

Application No: 12/4882M

Location: Land West of Mag Lane, High Legh, Warrington, Cheshire, WA16 0RT

Proposal: A Farming & Food Visitor Centre including Access, Car Parking, Pedestrian Routes, Visitor Centre, Bio-dome, Mobile Field Shelters and Landscaping.

Applicant: David Fryer, David Fryer Management

Expiry Date: 05-Apr-2013

SUMMARY RECOMMENDATION: REFUSE

MAIN ISSUES

- Appropriateness of Proposed Development in the Green Belt
- Landscape and Visual Impact upon the Green Belt
- Very Special Circumstances
- Other Planning Policy Considerations

REASON FOR REPORT

The application has been referred to the Northern Planning Committee as the proposal is for a small scale major development where the site area exceeds 1ha and the development is of a commercial nature.

If Members are minded to approve the development, as this would constitute a significant departure from policy, the application would need to be referred to the Strategic Planning Board and also be subsequently referred to the Secretary of State should the Council be minded to approve it.

DESCRIPTION OF SITE AND CONTEXT

The application site area edged in red measures approx 2.6ha and comprises a Greenfield site located within the designated North Cheshire Green Belt. The site is accessed from Mag Lane approximately 150m north of its junction with Warrington Road (A556) in High Legh. Mag Lane is an adopted highway measuring approximately 5m wide excluding verges. At the time of the officer's site visit, the site comprised short meadow grass grazed periodically by sheep bounded by hedgerows with a five bar field gate opening onto Mag Lane half way along the sites boundary to Mag Lane. A caravan had been located on the site however this was removed prior to the submission of the planning application. The site backs onto an area of woodland to the west known as 'Little Oaks' and is surrounded by open fields to the north

and south and on the opposite side of Mag Lane to the east. The nearest buildings are those located along Warrington Road approximately 170m to the south.

DETAILS OF PROPOSAL

The site would be developed from a pastoral field to a Farming & Food Visitor Centre. The site would comprise:-

- A Visitor Centre measuring approximately 25m x 20m and reaching a total height of 3.55m. The design would incorporate a timber framed, sedum roof with solar panels and a combination of glazed and timber walls. The roof would have five domed sections and the Visitor Centre would include: various store rooms, final food preparation area, staff room, utilities room, repair room, office, AV room, preparation and food training area, café seating area, entrance and ticket sales and toilets.
- An animal and crop husbandry hut is also proposed measuring 10m x 5m reaching a height of 3m. This would be constructed of timber with a pitched, sedum roof.
- A manure clamp, yard area and 12 mobile buildings for pigs, lambs, chickens and goats are also proposed.
- A grain crop growing area (0.56ha), vegetable growing area (0.54ha), two hay paddocks to be utilised as overflow car parks if required during the summer months and the main gravel car park area (0.15ha) including cycle parking, two disabled spaces, coach parking and a deliveries area
- Education and Interpretive Activity Areas including paths and access track to an induction area, manure patch, the plough, seeding area, weeding area, irrigation challenge, harvesting area, farmers challenge and recycle area.
- Fruit orchard measuring approximately 0.1ha
- Oval shaped Bio-Dome measuring 30m x 15m wide with a total height of 5m constructed with an aluminium frame and ETFE transparent covering also on a concrete base
- Two storage ponds for surface and grey water
- New entrance point onto Mag Lane located in a similar position to existing field gate measuring 6m wide with improved visibility splays involving removal and realigning of hedgerow
- Fruit growing area measuring 500 sq. m
- New timber fencing, stockproof fencing, hedgerows, gates are also proposed throughout.

The total floor area of the buildings is approximately 1062 sq. m.

RELEVANT HISTORY

12/0587M Change Of Use From Agriculture To Pizza Farm Including A Two Storey Building Containing A Restaurant And Meeting Rooms For Educational Purposes, Agricultural Storage Building, Ticket Office, Landscaping, Pathways, Car Parking And Outdoor Adventure Park. The application was withdrawn prior to a recommendation for refusal on 17.4.12.

POLICIES

Regional Planning Policy

As part of its stated commitment to protecting the environment the Government decided to carry out an environmental assessment of the revocation of the existing regional strategies, on a voluntary basis. It is the Government's clear policy intention to revoke existing regional strategies outside London, but this is subject to the outcome of environmental assessments and will not be undertaken until the Secretary of State and Parliament have had the opportunity to consider the findings of the assessments.

The regional strategy whose revocation is proposed is the *North West of England Plan Regional Spatial Strategy to 2021*, published in September 2008. The environmental report on the revocation of the North West of England Plan was undertaken on 20 January 2012. As the abolition of the RSS is imminent, the policies within the RSS are given limited weight. In any event, the policies are listed below:

North West of England Plan Regional Spatial Strategy to 2021(RSS)

Policy DP 1 Spatial Principles

Policy DP 2 Promote Sustainable Communities

Policy DP 3 Promote Sustainable Economic Development

Policy DP 4 Make the Best Use of Existing Resources and Infrastructure

Policy DP 5 Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility

Policy DP 6 Marry Opportunity and Need

Policy DP 7 Promote Environmental Quality

Policy DP 8 Mainstreaming Rural Issues

Policy DP 9 Reduce Emissions and Adapt to Climate Change

Policy RDF 1 Spatial Priorities

Policy RDF 2 Rural Areas

Policy RDF 4 Green Belts

Policy W 6 Tourism and the Visitor Economy

Policy W 7 Principles for Tourism Development

Policy RT 2 Managing Travel Demand

Policy EM 1 Integrated Enhancement and Protection of the Region's Environmental Assets

Policy EM 15 A Framework For Sustainable Energy In The North West

Policy EM 16 Energy Conservation & Efficiency

Policy EM 17 Renewable Energy

Policy EM 18 Decentralised Energy Supply

Policy L 1 Health, Sport, Recreation, Cultural and Education Services Provision

Local Plan Policy

The policies within the Macclesfield Local Plan 2004 have been 'saved' by the Secretary of State prior to the production of the Cheshire East Local Plan.

Para 215 of the NPPF indicates that relevant policies in existing plans will be given weight according to their degree of consistency with the NPPF.

Macclesfield Borough Local Plan – saved policies (MLP)

NE11 Nature Conservation
NE17 Nature Conservation in Major Developments
BE1 Design Guidance
GC1 Green Belt – New Buildings
RT8 Access to Countryside
RT13 Promotion of Tourism
T4 Access for People with Restricted Mobility
T5 Provision for Cyclists
DC1 Design – New Build
DC2 Design – Extensions and Alterations
DC3 Amenity
DC6 Circulation and Access
DC7 Car Parking Standards
DC8 Landscaping Scheme
DC9 Tree Protection
DC11 Hedgerow Policy
DC13 Noise
DC17 Water Resources
DC28 Agricultural Buildings
DC33 Outdoor commercial recreation
DC54 Restaurants, Cafes and Hot Food Takeaways
DC62 Renewable Energy Measures
IMP1 Infrastructure
IMP2 Transport measures

Other Material Considerations

National Planning Policy Framework
Draft Development Strategy
Circular 02/09
The Planning System – General Principles
Rural Issues Summary Document
Cheshire East Visitor Economy Strategic Framework

CONSULTATIONS

United Utilities- No objections

Strategic Highways Manager – No comments received at time of writing report

Environmental Health – Recommend conditions in respect of odour abatement

Visitor Economy Officer – In summary, considers this attraction could make a positive contribution to the Cheshire East visitor economy. It fits with the strategic objective of growing the Cheshire East Visitor Economy as well as adding value to the wider economy.

High Legh Parish Council - Considers design to be sympathetic and supports jobs to be provided and the project itself fits in well with the rural farming community. However have concerns regarding highway safety and the precedent the proposals would set for development in the Green Belt. Suggest that if permission is granted that the land be returned to agriculture after use ceases.

OTHER REPRESENTATIONS

Letters of objection from Corn Heyes , Yew Tree Farm, 1 Crouchley Hall Mews & Field House all on Crouchley Lane, Lymm and Great Oak Farm House, Silent Valley Cottage & Great Oak Farm Offices both Mag Lane, Lymm, The HayBarn, Crabtree Farm, Crabtree Farm Barns, 3 Crabtree Barns & Swallows Rest Crabtree Lane, High Legh, Deansgreen Cottage, Beech Tree Lane, Lymm, Yew Tree Farm, Dunham Massey (tenant of Great Oak Farm), The Wheelwright's Cottage, Swineyard Lane, High Legh on the following grounds:-

- Highway safety
- Inappropriate development in the Green Belt
- Alternative sites available
- No Business Plan
- Procedural issues
- Not a sustainable rural business
- DEFRA grant applied for, not granted as yet
- Concerns regarding Food Cluster claim
- Buildings disproportionate to operation
- Most food would be bought in rather than grown on site
- Impact on existing services and infrastructure
- Other commercial properties available locally
- Concerns regarding claims in respect of job creation
- Concerns regarding claims in respect of carbon negative development
- Concerns regarding viability and potential alternative uses if business fails
- Amenity/ Litter
- Very Special circumstances do not exist and to allow the development would set a dangerous precedent
- Design/ Visual impact on the landscape
- Not bringing anything new to the area as there are other cafes/ farm experiences available nearby such as Stockley Farm, Tatton Park Farm and Red House Farm
- Local businesses confirm that there is a shortage of workers available for low wage jobs

Letter of support from Swineyard Lodge, Swineyard Hall Farm and from the manager of 'BusyBus' and Mere Court Hotel & Conference Centre, Warrington Road, Mere all of which have a commercial interest in supporting the proposals. Comments include benefits to local businesses, rural tourism and that the proposal fits in well with the Green Belt.

Letter of support from 18 Dalewood Crescent, Elton as consider development more appropriate than unauthorised gypsy site or motor cross training ground, location is perfect and will tap into footfall in a non- intrusive educational and green way.

APPLICANT'S SUPPORTING INFORMATION

The following documents have been submitted to accompany the application:

Design and Access Statement (DAS)

Phase 1 Habitat Survey

Education Survey

Energy Statement

BREEAM Pre-Assessment

Ventilation & Extraction Report

Letters of support from Marketing Cheshire, Lymm High School, Reaseheath College, Little Bollington C of E Primary School, Cherry Tree Primary School, Appleton Thorn Primary School, High Legh Primary School, Cobbs Infant and Primary School, Harper Adams University College, Thelwall Community Infant School

Space Analysis Assessment

Site Waste Management Plan

Landscape Visual Impact Assessment (LVIA)

Tree Survey Report

Planning Statement

Sequential Assessment

OFFICER APPRAISAL

Principle of Development

Inappropriate or Appropriate Development?

The site is a Greenfield site used as pasture land and located within the designated North Cheshire Green Belt - Para 89 and 90 of The Framework indicate the types of development which are appropriate within the Green Belt. Provision of new buildings is inappropriate development within the Green Belt unless it is for one of the purposes listed. Policy GC1 within the MLP accords with this guidance and therefore full weight is given to this policy.

Notwithstanding that some elements of proposals, in isolation, may be considered appropriate development within the Green Belt, the proposals must be considered in their entirety.

The description of development summarises the proposals as "A Farming & Food Visitor Centre" which is a tourism use- tourism uses are not listed as appropriate development within paras 89 & 90 within The Framework.

Whilst para 2.19 of the DAS refers to the site being 'previously developed' and para 88 of The Framework indicates that the redevelopment of such sites can be appropriate, the site is not considered to be previously developed land because any buildings on the site were demolished prior to 1 July 1948 (when the Town and Country Planning Act 1947 came into effect) and the last known use of the land is agriculture. In any event, the description of previously developed land in The Framework infers that the land has to be occupied by buildings.

The proposals therefore represent an **inappropriate form of development** within the Green Belt. Para 88 of The Framework states that substantial weight should be given to *any* harm to the Green Belt.

The following additional harm has been identified:

Harm to the Green Belt: Openness

In addition to the harm by reason of inappropriateness which in itself attracts **substantial weight**, the proposals would also have an adverse impact upon the openness of the Green Belt.

The Planning Statement acknowledges that the development would impact upon openness but considers that the proposed site layout, LVIA submitted and the relative heights of buildings would minimise the impact.

However, the Town and Country Planning (Consultations) (England) Direction 2009 indicates that developments of over 1000 sq. m within the Green Belt would have a significant impact upon the openness of the Green Belt for the purposes of referral. It therefore stands to reason that such developments should also be treated as having a significant impact upon the openness of the Green Belt in the application of planning policy. These proposals are in excess of 1000 sq. m and would therefore have a significant impact upon the openness of the Green Belt notwithstanding the impact associated with car parking, visitors and general activity associated with the use.

Harm to the Green Belt: Landscape/ Visual Impact

The LVIA and DAS submitted note that the site is relatively flat and surrounded by open fields in part and the presence of woodland and thick hedgerows obscures wider view of the site.

The LVIA indicates that the visual impact would be adverse to a degree. The Council's Landscape Architect has confirmed that the LVIA methodology and conclusions are acceptable and concludes that any landscape impact would not be significant. However, The Framework places the emphasis on *any* harm to the Green Belt and does not require that such an impact has to be significantly adverse. Therefore the harm identified above and any other harm would need to be outweighed by other considerations.

Internal lighting associated with the Bio-Dome and external lighting for the entrance, car park and visitor centre is proposed. This would have an impact upon the landscape character of the surroundings. The adverse impact noted above would be heightened by this light pollution which has not been considered by the Council's Landscape Architect in their response or considered within the LVIA.

Harm to the Green Belt - Encroachment

Para 80 states that 'safeguarding the countryside from encroachment' is one of the purposes for including land within the Green Belt.

The construction of any inappropriate development with a significant impact upon openness in the Green Belt would also represent encroachment into the Green Belt. Significant weight is attached to this consideration.

In summary, the proposals represent an inappropriate form of development within the Green Belt which by definition is harmful and which in itself would attract substantial weight. In addition, the proposals would have a significant adverse impact upon the openness of the Green Belt in this location. The proposals would also conflict with one of the purposes of including land within the Green Belt and would have an adverse visual impact upon the landscape.

This level of harm alone is a compelling reason for refusal - very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations (Para 88 of The Framework). The onus is therefore on the applicant to demonstrate that any other considerations would clearly outweigh the harm to the Green Belt identified above.

Very Special Circumstances

Carbon Emissions/ Renewable Energy

The Planning Statement infers that the contribution towards Sustainable Development would add to the case for very special circumstances (when coupled with other factors). However, the new presumption in favour of Sustainable Development does not apply where policies within The Framework indicate that development should be restricted such as in Green Belt areas. Moreover, the protection of Green Belt areas is an integral component to the achievement of Sustainable Development.

The development is put forward as being carbon negative and would achieve a BREEAM 'excellent' rating. The development would be predicted to achieve over 10% reduction of unregulated carbon however this would not be a meaningful contribution to reducing carbon emissions in the local area and the BREEAM rating and is an example of 'best practice' rather than proposing a project which would be innovative which would then be rated as 'outstanding'.

Whilst the scale of the contribution this development would make towards lowering carbon emissions would be relatively low, as the development would support the transition towards a low carbon future and support the use of renewable sources in accordance with para 17 of The Framework, moderate weight is given to this consideration.

The energy statement submitted recognises the difficulties of calculating carbon emissions from traffic associated with the development. As a visitor centre in a rural location with poor public transport links, it is difficult to see why the environmental considerations of this site

would be better than many other sites around the Borough to the extent that this should override green belt policy.

Employment

The proposals would result in the creation of 26 FTE jobs and have an estimated turnover of £1 million. The applicant also proposes to enter into an apprenticeship scheme. The Planning Statement indicates that significant weight should be given to this material consideration. It is duly acknowledged that supporting economic growth is one of the core principles underpinning the planning system. It is also acknowledged that in addition to the 26 FTE jobs, the proposals would create some temporary construction jobs. The Cheshire East area has approximately 79,000 unemployed people and therefore the proposals would only make a small contribution towards reducing unemployment in the Borough. Notwithstanding this, any commercial development within the Green Belt would create jobs but this does not override the presumption against inappropriate development. Moreover, these jobs would still be created if the development was proposed in another location which did not raise the same objection on Green Belt policy grounds.

Outdoor Recreation in the Green Belt

It is duly noted that the development would make a contribution towards providing opportunities for outdoor recreation in the Green Belt and the promotion of Healthy Communities. However, the site is not linked to an existing footpath or public transport network and there are not any proposals to 'link' the scheme in this way. In addition, the outdoor recreation benefits would be for paying customers and would not be for the benefit of the wider community. In addition, the proposals have a single function and therefore would not have the same outdoor sport benefits of for instance, a multi-use games area. On that basis, whilst the proposals would have some positive impact upon opportunities for outdoor recreation, this would attach only limited weight for the reasons noted above. It must however be noted that the proposal conflicts with one of the five purposes for including land within the Green Belt.

Educational Benefits

The Planning Statement considers that the educational benefits of the scheme would also contribute towards a case for very special circumstances. The supporting information includes a number of letters of support from various schools within the area which would be interested in utilising the site once constructed. The applicant has submitted an Education Statement which explains how the site could contribute towards educational objectives. That said, none of the letters include a contractual obligation to do so, nor do they state that such a facility is necessary for the workings of the education establishments mentioned. In addition, the application is not proposed directly by an education establishment or an affiliate. These educational benefits would be difficult to quantify, and difficult to control to ensure that they are delivered. On that basis, limited weight is attributed to this material consideration.

Design & Sustainability

The Planning Statement indicates that the design promotes high levels of sustainability and that this is a material consideration in favour of the proposals. The sustainability credentials of the development have been discussed above, and whilst the design is acceptable as an isolated consideration, it is not of such outstanding quality to represent a benefit of the proposals. No weight is attached to this consideration in representing very special circumstances.

Contribution Towards Other Strategies

Guidance within The Framework and policies within the MLP also seek to promote access to the countryside however policy RT13 makes it clear that this should not conflict with Green Belt objectives. Similarly, policy W6 within the RSS indicates that rural tourism development should accord with general policies relating to rural areas and does not advocate the location of new tourism proposals within the Green Belt. The Framework considers tourist attractions to be a main town centre use but also considers sustainable rural tourism operations to be appropriate to rural areas however The Framework does not indicate that new buildings associated with tourism represent an appropriate form of development within The Green Belt. Full weight should be given to the policies noted above as they accord with the guidance within The Framework.

The Planning Statement indicates that the Rural Issues Summary Document, Cheshire East Visitor Economy Strategic Framework and Draft Development Strategy are running parallel with the Development Plan and that substantial weight should be attributed to accordance with the objectives within these documents. It should be noted that, the emerging policies within the Rural Issues Summary Document and Draft Development Strategy are material considerations. However as they both include policies in support of the protection of Green Belts, this strengthens the presumption against inappropriate development in the Green Belt.

The Cheshire East Visitor Economy Strategic Framework seeks to promote visitor attractions in Cheshire. The visitor economy is an important contributor to businesses and communities in Cheshire East, generating over £600m per annum to the local economy. The Strategic Framework seeks to increase this to £818m by 2015 with an additional 1271 jobs provided in the same period. The development would contribute towards this objective, however in light of the adopted and emerging policies within the Development Plan which seeks to steer new tourism development either towards town centres or, where it is proposed in connection with rural tourism, to sites outside of the Green Belt, moderate weight is given to the contribution towards achieving objectives within other Council Strategies.

Planning History

The Planning Statement intimates that in light of previous appeal decisions, whilst the site does not constitute a brownfield site, it does not constitute a Greenfield site either. It has been surmised in preceding sections why the site constitutes Greenfield land, and it is considered that the circumstances set out in the appeal decision attached within the Planning Statement are not alike or similar in all relevant respects to set a precedent. As an example, the buildings and infrastructure that were historically on the site associated with the Wakefield

case, were not removed and completely remediated until 1998. In respect of the current proposals, all buildings and non agricultural activities at the site were removed and the land returned to agricultural use prior to 1st July 1948. No weight is given to this consideration put forward in the Planning Statement.

Lack of Alternative Sites Outside of the Green Belt

The Planning Statement and Sequential Approach and the additional information submitted in response to comments on the application indicates that this field which the applicant has purchased is the only site where this development can be accommodated. It is not considered that a lack of alternative sites would represent VSCs or contribute even moderate weight as a consideration. The Framework does not advocate a Sequential Test approach to development proposed in the Green Belt, and the submission of such a document suggests that the applicant considers that there is a 'need' for the development. There is no defined need for the proposals as submitted identified within any Council produced document and if such a need were to exist, the designation of a site would need to go through a strategic planning process through the Local Plan allocations. Notwithstanding that the Sequential Test carries no weight as a material consideration for the reasons noted above, there are nevertheless concerns regarding the robustness of the Sequential Test submitted. Viability, the defined catchment area and carbon emissions are factors which have significantly limited the scope of the study and the study has failed to consider all available sites within a defined settlement boundary, previously development land outside of settlement boundaries, sites within the open countryside (not Green Belt) or development within the Green Belt which would constitute appropriate development i.e. an existing agricultural enterprise where existing buildings could be converted.

For the reasons noted above, no weight is attributed to the argument that there is no other site within Cheshire where this development could be accommodated which would be more appropriate in respect of its impact upon the Environment.

Conclusions on Green Belt Matters

The proposals therefore represent an **inappropriate form of development** within the Green Belt which in itself attracts **substantial weight**. The proposals would also have a significant impact upon the openness of the Green Belt which in itself attracts **substantial weight**. It is also considered that the proposals would represent encroachment into the Green Belt, which in itself attracts **substantial weight**. There would also be some low to negligible adverse impact upon landscape character which would attract limited weight.

Para 88 of The Framework indicates that very special circumstances will not exist unless the potential harm to the Green Belt is clearly outweighed by other considerations. Moderate weight is attached to the benefits to lowering carbon emissions, the benefits to the visitor and tourism economy and the benefits of job creation to the local economy. Limited weight is also attached to factors such as education benefits and the contribution towards Green Belt

objectives. No weight is given to those arguments relating to a lack of available alternative sites, the planning history of the site or the design of the development. Whilst a number of seemingly ordinary factors can cumulatively represent very special circumstances, such factors **need to clearly outweigh the harm to the Green Belt** in order to represent very special circumstances. Given the level of harm identified and the moderate weight attached to the considerations put forward, it is considered that the combination of these factors **would not represent very special circumstances** justifying the development.

Other Planning Policy Considerations

Design & Visual Impact

Policies BE1 & DC1 seek to promote high quality design and development which reflects local character and contributes towards a rich environment. This policy is consistent with guidance within The Framework and therefore these policies carry full weight.

The field boundaries, whilst not reflecting existing field patterns, seek to replicate historic field patterns found in this location. The majority of the land would remain open and boundary treatment would comprise a sensitive mix of post and rail fencing and native species hedgerow which reflects the existing boundaries utilised in adjacent fields. The proposals include an extensive Landscape Masterplan including areas of new planting, a new orchard and sensitive use of surfacing materials. The proposed new mobile buildings and the animal husbandry hut would be agricultural in appearance and the height of the bio dome and the visitor centre has been kept low to minimise the impact upon the landscape. The buildings would be seen against a backdrop of woodland areas although the later buildings by virtue of the amount of glazing/ visually permeable construction materials would have a greater visual impact upon the landscape (when lit?).

Notwithstanding this, the proposals represent a high quality design which would not have a significant adverse upon its surroundings and has been designed as sensitively as possible. The areas of car parking whilst located to the front of the site would be obscured by the presence of the new hedgerow boundaries and tree/ shrub planting across the site.

Whilst the design is appropriate to this location to the extent that it would not constitute a reason for refusal in its own right, the design is not of such outstanding quality and innovation to attract weight as a factor contributing towards VSCs either. Notwithstanding the objections on Green Belt grounds noted above, the proposals would accord with policies BE1, DC1 and DC28 within the Local Plan and guidance within The Framework.

Amenity

The applicant has submitted a Site Waste Management Plan and a Ventilation & Extraction Report. Whilst the comments from neighbours are duly noted, given the proximity of neighbours, the mitigation proposed within the above documents and the comments from Environmental Health which indicate that the development would not raise concerns in respect of amenity if appropriately conditioned, it is considered that the proposals do not raise any concerns in respect of amenity.

Highway Safety

It is duly acknowledged that Mag Lane is a narrow lane and that the proposed development would add additional traffic movements onto this road. Under the previous application, the Strategic Highways Manager did originally raise concerns in respect of the proposals however these issues were overcome. The development now proposed includes widening the existing point of access, providing 45 car parking spaces, a space for a goods vehicle, coach parking, mini bus parking together with cycle parking and 2 disabled car parking spaces. The layout would enable vehicles to manoeuvre around the site and additional overspill car parking is shown on the submitted drawings.

The comments from neighbours are duly acknowledged, and whilst no comments from the Strategic Highways Manager were received at the time of writing the report, in light of the comments on the previous application and the pre-application discussions the applicant has had with the Strategic Highways Manager, it is not considered that a reason for refusal on highway safety grounds could be substantiated. The comments from the Strategic Highways Manager will be incorporated within the update report prior to the Committee meeting.

Trees

There are no protected trees on the site however there is an area of woodland to the west and a number of these trees overhang the site. In addition the site is bounded by native species hedgerow which would need to be assessed against the criteria within the Hedgerow Regulations 1997. Whilst such an assessment is not included within the Tree Survey, the Council's arboriculturalist does not consider the hedgerow at the front of the site which would be removed to facilitate the improvements proposed to the visibility splays to be important. Given that replacement hedgerow of native species is proposed together with improvements to the overall tree and hedgerow cover at the site, it is not considered that the proposals would have an adverse impact upon trees or hedgerows which make a positive contribution to the character of the area. The proposals would therefore accord with policies DC8 and DC9 within the MLP which are consistent with guidance within The Framework and therefore carry full weight.

Nature Conservation

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

(a) 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

(b) no satisfactory alternative and

(c) no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK has implemented the Directive in the Conservation (Natural Habitats etc) Regulations 2010 (as amended) which contain two layers of protection (i) a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements above, and (ii) a licensing system administered by Natural England and supported by criminal sanctions.

Local Plan Policy NE11 seeks to protect habitats from destruction and indicates that development which adversely affects habitats would not be accepted.

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."

The NPPF advises LPAs to conserve and enhance biodiversity: if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts) or adequately mitigated, or as a last resort, compensated for, planning permission should be refused.

Natural England's standing advice is that, if a (conditioned) development appears to fail the three tests in the Habitats Directive, then LPAs should consider whether Natural England is likely to grant a licence: if unlikely, then the LPA should refuse permission: if likely, then the LPA can conclude that no impediment to planning permission arises under the Directive and Regulations.

In this instance, the area of woodland to the west is a suitable habitat for bats and the ponds in adjacent fields are suitable habitats for Great Crested Newts. The Phase 1 Habitat Survey submitted with the application indicates that there was no evidence of protected species although mitigation is proposed, and in the event of approval, the Council's ecologist has recommended a number of conditions in respect of mitigation.

As the proposals would not involve the disturbance, or deterioration or destruction of breeding sites or resting places, the proposals accord with the Habitat Regulations and policy NE11 which is consistent with guidance within The Framework and therefore carries full weight.

It should be noted that policy NE17 requires LPAs to seek improvements for nature conservation, tree planting and landscaping on sites over 2ha. It is considered that the combination of the mitigation proposed within the Tree Report, LVIA and Ecological Survey coupled with the conditions proposed would deliver these improvements.

Water Resources

The proposals would incorporate surface water and grey water storage on site and the site is not located in an area of flood risk. United Utilities have no objections to the proposals and therefore it is not considered that the proposals would have a harmful impact upon the water environment.

Other Matters

The letters of representation have raised a number of issues which have been addressed above, In addition to this, concerns were also raised in respect of the absence of a Business

Plan for the proposals, the status of the DEFRA grant and where supplies would be sourced. The assessment indicates above that the carbon negative considerations attract only moderate weight and would not outweigh the substantial weight against this development.

Concerns have been raised regarding some of the claims made within the submission and the accuracy of the information supplied. Whilst not all of the statements within the submission have been substantiated, the case officer is satisfied that the information provided is sufficient to determine the application.

Concerns have also been raised regarding this development setting a precedent for other developments within the Green Belt, particularly if the proposals fail and that this scheme would not bring anything new to the area given the presence of other attractions. Each case has to be judged on its own merits, but this is a new enterprise on this site with no policy backing on a Greenfield site in Green Belt and there is a concern that if the development is approved, this could be repeated anywhere with no justification.

CONCLUSIONS AND REASON(S) FOR THE DECISION

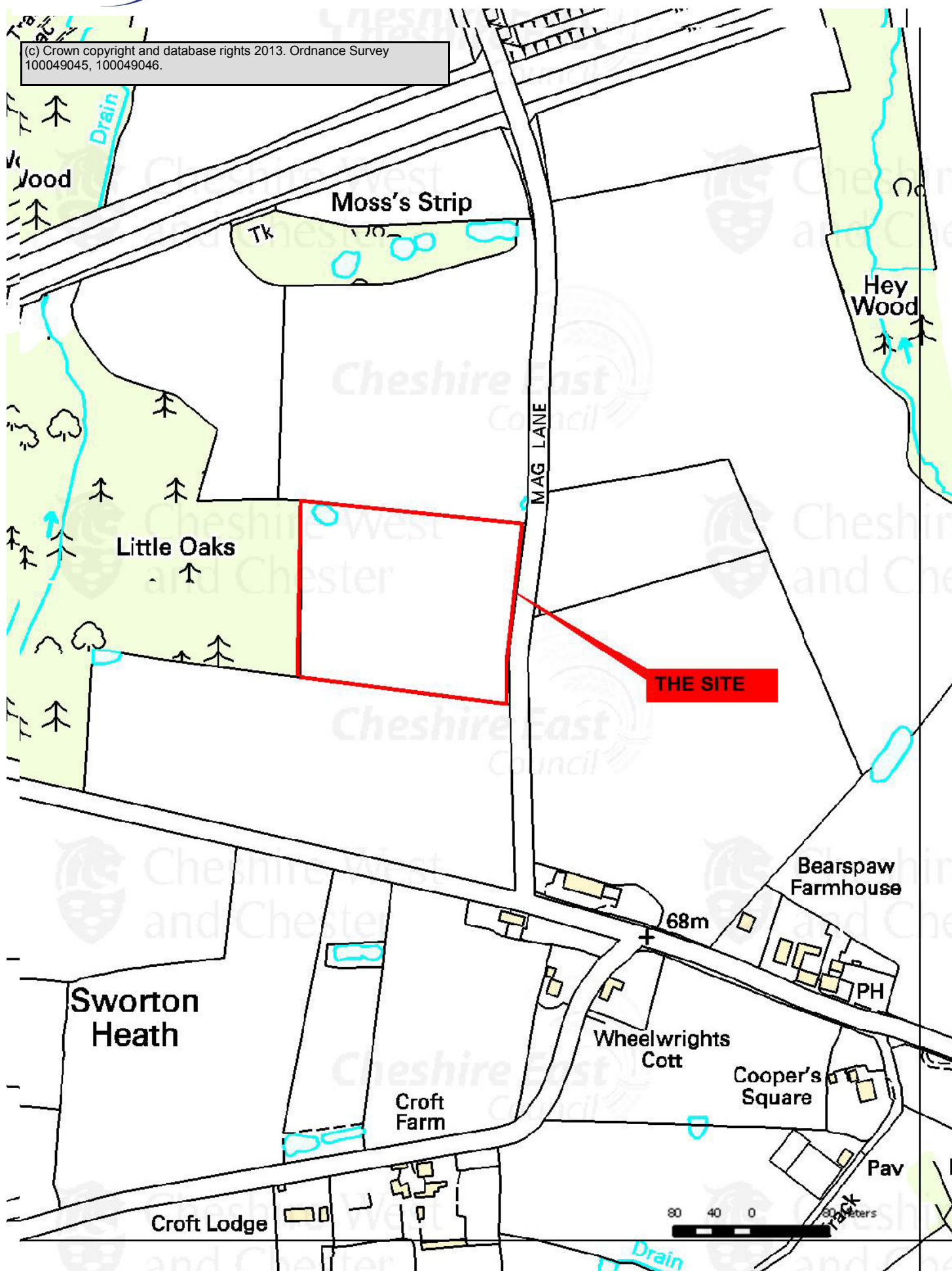
Green Belt policy strictly controls development and for inappropriate development to be approved there must be genuine very special circumstances to allow such a departure from the Development Plan. Those VSCs do not exist to justify the proposals which constitute inappropriate development within the Green Belt and which could be accommodated on a different site which does not raise the same policy objections. In addition to the policy objection to the scheme, it would also result in substantial harm to the Green Belt by reason of adverse impact on openness, encroachment and there would also be an adverse impact upon the landscape character of the Green Belt in this location. The proposals would therefore be contrary to policy GC1 within the MLP and guidance within The Framework.

It is therefore recommended that the application be REFUSED for this reason.

Application for Full Planning

RECOMMENDATION: REFUSAL

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Application for Full Planning

RECOMMENDATION: