plans and additional information. Any additional representations received in relation to the amended/additional information will be reported to Members either in an update report or verbally at Committee.

APPLICANT'S SUPPORTING INFORMATION

A number of documents have been submitted in support of the application. These include:

- Design & Access Statement
- Supporting Planning Statement
- Sustainability Statement
- Statement of Community Involvement
- Flood Risk Assessment
- Transport Statement
- Ecological Assessment & Wildlife Management and Mitigation Plan
- Landscape and Visual Impact Assessment (including tree survey)
- Lighting Strategy

Copies of these documents are available to view on the application file.

In summary it is stated that the proposal provide a well considered scheme that responds to the sites Green Belt setting as well as to the Club's aspirations and requirements. The scheme will utilise areas of the course that currently lay unused, enhancing their attractiveness and designed in a way that will support the diverse mix of wildlife and ecology the course provides a habitat for. The reuse of the existing building stock ensures good practice whilst the location of the new practice range adjacent to the existing buildings minimises the impact of the proposals on the existing views around the course. The architectural style and materiality also responds to the local vernacular again minimising the impact of the buildings. The expansion proposals will compliment an appropriate Green Belt leisure use whilst ensuring the clubs survival and increasing attractiveness to all levels of golfers. Overall it is considered that the application proposals would make a valuable contribution to the local area through improvement of a key sporting facility which is presently under utilised and in need of investment and modernisation. Conclude that the proposal complies with national and local planning policy.

In terms of flood risk, the Flood Risk Assessment concludes that the site is in an area identified as having a low probability of flooding on the Environment Agency Flood Map. PPS25 confirms that the land use falls into 'water compatible' and this is appropriate for this zone.

The Transport Statement concludes that the site already has planning consent for the extension of the golf course from 9 to 18 holes and for additional facilities at the club house and that the proposal will generate very low additional traffic volumes on the local highway network, will provide sufficient car parking within the site, will encourage increased sustainability in the travel patterns of the members and staff of the golf club and will provide improved access onto the local highway network.

The ecological assessment states that the golf course and proposed extension land contain habitats assessed as having local nature conservation value and supporting protected species. A small population of great crested newts is present on the site in addition to badgers and water voles. Redevelopment would be unlikely to have a significant impact upon local biodiversity, so long as key mitigation and habitat enhancement is incorporated into the development proposals.

The Landscape and Visual Impact Assessment concludes that most aspects of the application will have a limited or slight visual impact. This applies to the impact from most of the properties from which the development can be seen where the practice range remains the only feature to have a significant impact, but this will be filtered by existing trees to a great extent. Where footpaths run either across the new course extension or close to the new practice range building or range itself then the impact is commensurately higher and moderate impact values are recorded with occasional substantial values where the element concerned is closest. With regard to trees, it should

ne noted that although 23 mature trees are scheduled for removal, all options were considered in terms of course design to keep this loss to a minimum. The trees identified for removal do however still represent a small percentage of the total mature tree population of the course which has a high density of mature hedgerow trees. Mitigation measures proposed as part of this application will ensure that considerably more trees are planted than taken out.

The Lighting Strategy concludes that the overall scheme is in keeping with both the environmental considerations and the performance requirement, ensuring that the impact on the surrounding sites of the practice range is controlled to the minimum, the green belt area is very likely to maintain its natural rural character.

The applicants have undertaken a comprehensive pre-application consultations exercise to ensure the proposals take account of local opinion and key stakeholders in developing the scheme. The public information event revealed support from the majority of members of the public and key stakeholders both in principle and detail. However, some concerns were raised by a handful of immediate local residents. Their concerns and comments have been taken on board and are addressed within the Planning Application submission documents.

During the course of the application additional supporting information was submitted. This has included an addendum to the Planning Statement which provides further justification for the expansion of the clubhouse and improvement of the existing facilities to meet modern golfing standards and requirements.

OFFICER APPRAISAL

Principle of Development

The development of facilities associated with outdoor sport and recreation is acceptable in principle in the Green Belt provided that the facilities are considered to be essential. If they are not considered to be essential then very special circumstances would be required.

Green Belt

As stated the site lies in the Green Belt where policies seek to preserve and maintain openness. Local Plan policy GC1 relates to new buildings and states that approval will not be given for new buildings unless it is for the specified list of purposes including essential facilities for outdoor sport and recreation. Policy GC8 allows for the reuse and adaptation of existing buildings for recreational uses provided that the listed criteria are met. This includes that there is no materially greater impact on openness, that the building is of permanent and substantial construction capable of being converted without major or complete reconstruction, that the form, bulk and general design of the building is in keeping with its surroundings and the proposal respects local

building styles and materials. Paragraph 3.12 of PPG2 states that the making of material changes 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.

This application involves the change of use of agricultural land to use as part of an existing golf course; alterations to the existing golf course; extension to the existing clubhouse; change of use of and alterations to the existing green keepers shed to form part of the clubhouse; the erection of a practice range including the erection of netting; alterations to the existing parking area and access track and the erection of a new green keepers shed. Each of these elements of the scheme will be dealt with in turn.

Extension/alteration of existing golf course

The site currently contains a 9 hole golf course. In 2006 permission was granted for a further 9 holes under application reference 06/0053P. This consent has not been implemented, but remains extant and capable of implementation as the Council is satisfied that a lawful start has been made on it. The 2006 consent involved the change of use of two areas of agricultural land, one to the north west of the existing course and one to the south east. The area to the south east no longer forms part of the proposal and has instead been replaced by a new area of land to the west of the existing course.

The change of use of land to a golf course is considered compatible with Green Belt policy as the use would maintain openness.

Extension of the club house including the change of use of and alteration to the existing green keepers shed

The existing club house is located to the north of the site, to the east of Burleyhurst Lane. It is a relatively low level structure (5.7m to the ridge) providing modest facilities including a lobby, toilets/changing areas, a pro shop, a kitchen, bar and restaurant at ground floor with office facilities at first floor. It has a footprint of 150m² and a total floorspace of 228m². A detached building is located to the rear of the club house and is used primarily as a green keepers shed. A yard area associated with the green keepers shed is also located to the rear of the club house.

The 2006 permission permitted a number of extensions to the club house, two to the side and one to the rear in order to provide extended changing and lounge/bar facilities. These extensions added an additional 137m² of floorspace and followed the withdrawal of an earlier application for a larger extension (222m²).

This application proposes to extend the existing club house by 240m² (excluding conversion/alteration of existing green keepers shed), thereby doubling it in size to 468m². The building would be primarily extended to the side (west) and rear and an existing single storey part of the building would be

removed (east elevation). Additionally the club house would extend into the existing green keepers facility which would be used as a members dining room with associated kitchen and bar facilities and which would provide an additional floorspace of 273m². The original part of the club house building would primarily be used as a bar/restaurant with the extensions providing toilet and changing facilities together with a pro shop. The first floor would remain in use as an office with a stock room and storage provided at first floor within the former green keepers shed.

Clearly the scale of the club house proposed by this application significantly exceeds that of previous submissions (05/1438P & 06/0053P), the earliest of which was withdrawn following concerns regarding the scale of club house proposed. The applicants state that by granting the previous consent (06/0053P) the Council recognised the need to upgrade the current facilities. It is stated that the new ownership, a recent restructure of the business, an increase in membership of the club and the implementation of the additional golfing facilities within these proposals means that it is essential that the club house expands further than the existing permission. As of December 2009, the Club had 250 members. The club house as existing can only comfortably accommodate 36 people seated or 50 standing which has resulted in a need to use a marquee or other venue to facilitate social events connected with the Club. It is stated that to sustain the increase in membership and create a commercially viable business, improved, higher quality facilities are necessary.

The addendum to the Planning Statement contains details regarding other clubs within a 10 mile radius of Mobberley and makes comparisons between the number of members and the facilities offered at these clubs when compared with the existing and proposed facilities at Mobberley, noting that the applicant is starting at a very low base when compared with others. Of the 22 clubs located within a 20 mile radius, all contain space for a Members dining room. It is stated that the survey demonstrates that the current club house at Mobberley is significantly smaller than the majority of the other clubs.

It is considered that whilst the size of the club house proposed by this application is significantly larger than both existing and approved, the scale proposed appears to be commensurate with other club houses within the immediate surrounding area and would be commensurate with the scale of facilities proposed, were these considered to be acceptable. The previously approved extensions were considered to be justified by the addition of 9 holes to the golf course. This application proposes additional facilities over and above the 9 holes, a 6 hole academy course and an 18 bay practice range. The amendments to the club house are therefore considered to be appropriate development in the Green Belt. Whilst the amount of alterations proposed to the existing green keepers shed mean that it is questionable whether it could be considered re-use of an existing building as permitted by policy GC8, as stated, in any event the scale of facilities proposed are considered essential facilities for outdoor sport and recreation and would therefore be acceptable under policy GC1.

Erection of a practice range

A two-storey practice range facility is proposed to the east of the existing club house, close to the site boundary with Hollingee. The practice range facility has been reduced in size slightly during the course of the application and now provides 18 bays including 1 teaching bay. The practice range building measures 28m long x 6.3m deep with an additional area to the rear of the main building providing stairs to the upper floor and providing ball washing/distribution facilities. The range building is open fronted and of a mono pitch construction. It has an eaves height of 5.8m and a maximum height of 7.8m, though the floor area of the range would be 0.7m lower than the level of the club house. The building would have a reclaimed red Cheshire brick plinth below vertically boarded timber. The roof would be constructed from composite insulated panels. 10m high netting would be erected along the boundary of the range and would be supported by 10m high metal posts located every 20m. It was also originally intended to light the range, but the applicants agent has now confirmed that this no longer forms part of the application following concerns raised by officers and third parties.

Local Plan policy DC33 deals with outdoor commercial recreation and sets out a list of criteria to be met by proposals. In particular it is stated that the design, siting, scale and materials of any necessary buildings or structures should harmonise with the existing landscape setting of the site 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. As with extensions to the club house, the practice range proposal also needs to be assessed against policy GC1.

In other cases practice range facilities have been considered to be appropriate development in the Green Belt and whilst they generally involve a more intensive form of outdoor sport and recreation, they can be considered to be acceptable provided that they are of an appropriate scale and appearance such that openness is not adversely affected. In this case whilst the provision of a 2 storey range is unusual, it is considered that the range building and netting are appropriate as essential facilities for outdoor sport and recreation. Whilst there is some concern with regard to the height of the range building proposed, on balance it is considered that the visual impact of the building is acceptable and that it would not adversely affect openness. Its design, proposed levels and existing and proposed planting will help to minimise its visual impact and this together with its siting within the main built up part of the site means that it is considered to be acceptable.

Erection of green keepers shed

The incorporation of the existing green keepers shed into the extended club house results in the need to erect a new shed. During the course of the

application the position of the new green keepers shed has been amended following concerns raised by officers and third parties. The new shed would measure 11.5m x 16.6m and would have an eaves height of 3.7m and a ridge height of 4.25m. It would have a low brick plinth with metal cladding above under a composite roof panel roof. It would have the appearance of an agricultural shed. A gravel yard area would be located to the front of the building. The building would be slightly smaller than the existing green keepers shed.

The proposed green keepers shed is considered to be appropriate development in the Green Belt as it is considered to be an essential facility for outdoor sport and recreation. Its size, siting and appearance are considered acceptable.

Alterations to parking area and access track

As part of the proposals the existing access road is to be re-aligned and parking is to be provided for 108 vehicles. The parking includes 4 disabled spaces and 37 overflow spaces. The existing parking area is located to the rear and side of the club house and is not currently demarcated into individual bays.

Highways

No objections are raised to the proposal by the Strategic Highways Manager, subject to a number of conditions regarding visibility splays and parking in accordance with the submitted plans. Comments are awaited on the amended plans.

As previously stated, a number of footpaths are located adjacent to and within the site, some of which would be directly affected by the proposal. In particular it will affect Public Footpaths No. 55 and 45. The line of Footpath No.55 will be affected by the driving range and both footpaths will cross fairways as part of the new course layout. The Council's PROW Unit initially expressed concern regarding the impact of the proposal on the footpaths but following a site visit it is understood that their concerns have now been addressed, though formal confirmation of this is still awaited. Should consent be granted for the proposal, an application would need to be made to divert the footpaths where necessary.

Design/Visual Amenity

The Council's Landscape Officer initially had a number of concerns regarding the proposal but is now satisfied that the amended proposals have addressed these concerns. However any permission granted should be subject to full conditions for landscape, boundary treatments, hard surface materials and the implementation of a long term management plan.

The general design and appearance of the proposed club house and green keepers shed is considered acceptable. With regard to the proposed practice

range facility which includes a 2 storey building and 10m high netting, as previously stated, whilst there is some concern with regard to this building, on balance its design and visual appearance is considered acceptable.

Amenity

A number of residential properties are located close to the boundary of the site, with one property, Coppock House Farm being surrounded by the site. A number of letters of objection have been received from occupiers of these properties raising concerns regarding a number of matters. These have been summarised within the representations section of the report. The main areas of concern appear to relate to health & safety, noise and privacy. Each of these issues will be dealt with in turn.

Health & Safety

Concerns have been expressed regarding the potential for golf balls to be hit beyond the boundary of the course and practice range and the potential for people and animals to be hit. In particular there is concern about the impact on horses grazing or being ridden on land owned by Hollingee. Additionally a public footpath is located directly to the east of the proposed practice range.

The Health & Safety section of the Council's Environmental Health department has been consulted on the proposals and advise that with respect to health and safety the business would need to take account of 'Health and Safety in Golf Course Management and Maintenance' which has been produced by the Green keepers Training Committee and the HSE. This document specifically states that risk assessments must take account of the potential risks of injury from flying golf balls and work activities and to take some form of 'reasonable' action to reduce the risks of injury.

In this case it is considered that reasonable action has been taken by the applicants to minimise the risk of golf balls being hit beyond the site boundaries. Probably the highest risk will be associated with the proposed practice range which is located close to the site boundary with Hollingee. In recognition of this, 10m high netting will be erected along the boundary of the range. It is considered that this together with existing and proposed planting and the orientation of the range and driving bays will adequately minimise the risk to both people and animals to an acceptable levels.

Noise

Concerns have been expressed regarding the disturbance to people and animals that would be caused by the noise of a golf club striking a ball. A letter has been submitted by a local horse instructor stating that in her view golf balls being hit will in all probability startle horses and ponies going past the practice range. In contrast to this, a horse expert approached by the applicants is of the view that there is no conflict between golf and horse uses and that horses easily become accustomed to the type of noise generated by golf.

It is considered that the level of noise that would be generated by the proposals would not be at such a level to result in a significant adverse impact on users of adjacent land. Anybody walking on nearby public footpaths or using land adjacent to the course would be aware of the existence of the course and would expect the noise of golf balls being hit. In terms of the impact of noise on any animals grazing or being ridden close to the course, some of these animals will presumably have become accustomed to the noise associated with the existing golf course. Whilst it is acknowledged that the provision of the practice range close to the boundary with Hollingee would result in more intensive golfing activities closer to land owned by this property, it is not considered that the impact that the noise from this activity would generate and may have on animals grazing in the adjacent field, is sufficient to warrant the refusal of the application. It seems that expert opinion is divided about the ability of horses to adjust to golf related noise and it is understood that the amount of land associated with Hollingee is extensive meaning that if problems did occur, horses could be re-located to other paddocks further away from the range.

Privacy

Occupiers of a property located to the south of the proposed extension to the course have expressed concerns relating to a loss of privacy resulting from the proposals. However, given the distance between the boundary of this property, and other properties located adjacent to the site, and the course and associated facilities, it is not considered that the privacy of occupiers of these properties would be unduly harmed.

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,

- in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment

and provided that there is

- no satisfactory alternative and
- no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK implemented the Directive by introducing The Conservation (Natural Habitats etc) Regulations 1994 which contain two layers of protection

- a requirement on Local Planning Authorities (“LPAs”) to have regard to the Directive’s requirements above, and

- a licensing system administered by Natural England.

Circular 6/2005 advises LPAs to give due weight to the presence of protected species on a development site to reflect EC requirements. "This may potentially justify a refusal of planning permission."

PPS9 (2005) advises LPAs to 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. In the absence of such alternatives [LPAs] should ensure that, before planning permission is granted, adequate mitigation measures are put in place. Where ... significant harm ... cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused."

PPS9 encourages the use of planning conditions or obligations where appropriate and again advises [LPAs] to "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 detriment to the species, satisfactory alternatives and public interest seem likely to be satisfied, no impediment to planning permission arises under the Directive and Regulations.

The Council's Nature Conservation Officer notes that the application is supported by an ecological assessment and mitigation plan, which appears to have been undertaken to a high standard. There are a number of ecological issues associated with the proposed development.

Newts

A small population of Great Crested Newts was recorded on site and a number of breeding ponds were identified. The proposed development will result in the temporary disturbance/modification of part of the terrestrial habitat utilised by this species. However, the Council's Nature Conservation Officer is satisfied that the operation of a golf course does not necessarily result in an adverse impact upon this species provided the development is managed appropriately. In this instance acceptable mitigation proposals have been provided to reduce the risk of killing or injuring newts during the construction phase. These involve the removal and temporary exclusion of newts from certain parts of the site.

It should be noted that since a European Protected Species (great crested newts) has been recorded on site and is likely to be adversely affected the proposed development, in addition to agreeing appropriate mitigation/compensation the planning authority must also consider the other two of the three tests in respect of the Habitat Regulations, i.e. (i) that there is

no satisfactory alternative and (ii) that the development is of overriding public interest. Evidence of how the LPA has considered these issues will be required by Natural England prior to them issuing a protected species license once permission has been granted and details of how the tests were considered must be recorded within the report.

In this case it is considered that the proposal is capable of meeting the tests set out in the Habitat Regulations. The development is considered to be of overriding public interest as it addresses the need to improve golf facilities at the site and would improve the recreational facility on offer to the benefit of the community. It is also stated that the proposal would improve the commercial viability of the business. Additionally it is not considered that there is a suitable alternative that would not have any impact on European protected species. The proposals relate to an existing facility and are an alternative scheme to an extant consent.

Breeding Birds

A number of species of breeding birds have been recorded including a number of Biodiversity Action Plan species which are a material consideration. In this instance however none of the species present are particularly uncommon in Cheshire and the site does not appear to support significant numbers of breeding pairs.

A number of measures to enhance the site for breeding birds has been included in the ecological assessment and provided these are adopted in the submitted proposed layout plan it appears unlikely that the proposed development will have a significant impact upon breeding birds.

Badgers

One main sett and one outlying sett has been recorded during the submitted ecological assessment. Neither of these setts will be lost and outline mitigation proposals have been included as part of the submitted ecological assessment. The key aspect of the mitigation is that any works in close proximity of the sett will be supervised by an ecologist. This approach is acceptable.

Water Voles

Some evidence of limited water vole activity was recorded on sugar brook and at one pond on site.

The submitted ecological mitigation report proposes a rough grassland buffer-zone along the brook corridor to reduce the potential disturbance of water voles.

Bats

An acceptable bat survey has been undertaken. No evidence of roosting bats was recorded and only a low level of bat activity occurred throughout the site during the survey. Whilst there may be a loss of trees with potential to support bats this will be mitigated for through the erection of a number of bat boxes.

Common Toad

This species which is a UKBAP species and hence a material consideration was recorded on site. The mitigation for this species is similar to that suggested for great crested newts therefore it is unlikely that the proposed development will have a significant impact upon this species.

Trees

A tree survey has been submitted with the application and following the receipt of amended plans and additional information the Council's Forestry Officer raises no objections to the proposal. It is considered that on balance the proposals are acceptable from an arboricultural perspective, with significant net gain in terms of tree and hedge loss secured under a suitable landscape management master plan. A number of conditions are suggested to be attached to any consent granted.

Other Matters

A number of other matters have been raised by third parties that have not been considered within the main body of the report. In brief these comprise issues relating to the demand for the facility, the effect on the security of nearby properties, the impact on views, question who will be using the club house facilities, enforceability of any hours of use conditions and concern regarding flooding.

It is not considered that any of these other issues raised would warrant refusal of the proposal. Loss of view and impact on security are not a material planning considerations and it is considered that the use of the club and the hours of use can be adequately controlled by condition. With regard to flooding, whilst the concerns expressed have been noted, a flood risk assessment was submitted with the application and has been accepted by the Environment Agency who raise no objections to the application subject to conditions.

Other material considerations to be considered as part of the overall appraisal of the proposal are that it is stated that the improved facility will help to sustain the long term viability of the existing business, it will create jobs at the site and will provide wider opportunities for people to participate in outdoor sport and recreation. As well as being available to Members, the club operates a pay and play system and is working to foster relationships with local schools.

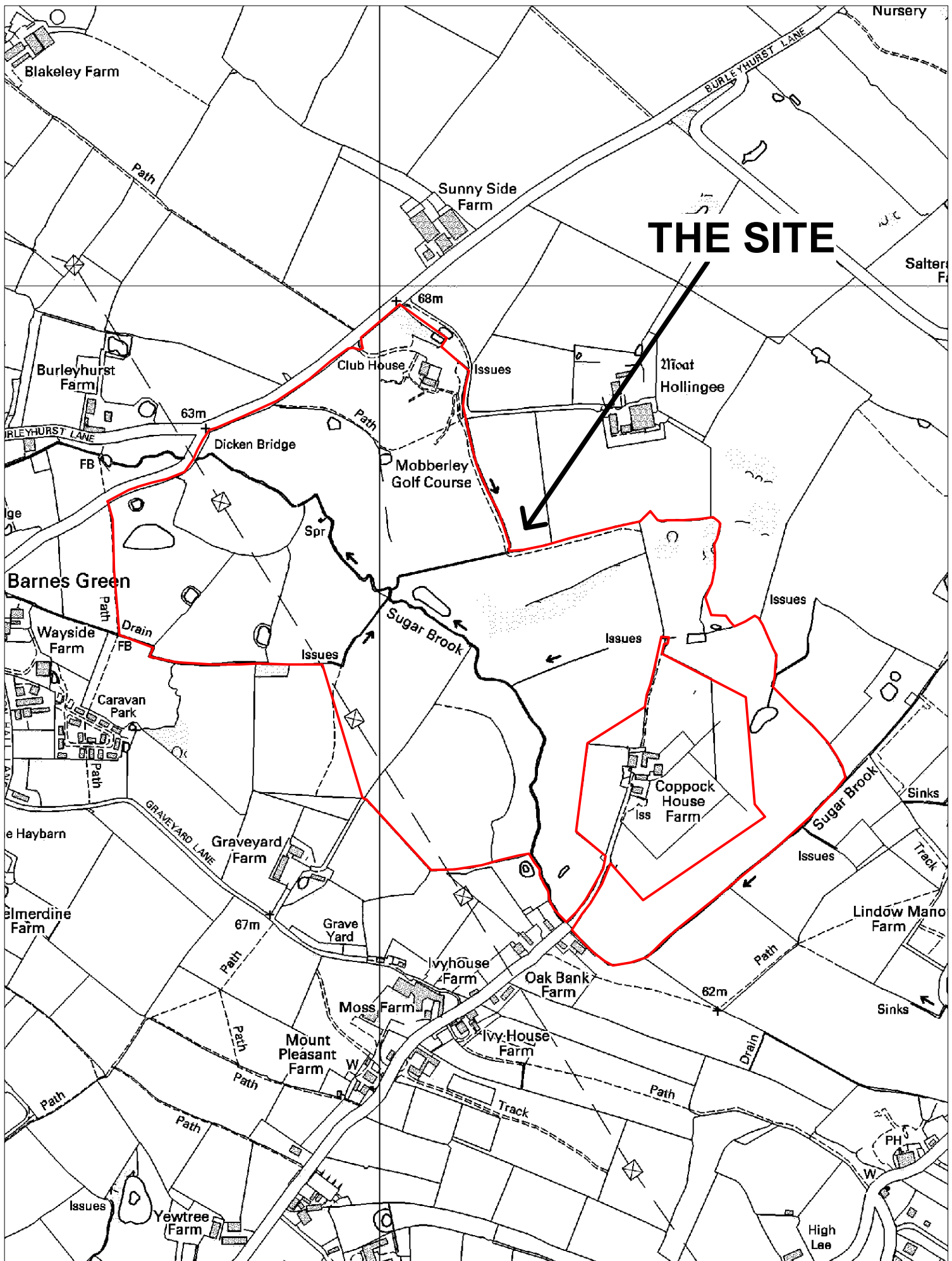
Additionally the proposed academy course will provide a facility for young people to use.

SUBJECT TO

The expiry of the additional publicity period on 1 February 2010.

CONCLUSIONS AND REASON(S) FOR THE DECISION

It is considered that the amended proposal has adequately overcome previous concerns relating to the application. All aspects of the proposal are considered to be appropriate development in the Green Belt, the visual impact of which is acceptable. Access and parking arrangements together with the impact on existing public footpaths is also acceptable. Whilst the proposal will have an impact on protected species, it is considered that this impact is not significant and is capable of being mitigated. No objections are raised in terms of the impact on existing trees. Whilst the concerns raised by local residents are noted, it is not considered that the proposal will have a significant adverse impact on the amenity of nearby residents, users of the footpaths/paddocks or on any animals kept within adjacent fields. No other issues raised by third parties are considered to warrant refusal of the proposal which also brings with it a number of benefits including an increase in leisure facilities and employment creation.



09/2857M - MOBERLEY GOLF CLUB, BURLEYHURST LANE, MOBERLEY, KNUTSFORD, CHESHIRE, WA16 7JZ
 N.G.R. - 381,150 - 380,510

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Application for **Full Planning**

RECOMMENDATION : Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A02EX - Submission of samples of building materials
4. A02HA - Construction of access
5. A01HP - Provision of car parking
6. A01LS - Landscaping - submission of details
7. A04LS - Landscaping (implementation)
8. A15LS - Submission of additional landscape details
9. A16LS - Submission of landscape/woodland management plan
10. A12LS - Landscaping to include details of boundary treatment
11. A08MC - Lighting details to be approved
12. A01TR - Tree retention
13. A02TR - Tree protection
14. A03TR - Construction specification / method statement
15. A04TR - Tree pruning / felling specification
16. A06TR - Levels survey
17. A07TR - Service / drainage layout
18. A14TR - Protection of existing hedges
19. A02NC - Implementation of ecological report
20. Use of club house facilities limited to users of the golf facilities
21. No lighting hereby granted for the practice range
22. Phasing/timing of the development
23. Doors/windows to remain closed when amplified music played in the club house
24. Scheme to be submitted and agreed for the provision and management of a buffer zone alongside Sugar Brook
25. Appraisal of new water bodies & management of existing ponds and areas around them (Manchester Airport)