

Application No: 12/1147M

Location: LAND TO EAST OF, HALL LANE, OLLERTON, KNUTSFORD, CHESHIRE

Proposal: EXTENSION OF TIME TO APPLICATION 08/0332P

Applicant: A COUTTS & SONS

Expiry Date: 25-Jul-2012

Date Report Prepared: 27 June 2012

| | |
|-------------------------------|--------------------------------------|
| SUMMARY RECOMMENDATION | Approve subject to conditions |
|-------------------------------|--------------------------------------|

MAIN ISSUES

- Whether there has been a material change in circumstances since the granting of the application 08/0332P that would warrant a different decision on the proposal

REASON FOR REPORT

This application has been referred to the Strategic Planning Board as it is for an extension of time to a large scale major development.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises three grazing fields, which together form a broadly rectangular plot of approximately 10 hectares. It is part of (but physically separated from) a larger agricultural holding worked by the applicant. The site adjoins Chelford Road to the north, Hall Lane along part of its western boundary, and School Lane at its south western corner. It's remaining boundaries adjoin other fields and Cherry Tree Cottage. It is accessed from Hall Lane and School Lane.

The site lies within the Green Belt and the surrounding area is rural in character. However, Chelford Road is a main route and in the vicinity of the site it is fronted by residential and commercial uses as well as agricultural land. Developments nearby include nurseries, fishing ponds, equestrian uses and retail showrooms.

The small village of Ollerton lies to the west and south of the site by the junction of Hall Lane and School Lane. It includes a Grade II listed building: Ollerton Hall, as well as individual (former) farm buildings and cottages. The settlement is largely contained within the School

Lane Ollerton Conservation Area, and part of its boundary (a stretch of approximately 120m) also forms part of the southern boundary of the site.

DETAILS OF PROPOSAL

An extension of time limit is sought to application 08/0332P which was an application for a golf driving range and 9 hole pitch and putt golf course including alteration to vehicular access. The application was refused by Macclesfield Borough Council and allowed at appeal.

RELEVANT HISTORY

08/0332P - golf driving range and 9 hole pitch and putt golf course including alteration to vehicular access. Allowed at appeal 27.05.09.

10/3232M – golf driving range building and 9 hole golf course. Withdrawn 24.01.11.

POLICIES

Regional Spatial Strategy

DP1 Spatial Principles
DP2 Promote Sustainable Communities
DP5 Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility
DP7 Promote Environmental Quality
RDF2 Rural Areas
RDF4 Green Belts
L1 Health, Sport, Recreation, Cultural and Education Services Provision
EM1 Integrated Enhancement and Protection of the Region's Environmental Assets
MCR3 Southern part of the Manchester City Region

Local Plan Policy

NE11 Nature Conservation
NE17 Nature Conservation in Major Developments
BE1 Design Guidance
BE3 Conservation Areas
BE16 Development affecting the setting of listed buildings
GC1 New buildings in the Green Belt
T1 Integrated transport policy
T6 Highway Improvements and traffic management
DC1 New Build
DC3 Amenity
DC6 Circulation and Access
DC8 Landscape
DC9 Tree Protection
DC13 Noise Generation
DC33 Outdoor Commercial Recreation
DC64 Floodlighting

Other Material Considerations

National Planning Policy Framework

CONSULTATIONS (External to Planning)

Highways: no comments received.

Environmental Health: no objections.

VIEWS OF THE PARISH / TOWN COUNCIL

Ollerton with Marthall Parish Council: still consider that the application should be refused, as stated in relation to application 08/0332P. In brief, comments made in relation to 08/0332P included

- conflict with the Parish Plan
- impact of light from the building and car headlights
- highway safety matters
- potential for balls to be hit beyond the site boundaries
- impact on the amenity of nearby residents.

OTHER REPRESENTATIONS

Three letters of objection to the application have been received from the owners/occupiers of Ollerton Hall House, a residential property that adjoins the application site. The main points of objection raised are summarised below.

Highways Issues

- Increased traffic

Amenity

- Light pollution
- Parking and sun reflection

Design/Visual Impact

- Adverse effect on Conservation Area
- Blight in the event of the scheme not working financially
- General environmental damage

Green Belt

- Inappropriate development in the Green Belt

General

- Contrary to Parish Plan
- Appears that the applicant is simply land banking the site
- Now a much better site on the table for the development on the opposite side of Chelford Road

- No need for the facility

APPLICANT'S SUPPORTING INFORMATION

A supporting letter and a copy of the appeal decision letter have been submitted with the application. The letter provides a background to the proposal and sets out the relevant policies. It states that in the applicant's view, it is clear that the Inspector dealing with the appeal concluded the proposed development would be an appropriate form of development in the Green Belt and have no significant adverse impact on the landscape or on the character and appearance or setting of the conservation area or the listed building. The applicant considers that there are no changes within the NPPF that would lead to a different conclusion to that arrived at by the Inspector in considering the appeal in 2009. Further it is stated that there is actually now a stronger emphasis on the presumption in favour of sustainable development and the need to support economic growth than there was when the appeal was allowed. In conclusion it is stated that there has been no change to policies in the development plan since the appeal and planning permission should therefore be granted.

OFFICER APPRAISAL

Scope of the application

Extensions to the time limits for implementing existing planning permissions was introduced in order to make it easier for developers to keep planning permissions alive for longer during the economic downturn. Government's advice to Local Planning Authorities is to look only at issues that may have changed significantly since that planning permission was previously considered to be acceptable in principle. In short, it is not intended for Local Planning Authorities to re-open debates about principles of any particular proposal except where material circumstances have changed, either in development plan policy terms or in terms of national policy or other material considerations such as Case Law.

Principle of Development

The principle of the development was previously accepted under application reference 08/0332M. Therefore, the assessment that needs to be made in relation to this application is whether there has been a material change in circumstances since the previous permission was granted that would result in a different decision being made on the proposal.

Policy

The RSS and Local Plan policies relevant at the time of the previous application remain relevant, though the weight to be added to them now needs to be considered in light of the publication of the National Planning Policy Framework in March 2012.

The National Planning Policy Framework (NPPF) replaces all former Planning Policy Guidance Notes (PPG's) and Planning Policy Statements (PPS's). It contains national advice on a wide range of matters including Green Belts, design and visual impact of developments, noise, listed buildings, conservation areas, amenity, nature conservation and highways matters. Paragraph 14 states that at the heart of the NPPF is a presumption in favour of sustainable development.

It is not considered that the publication of the NPPF results in the introduction of any new policy guidance that would result in the previously approved proposal now being considered contrary to policy. When considering the proposal at appeal, the Inspector concluded that the proposal:

- would not be inappropriate development in the Green Belt
- would preserve the character, appearance, setting and views out of and into the Conservation Area
- preserve the setting of the nearby listed building
- cause no unacceptable harm to the character and appearance of the surrounding rural area
- would be acceptable in highway safety terms
- would cause no unacceptable harm to the living conditions of nearby occupiers

Having regard to all of the issues previously considered by the Council and the Inspector in relation to the proposal, it is not considered that the introduction of the NPPF means that a different decision would be made on the proposal as it is considered that it is compliant with guidance contained within the NPPF.

On site circumstances

The applicant's agent advises that there has been no material change in circumstances on site since the appeal was determined. This has been confirmed by a site visit. Whilst it is noted that a further planning application has been submitted by the applicant for a similar proposal on the opposite side of Chelford Road, it is not considered that this affects the determination of this application.

Ecology

The Council's Nature Conservation Officer has been consulted on the application and does not anticipate there being any significant ecological issues associated with the application.

Other Matters

Whilst the comments made in representation have been considered, the majority of the issues raised were considered when the previous application was considered by the Council and the Planning Inspector. Additional comments made with regard to the proposal on the opposite side of Chelford Road have been dealt with in the report. The fact that no development has taken place since the previous consent was granted in itself is not a sufficient reason to refuse this extension of time application given that it is considered to comply with current policy.

CONCLUSIONS AND REASON(S) FOR THE DECISION

Whilst there has been a material change of circumstances since the determination of the previous application 08/0332M in that national planning policy guidance has been revised, this does not materially affect the assessment of the application which is still considered to comply with relevant policy. As such, no objections are raised to the proposal to extend the

time of the permission and the application is recommended for approval subject to the conditions previously imposed by the Inspector at appeal together with an additional condition specifying the approved plans.

Application for Extension to Time Limit

RECOMMENDATION: Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A02EX - Submission of samples of building materials
3. A01LS - Landscaping - submission of details
4. A04LS - Landscaping (implementation)
5. A15LS - Submission of additional landscape details
6. A16LS - Submission of landscape/woodland management plan
7. A13TR - Retention of existing trees
8. A02HA - Construction of access
9. A03HA - Vehicular visibility at access (dimensions)
10. A03HA_1 - Vehicular visibility at access (dimensions)
11. A01AP - Development in accord with approved plans
12. soft landscape works
13. Passing place
14. Layout of car park
15. Extraneous matter
16. No ancillary uses
17. Lighting
18. Control over additional lighting
19. Fencing/Netting
20. Opening times



(c) Crown copyright and database rights 2012. Ordnance Survey
100049045, 100049046.

