

**Application No:** 13/0932M

**Location:** HIGH LEGH GOLF CLUB, WARRINGTON ROAD, MERE, CHESHIRE  
WA16 0WA

**Proposal:** GOLF ACADEMY AND DRIVING RANGE

**Applicant:** Mr A Vaughan

**Expiry Date:** 2 MAY 2013

**SUMMARY RECOMMENDATION: APPROVE subject to conditions**  
**MAIN ISSUES**

- Appropriateness of Proposed Development in the Green Belt
- Impact upon the Openness of the Green Belt
- Purposes of Including Land within the Green Belt
- Design, Landscape Impacts
- Amenity
- Highway Safety
- Trees
- Nature Conservation

**REASON FOR REPORT**

The application has been called-in to the Northern Planning Committee by Councillor Wilkinson due to concerns regarding the impact that the proposed lighting would have on the area.

**DESCRIPTION OF SITE AND CONTEXT**

The application site is known as High Legh Park Golf Club – which is a 27 hole golf course of approx 82ha in the open countryside. The site itself is in the North Cheshire Green Belt and is situated off the A50 Warrington Road.

There is an existing clubhouse visible from Warrington Road, with maintenance facilities on another part of the site near to Broadoak Lane. Wrenshot Lane runs across the middle of the course.

To the west of the course is the village of High Legh. The large detached houses that are off Candelan Way share boundaries with the course. There are isolated detached houses on Wrenshot Lane.

The site is located in a gently undulating landscape which is characterized by open fields, many enclosed by hedges, and blocks of woodland. The site and the area around it does not have any special landscape designation.

## **DETAILS OF PROPOSAL**

The building applied for has an L shaped footprint with a total floor area of 696 sq. m, comprising the main building which contains a machine room, a putting studio and an office and would measure 33m in length with a total depth of 11m reaching a height of 6.7m to the ridge. To put this in context, the existing clubhouse measures 45m x 32m reaching a height of 8m.

The proposed building would have a pitched roof and the walls would comprise wood effect framing with glazing panels. The 'tail' of the building would measure approximately 65m in length and would reach a height of 4.1m to the ridge of the lean-to roof. It would be open fronted and contain 13 practice bays for driving and 2 teaching bays which are slightly larger with a putting studio, golf fitting facility and ball cleaning room. The practice bays are 3.8m x 4m and the teaching bays 5m x 4m.

## **RELEVANT HISTORY**

12/1192M Demolition of existing building and provision of replacement maintenance building  
Approved 02-Jul-2012

11/3650M The construction and use of two buildings on the land in the approximate position shown on the plan attached to this application in connection with the adjacent golf course.  
Positive certificate 20-Dec-2011

11/0962M Construction of Course Maintenance Equipment Store and Swing Room Approved  
05-Jul-2011

03/2528P 6 No. Tennis courts, pavilion, fencing and floodlights (resubmission of 03/1497P)  
approved 03-Nov-2003

03/1497P 6 No. tennis courts, pavilion, fencing and floodlights Refused 20-Aug-2003

00/0551P Amendments to design of clubhouse approved under reference 80064P Approved  
24-May-2000

## **POLICIES**

### **Regional Planning Policy**

The North West of England Plan Regional Spatial Strategy to 2021 (RSS) was abolished on 20 May 2013 and therefore the policies within this document carry no weight.

## **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

GC1 Green Belt – New Buildings

DC1 Design – New Build

DC3 Amenity

DC6 Circulation and Access

DC8 Landscaping Scheme

DC9 Tree Protection

DC13 Noise

DC33 Outdoor commercial recreation

DC64 Floodlighting

## **Other Material Considerations**

National Planning Policy Framework

Cheshire East Local Plan Draft Development Strategy

Ministerial Statement of 23 March 2011 on "Planning for Growth"

Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994.

The SPG on Floodlighting (Originally adopted June 1998; policy in MBLP Jan 2004; SPG reproduced April 2005)

## **CONSULTATIONS**

**High Legh Parish Council** - HLPC notes that the original Golf Club development was sanctioned within the Green Belt, and that this proposal would replace existing driving practice facilities - albeit at a significantly increased scale with buildings and independent lighting. The Golf Club have told us that the planned driving range is a necessity for the economic viability of the golf club.

It is clear to HLPC that the most substantial concerns are in respect of the arrangements for lighting of the range. The report from the suppliers of the specialist lighting provides some technical data, but HLPC does not have the technical skill to apprehend whether the resulting level of lighting would be acceptable in a populated rural context. HLPC also notes that the plan calls for the removal of some existing external lighting provided by conventional flood-lights.

HLPC is strongly of the view that before considering this proposal the Cheshire East Planners must obtain a definitive specialist opinion of the impact of the proposed range lighting on both the immediate neighbouring properties, and the village as a whole.

**Golf Foundation** - In support of application

**Treasurer to the Steering Group of the High Legh Community Observatory** - Do not believe that there will be any negative impact on our activities and we support the proposal as it increases the local amenities to the residents of and visitors to High Legh.  
**Chairman of Organisation of Golf and Range Operators** - Support the proposals. Floodlighting is an issue in rural England and the planning authority are right to carefully weigh the benefits of a dark sky, protecting rural habits and the needs of a modern society, who are working longer and more diverse hours than ever before.

If the centre was to have floodlighting throughout the night, then I would agree that this would have a detrimental effect on the location and the application should be declined, but this is not the case. Lights would be 'out' at 9pm on week nights and at 7pm at weekends. This is hardly distorting the natural course of the evening sky, but it does allow this membership based golf club, to bring a wonderful game to members of the public during the dark winter evenings. I applaud much of the Dark Sky at Night - its principles are sound enough – but it must not also become the Dark Sky at Evening. The Campaign for Dark Sky's stated aims are:

"To preserve and restore the beauty of the night sky by campaigning against excessive, inefficient and irresponsible lighting that shines where it is not wanted nor needed."

No local authority or planning department would be against that in any similar location, but our society still need to use leisure facilities in the evening. Turning off the lights at 9pm during the week and 7pm at weekends is a practical solution, which harms nobody and is one that I myself am bound by at Maidenhead Golf Centre in Berkshire. Abacus Lighting are proven experts at low impact lighting – their berm lighting system is not intrusive and would be scarcely noticed.

**Highways** - No assessment of the additional traffic generation for the development has been supplied. However, given the site's direct access from the A50, the standard of the access junction and the absence of safety issues there, there are no highway reasons for objection.

**Environmental Health** - Originally recommended refusal of the application due to concerns regarding light spillage but following the submission of additional information the objection is withdrawn and Environmental Health recommend the imposition of conditions should the application be approved.

## **OTHER REPRESENTATIONS**

Letters of Support From 125 households. The main points are as follows:

- Would not impact on wildlife
- Would not result in skyglow

- The introduction of such a facility to the village would be a great asset and address an obvious gap in the current facilities at the golf club.
- While the floodlights will inevitably cause a degree of light invasion, the proposed site of the range would limit households affected by its site and direction.
- Objections based on light invasion would seem to ignore the current siting of another floodlit installation centrally in the village.
- Could be a valuable facility for the residents of High Legh and Knutsford.
- Will enhance the area
- Query whether a protected species survey was submitted
- Support for facilities for children
- Consider light pollution to be limited and less than tennis courts approved previously
- Concerns regarding information been circulated to residents
- Support proposals subject to conditions suggested by applicant
- Support for local business
- Golf club is an important social and leisure hub in the area.

Comments in support from applicant forwarded by local MP for consideration.

Letters of representation from 2 Egerton which expressed concerns regarding the impact on the observatory.

Letter of representation from T Atherton commenting that no objection in principle to golf driving range but concerns regarding consultation, driving ranges elsewhere, light and noise pollution.

Letters of objection from 31 households on the following grounds:-

- Insufficient information submitted with application as site location plan was not submitted with the application
- Inaccuracies in submission
- Impact on existing infrastructure
- Impact of commercial activities on Green Belt
- Availability of information on the website
- Request consultation period be extended
- Development inappropriate as does not provide only essential facilities
- No very special circumstances
- Benefits for outdoor recreation would not be for wider community
- Limited weight should be given to education impacts
- The scale and massing would impact upon the openness and visual amenity of the Green Belt.
- Suggest alternative locations
- Impact on Wildlife
- Impact on neighbouring amenity
- Impact of additional traffic on pollution and noise
- Impact of skyglow on amenity and wildlife
- Impact of additional traffic on highways network
- Design, visual appearance and materials

- Recommends conditions that signage be provided for Clearer and better positioned Road Signs to the Golf Club, A sign at the main road(A50) entrance to the Belfry estate, no Entry to Golf Club and that Lights Off at 10pm, as with the Bowling Club
- Query if Manchester Airport been consulted, as Golf Club is in their Flight Path.
- Impact of bunding
- Represents encroachment
- Impact of balls on neighbouring amenity
- Concerns that there is insufficient car parking for the development
- Concerns regarding jobs and viability of business
- Considers protected species survey is required
- Criticising actions of the golf club
- Criticises financial information and education benefits

Counsels opinion submitted on behalf of Damson Cottage indicated that development is inappropriate and that very special circumstances do not exist.

Response from agent regarding content of objection letters.

Further letter of objection from Damsons Cottage pertaining to additional information submitted. The comments are as follows:

- Inaccuracies in submission regarding lighting mitigation
- Concerns regarding impact of lighting on neighbours
- Consider development is inappropriate and no very special circumstances exist
- Criticisms of content of supplementary report
- Concerns that positioning of light blockages would be unenforceable
- Concerns safety assessment of stray balls has not been independently verified
- Concerns proposals would still result in stray balls affecting neighbours
- Concerns regarding information on website
- Considers there to be an adverse impact on the openness and visual amenities of the Green Belt

## **APPLICANT'S SUPPORTING INFORMATION**

The following documents have been submitted to accompany the application:

Lighting Report  
 Supplementary Lighting Report  
 Safety Report  
 Supporting Statement  
 Design and Access Statement (DAS)  
 Other Statement  
 School Programme Letter

## **OFFICER APPRAISAL**

### **Principle of Development**

The NPPF indicates that there is a presumption in favour of sustainable development which means that LPAs should grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies within the Framework.

However, the presumption in favour does not apply where policies indicate development should be restricted such as in Green Belt.

Para 89 and 90 of The Framework set out the types of development which are appropriate within the Green Belt.

Para 89 states that the following development is appropriate within the Green Belt:

‘Provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it’

Therefore, the key issues are:

1. Is it appropriate?
2. Does it preserve openness?
3. Does it conflict with the purposes of including land within it?

These issues are considered below.

### Appropriate Development

The application site is known as High Legh Golf Club - it comprises the existing 27 hole golf course and the clubhouse. It is widely accepted that golf driving ranges can be appropriate development within the Green Belt.

Therefore, the issue is whether the amount of development proposed constitutes appropriate facilities for outdoor sport. The Framework does not seek to define what is meant by appropriate.

Policy GC1 of the Local Plan suggests that facilities for outdoor sport and recreation within the Green Belt need to be ‘essential’ rather than ‘appropriate’. However, the key question The Framework poses is whether or not the proposals represent appropriate facilities for outdoor sport and recreation. On that basis, the starting point is, is the development proposed appropriate, which is a less stringent test than ‘essential’. As the wording within policy GC1 reflects old guidance within PPG2 and pre-dates The Framework, limited weight is afforded to this criterion within policy GC1.

Whilst it is duly noted that golf driving ranges can be appropriate development in the Green Belt in principle, driving ranges are generally a more intensive use of land than other forms of outdoor sport and recreation as they tend to require more operational development than other sport/recreation uses compared to the area of land covered by the use.

Nevertheless, recent appeal decisions have indicated that golf driving ranges do represent appropriate facilities, and the LPA has examples locally of where such facilities have been considered 'essential'.

The submission indicates that the accommodation proposed is necessary to expand the facilities at the golf club to improve the economic viability of the business. The viability of the business is not given weight as a consideration.

However, it is reasonable for any existing rural business to want to expand, grow and diversify. The proposed building would include 13 practice bays for driving, 2 teaching bays, a putting studio, golf fitting facility and ball cleaning room, machine room and an office. All of these facilities are synonymous with golfing activities and are appropriate to the use of the site as a modern golf club.

Lighting is also proposed in the format of floodlights on the proposed building and berm lighting across the driving range. It is considered that lighting would also be appropriate to facilitate the use of the driving range in the evening and winter months.

#### Openness: Building

Whilst the building is undoubtedly long as it would be over 65m in length, its visual impact would be limited given its relative height, its relationship with the clubhouse and its context.

The majority of the length of the building would be 4.1m high, roughly half the height of the clubhouse and the equivalent height of a single storey domestic extension and therefore would be fairly unobtrusive.

The building would clearly appear as a subordinate building to the main clubhouse which is a substantial building with a large footprint and measuring 8m high.

In addition, the proposed building would be seen in the context of the entire golf course which spans some 82ha and backs onto a residential estate.

As noted above, the visual impact of the building would already be limited, however, it should also be noted that factors such as location, topography and landscape mitigation would reduce this impact even further.

The building would be approx 125m from Warrington Road (A50), the road is at a higher topographical level which would reduce the visibility and subsequent visual impact of the building; and any likely visual impact of the new building would be further reduced by the landscape screen that is proposed.

Whilst the visual impact is considered to be acceptable, the new building will have an impact on the openness of the Green Belt which carries weight against the proposal. The relatively low height and elongated footprint of the building, however, mean that the impact on openness is relatively limited.

#### Openness: Associated Development



Lighting can impact upon the openness of the Green Belt. Policy DC64 suggests that both the daytime and night time impacts need to be considered.

The impact of the proposed lighting on the openness of the Green Belt during the day is nominal given that the floodlights proposed are attached to the proposed building and would not project beyond the height of the building. The Berm lights are sunk into the ground and therefore the associated impact of this would be limited.

There would be some moveable structures associated with the development including 7 'berm' ground mounted light units and 8m long x 2m high light spillage blocks. Whilst the spillage blocks and mounted light units do not constitute development requiring planning permission, as they are solely required in connection with the development proposed, it is considered necessary to consider the impact of these on the Green Belt.

In terms of the visual impact of these structures, it is considered that in the context of the entire site and the activities already taking place, the presence of further moveable structures would not have an appreciable impact upon the openness of the Green Belt or the purposes of including land within the Green Belt.

Turning to the impact at night, the Floodlighting SPG does indicate that sky glow may be the most significant impact in a rural area. Such an impact is difficult to quantify, and it is not an issue covered by Environmental Health legislation and therefore input from Environmental Health on this issue would be unlikely to clarify the severity of any such impact.

Inevitably, any lighting would produce sky glow. Policy DC64 indicates that the sensitivity of the location is a key consideration.

At present, there are no street lights along this stretch of Warrington Road which passes the site. After dark, the headlights of traffic on Warrington Road, Wrenshot Lane and house lights at nearby properties can be seen from the site. It should also be noted that the existing clubhouse is a source of light pollution given the full lighting of the Clubhouse when functions are on (up to 1am in the morning). Nevertheless, and as one would expect in the countryside, the surrounding area currently has little light pollution.

The presence of the High Legh Community Observatory (astronomers) also suggests that sky glow i.e. the brightening of the night sky above our towns, cities and countryside is not a pre-existing condition.

It should be noted that the Floodlighting SPG states that

'Britain's astronomers have been particularly affected by the impact of light pollution on the night sky. The activities of astronomers are affected most by sky glow.'

Although the views received from the Treasurer of the HLCO may not be the formal views of the HLCO, the only comments received have been positive and have not expressed concerns regarding sky glow.

Whilst policies DC33 and DC64 suggest that development should only be refused where a significant adverse impact is identified, para 88 of The Framework indicates significant weight

should be attached to any harm to the Green Belt. Notwithstanding this, it is considered that the proposed lighting would not have an adverse impact upon the openness of the Green Belt by reason of sky glow for the following reasons:-

- The Lighting Reports have been carried out in accordance with Institution of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Lighting GN01: 2011 which is the definitive guidance on Sky Glow;
- The Berm lighting system produces significantly less upward light than conventional lighting;
- Proposed screens for the Berm lights and angling and caps for the floodlights would mitigate the impact; and
- There are no objections from HLCO or Environmental Health.

### Purposes of the Green Belt

Para 80 sets out the purposes of including land within the Green Belt. These are:

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

The proposals would not conflict with the first two objectives. Whilst the golf course lies adjacent to the village of High Legh the contrast in development densities ensures that there is a clear physical distinction between the village settlement boundary and the golf course beyond. Therefore the construction of a further building on the golf course would not conflict with the need to check unrestricted sprawl or prevent neighbouring towns merging into one another. For the same reasons, the proposed building would not represent encroachment into the countryside.

However on the issue of encroachment, it should be noted that golf driving ranges can often be accompanied by extensive alterations to the contours of the land and/ or moveable structures. However it has been confirmed that as the ground on which the building is to be located is relatively flat, there is no requirement for this other than the small earth bunds around the proposed 'berm' lights.

It is not considered that the latter two criteria set out in para 80 of The Framework are directly applicable to the proposals.

The conclusion on Green Belt matters is that the development is appropriate and would not impact upon the openness of the Green Belt or conflict with the purposes of including land within it.

### Overall Conclusion on the Principle of Development

In conclusion, notwithstanding comments received, the assessment above indicates that the proposals represent appropriate development in the Green Belt.

Notwithstanding that the development proposed is appropriate and therefore very special circumstances to justify the development are not required, the applicants have put forward educational benefits and economic benefits to justify the proposals. These are also material considerations in favour of the development.

## **Design & Visual Impact**

The Framework at para 60 seeks to reinforce local distinctiveness – policies DC1, DC33 and DC64 reflect this guidance.

Whilst policy DC1 contains a general policy relating to good design, policy DC33 concerns itself principally with landscape impacts. This is a key consideration for golf courses and driving ranges which are mentioned specifically both within the policy and the justification for it.

In terms of the design of the building itself, it would have an L shaped footprint comprising a taller rectangular section and a shallower ‘tail’.

The main building would have a pitched roof and the walls would comprise wood effect framing with glazing panels. The ‘tail’ of the building would measure approximately 65m in length and would have a lean-to roof. It would be open fronted and finished in metal profile cladding in green for the walls and brown for the roof.

The use of wood and glazing reflects existing features on the clubhouse which ensures that the design is consistent with the existing site. The use of green and brown seeks to minimise its visual impact.

In terms of scale and massing, this is a big building in terms of its overall length, however the tail element would only be 4.1m high which is the height of a single storey domestic extension and the building would be subordinate and unobtrusive in the context of the substantial clubhouse building and the entirety of the 82ha site.

Turning to the landscape impacts, whilst the impact on openness has already been considered, landscape visual impact and openness are two separate issues. Policy DC33 requires that such development should not harm areas with a specific landscape or nature conservation designation, (of which there are none) and that new buildings are well designed, grouped with other buildings and are ancillary in scale to the main use of the site. The development would accord with these criteria which seek to ensure appropriate environmental safeguards are put in place.

The scale and design of the building ensures that its visual impact would already be limited, however, location, topography and landscape mitigation would reduce this impact even further.

The building would be approx 125m from Warrington Road (A50) and the road is at a higher topographical level which would reduce the visibility of the building.

The applicant has submitted an indicative landscaping scheme which would comprise a mix of trees and shrubs. It is considered necessary to condition the submission of a landscaping scheme in accordance with the recommendations of the Council's Landscape Architect to ensure that the proposed trees and shrubs form a more continuous belt rather than dispersed blocks in order to screen the driving range building more effectively.

In terms of the associated development, the structures are moveable and it is considered that in the context of the entire site and the activities already taking place, the presence of further moveable structures would not have an appreciable impact upon the openness of the Green Belt or the purposes of including land within the Green Belt. However, details of the screens have not been provided and therefore it is considered appropriate to condition the submission of these details.

## **Amenity**

Policies DC3, DC33 and DC64 indicate that development should not significantly injure amenities of adjoining or nearby residential property or sensitive uses.

The main amenity impacts are noise and disturbance associated with the construction period, noise and disturbance whilst the driving range is in use, nuisance associated with stray balls, light glare and light trespass.

Given that the construction period would be for a temporary period and extensive ground works are not required, it is considered that conditions would minimise disruption to neighbours. Similarly, conditions restricting hours of operation would also minimise disturbance associated with noise from the driving range.

Turning to nuisance associated with stray golf balls, the applicant has submitted a Safety Report which indicates that the nearest property to the North West would be approximately 300 yards away which would be beyond the driving range of a PGA golfer. Park Cottage would be within 180 yards but is not within the direct flight path of balls and a safety screen is proposed to mitigate any impact to this property. Whilst concerns from neighbours have been expressed regarding stray balls, the existing driving range is closer to the affected neighbours than that proposed.

Whilst it can be argued that the provision of a build would intensify the driving range activities, mitigation is proposed. Therefore, the overall impact would be negligible.

Environmental Health has no objections, as mitigation can be secured via condition. The relevant policies within the Local Plan indicate that such an impact needs to be significant. The Framework indicates that refusal is only justified where this impact would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. As the impact on neighbouring amenity associated by nuisance of stray balls would be negligible given pre-existing activities and the mitigation proposed, it is

considered that the development would accord with relevant policies in the Local Plan and guidance within The Framework.

The submitted Lighting Report and supplementary Lighting Report were carried out in accordance with Institution of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Lighting GN01: 2011. The Floodlighting SPG provides guidance on the interpretation of policies DC33 and DC64. Both of these policies look at the issue of lighting. Sky glare and light trespassing can result in artificial light nuisance which is actionable under the Environmental Protection Act 1990.

Whilst, there is no set level at which artificial light from premises becomes a statutory nuisance, the document referred to above provides guidance on acceptable levels. Environmental Health have withdrawn their objection to the application following the submission of additional information and amendments to the scheme which are as follows:

- The number of “berm” ground mounted light units reduced to 7 from the original 8 proposed (furthest line, towards Wrenshot Lane, of lights reduced from 3 to 2 units).
- The 2 furthest units will have reduced output of 250 watts rather than 400 watts.
- 6 of the 7 ground mounted units will have light spillage blocks to prevent light spillage emulating towards neighbouring land
- The 6 floodlights would be angled with overhanging caps
- 2m high screen to the boundary with Park Cottage.

The Report concludes that lighting conditions would be within +/- 1 Lux of the current lighting conditions for neighbours and on that basis, Environmental Health consider as residents would be using their gardens more readily in summer and subject to appropriate controls, this would limit the impact of light pollution from the driving range to neighbours. Environmental Health has nevertheless recommended conditions in respect of the submission of an illumination validation test (to ensure zero lux is achieved at nearby residential properties), restriction of hours of operation, pile driving, floor floating activities and an informative in respect of imported material.

A letter of objection has raised concerns regarding the enforceability of some of the mitigation measures proposed within both the Safety Report and Lighting Report. It is considered appropriate to condition full details to be submitted (given these concerns and given discrepancies in the sizes put forward for mitigation such as screens).

Environmental Health has suggested an informative in respect of imported material – whilst extensive ground works are not proposed, some very minor mounding around the berm lights is proposed. Full details of this would be conditioned to ensure that the impact of the importation of material has been duly considered.

As noted above, the relevant policies within the Local Plan suggest that permission can only be withheld where an impact on amenity is significantly adverse. Given the existing site conditions and the mitigation proposed, any impact on neighbouring amenity would not be significantly adverse. On that basis and in accordance with para 14 of The Framework the proposals do not raise any amenity issues.

## **Highway Safety**

The proposals relate to the construction of a driving range building on an existing and established golf course which has a large clubhouse. The existing point of access is taken from Warrington Road (A50) which leads to a large surface car park.

The proposals may well increase the capacity of the golf club, and subsequently increase associated traffic movements. However, given that visibility from the point of access is good, the access track is wide enough for two vehicles to pass and there is a large car park, the proposals would not have an adverse impact on highway safety. This is in accordance with policy DC6 within the Local Plan. It should also be noted that the Council's Highways Engineer has no objections to the proposals.

Whilst the concerns of neighbours on highway safety grounds are noted, impact of construction traffic on the highways network would be for a limited period and given that no significant long-term impacts have been identified, para 32 of The Framework indicates that development should be approved.

A letter of representation received has requested that improved signage be provided for the golf club due to mis-direction of patrons of the club. As this is a pre-existing condition and not directly related to the development, such a condition cannot be imposed.

## **Trees**

There are no protected trees on the site however there are areas of woodland and mature trees dotted around the golf course.

The proposals would not involve the loss of any trees and new planting is proposed as part of the landscaping scheme. 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, it is noted that there are ponds and areas of woodland on the golf course. However, the golf course is maintained which would reduce the suitability of the ponds for Great Crested Newts and the surrounding land as foraging habitat. Given that extensive re-contouring works are not required and the proximity of areas of woodland, the Council's ecologist did not consider that a Protected Species Survey was required to be submitted with the application.

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 proposed landscaping scheme would deliver these improvements.

### **Other Matters**

The letters of represent have raised a number of issues which have been addressed above. In addition to this, concerns were also raised in respect of the consultation requirements and availability of information on the website.

The Council has adhered to the Statutory requirements regarding consultation and additional information received has been placed on the website.

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

The proposed golf driving range represents an appropriate form of development within the Green Belt. The proposals as conditioned would not have a significant adverse impact upon neighbouring amenity or the landscape character of the site, and the proposals do not raise any concerns in respect of highway safety, amenity or nature conservation. The proposals therefore accord with policies NE11 Nature Conservation, NE17 Nature Conservation in Major Developments, GC1 Green Belt – New Buildings, DC1 Design – New Build, DC3 Amenity, DC6 Circulation and Access, DC8 Landscaping Scheme, DC9 Tree Protection, DC13 Noise, DC33 Outdoor Commercial Recreation and DC64 Floodlighting of the Macclesfield Borough Local Plan 2004. In so doing, The Framework indicates at para 14 that under such circumstances, permission should be granted.

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A06EX - Materials as application
3. A01AP - Development in accord with approved plans
4. A01LS - Landscaping - submission of details
5. A04LS - Landscaping (implementation)
6. A02TR - Tree protection
7. A22GR - Protection from noise during construction (hours of construction)
8. A23GR - Pile Driving
9. A13GR - Business hours (including Sundays)
10. A12MC - No lighting
11. Floor Floating Details
12. Illumination Validation Test
13. Details of Screens and Blockages
14. Details of Berm Mounds
15. Removal of Floodlights on Existing Clubhouse



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