

3/08/1465/FP – Tennis centre incorporating indoor courts, pool, gym, and outdoor facilities including outdoor swimming pool, tennis courts and golf range at Land west of Sele Farm Estate, Welwyn Road, Hertford for David Lloyd Leisure.

Date of Receipt: 11.08.2008

Type: Full

Parish: HERTFORD

Ward: HERTFORD SELE

RECOMMENDATION

That, subject to the applicants entering into a legal obligation pursuant to S106 of the Town and Country Planning Act 1990 to cover the following matters:-

1. The provision, prior to the commencement of works on the site, of the following highway related matters:-
 - a) Widening of Welwyn Road at the proposed vehicular access to provide a right hand turning lane, pedestrian refuge islands, and appropriate white line markings.
 - b) The provision of a shared use cycle/ pedestrian way alongside Welwyn Road from the point of access into the development to the western end of the existing footway and the widening and conversion of the existing footway for shared use between its western end and Windsor Drive including all administrative and legal costs of that conversion.
 - c) Provision of streetlighting on Welwyn Road from the western end of the existing streetlighting to a point just west of the access junction improvement mentioned at (a) above.
 - d) The bearing of all costs by the developer of introducing a 30mph speed limit over all length of Welwyn Road from the westernmost point of the new streetlighting (point c) above) to the existing 30mph limit near Theives Lane together with such other highway warning signage as appropriate.
 - e) The provision of a bus stop and shelter on the northern side of Welwyn Road at least 120m east of the proposed junction, and the provision of a bus stop, shelter and section of footway on the southern side of Welwyn Road together with green carriageway surfacing. Neither shelter shall have any illuminated advertisements.
2. The provision and dedication of footpaths within the site, linking Sele Farm estate with BR11 and FP61.

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3. The provision and implementation of a landscaping scheme, together with a scheme of management for the landscaping of the whole site, including the retention of the public open space recreation areas and the retention, protection of and long term maintenance of the County Wildlife Site and a commitment that such land will be safeguarded against the provision of any further building.
4. The provision of a community package providing free and/or reduced cost access for schools and the local community to the club facilities.
5. The provision of a financial contribution of £75000 towards public transport infrastructure improvements.

The Director of Neighbourhood Services be authorised to **GRANT** planning permission subject to the following conditions:

1. Three Year Time Limit (1T12)
2. Levels (2E05)
3. Boundary walls and fences (2E07) insert 'including catch and security fencing'
4. Materials of construction (2E11)
5. Refuse disposal facilities (2E27)
6. No external loudspeakers (2E25)
7. No external lighting (2E26) insert 'with the exception of the lighting shown on the plan approved hereby'
8. Cycle Parking facilities (2E29) insert 'for a minimum of cycles'
9. Approved accesses only (3V04)
10. Existing access closure (3V05)
11. Hard surfacing (3V21)
12. Construction parking and storage (3V22)
13. Wheel washing facilities (3V25)

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14. Green Travel Plans (3V27) insert ' The approved Travel Plan shall be implemented and retained in force.'
15. Tree retention and protection (4P05)
16. Hedge retention and protection (4P06)
17. Landscape design proposals (4P12)
18. Landscape works implementation (4P13)
19. Construction hours of working plant and machinery (6N07)
20. Details of the location, design and means of operation of any vehicle or other access barrier, shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of development.

Reason: The plans submitted are insufficient for consideration of the details mentioned.

21. Prior to the commencement of development, detailed plans showing the proposed junction access arrangements, and the internal vehicular areas, shall be submitted to and approved in writing by the Local Planning Authority. Such works shall be carried out in accordance with the approved plans, and in the case of the works for the access junction, shall be provided prior to the commencement of any further works on the site.

Reason: In order to ensure adequate highway arrangements for the development at all times.

22. Prior to the first occupation of the development hereby permitted, details of a phased parking scheme shall be submitted to and approved in writing by the Local Planning Authority. Spaces shall be provided within the application site for the parking of cars in accordance with the approved scheme and such spaces shall be retained at all times for use in connection with the development hereby permitted.

Reason: To ensure adequate off street parking provision for the development, in the interests of highway safety, in accordance with policy TR7 of the East Herts Local Plan Second Review April 2007.

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23. Notwithstanding the submitted plans, landscaped mounding shall be provided in the areas indicated by green lines on the plan approved hereby in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of development.

Reason: In the interests of visual amenity in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

24. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995, the areas shown for landscaping on the plans approved hereby shall be retained and maintained as open landscaping, and shall not be developed, enclosed or used in any way that is detrimental to that character.

Reason: To ensure the continuity of amenity value afforded by the approved landscaping, in accordance with policy ENV2 of the East Herts Local Plan Second Review April 2007.

25. Any external lighting shall not be switched on before 1300 hours on any day. The external lighting of any sports facilities shall be switched off by 2230 hours, and any lighting to the parking areas shall be switched off by 2359 hours on any day. No lighting shall be brought into operational use until such time as appropriate hooding and shielding has been submitted to and approved in writing by the Local Planning Authority and installed in accordance with those approved details.

Reason: In the interests of the amenities of nearby residents in accordance with policy ENV1 and ENV23 of the East Herts Local Plan Second Review April 2007.

26. Details of any external plant, or external ducts and extractors, including location, design and noise emissions, shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of development. There shall be no occupation of any part of the development for its permitted use prior to the implementation of noise abatement measures that have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the amenities of nearby residents in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

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27. Access to and egress from the site for works in relation to the development approved hereby, shall only be obtained from the approved access as shown on the plan approved hereby.

Reason: To ensure a satisfactory access for the construction traffic.

28. Prior to the commencement of development details shall be submitted to and approved in writing by the Local Planning Authority, of proposed measures for controlling dust arising from the carrying out of development. Such measures shall be in operation during the whole of the period when works in connection with the development are being undertaken.

Reason: In the interests of the amenities of nearby residents in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

29. There shall be no occupation of any part of the development for its permitted use prior to the provision of an illuminated footpath link not exceeding 400m in overall length between the existing bus stop in Bentley Road and the entrance of the indoor tennis club building. Where the footpath link crosses the land marked yellow on the plan approved hereby it shall have a minimum width of 2m and shall be dedicated as a public highway. The whole footpath link shall not be constructed other than in accordance with plans which shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason: To minimise the reliance upon private car transport in accordance with policy ENV1 of the East Herts Local Plan Second Review April

30. No soakaways shall be constructed in contaminated ground.

Reason: To prevent pollution of the water environment in accordance with policy ENV20 of the East Herts Local Plan Second Review April 2007 .

31. The construction of the foul and surface water drainage system shall be carried out in accordance with details submitted to and approved in writing by the Local Planning Authority before the development commences.

Reason: To ensure appropriate means of drainage of the site in accordance with policy ENV21 of the East Herts Local Plan Second Review April 2007.

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32. No works or development shall take place until full details of a scheme for the construction of a cycleway and footway in front of Nos. 6 to 10 and 12 to 16 Welwyn Road has been submitted to and approved in writing by the Local Planning Authority. No building within the development is to be occupied until the cycleway and footway has been constructed in accordance with the details agreed in writing, and shall thereafter be retained to the satisfaction of the Local Planning Authority.

Reason: To minimise the reliance upon private car transport in accordance with in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

33. Prior to the commencement of any works on the site and at an appropriate time of year a surveys of bat, badger, reptile and invertibrate activity, including details for their protection and any necessary mitigation measures, shall be undertaken by a suitable specialist. This shall be submitted to and approved in writing by the Local Planning Authority and any subsequent mitigation shall be undertaken in accordance with the findings of the survey.

Reason: To protect the habitats of bats which are a protected species under the Wildlife and Access to the Countryside Act 1981, and in accordance with Policy ENV16 of the East Herts Local Plan Second Review April 2007.

34. Prior to the commencement of development details of measures to be incorporated into the scheme to minimise the risk of crime and to meet the specific security needs of the development shall be submitted to and approved by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with those approved details.

Reason: To ensure that the necessary crime prevention measures are incorporated into the development in accordance with Policy ENV3 of the East Herts Local Plan Second Review April 2007.

35. Prior to the commencement of development details of measures for securing more than 10% of the energy for the development from sustainable energy shall be submitted to and approved by the Local Planning Authority. The approved details shall be implemented thereafter to the satisfaction of the Local Planning Authority.

Reason: To ensure the requirements of ENG1 of the Regional Spatial Strategy are met.

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36. Prior to the commencement of construction works hereby permitted remediation of the site shall be carried out in accordance with the Remediation Strategy hereby approved. Any amendments to these proposals shall be submitted to and approved in writing by the Local Planning Authority prior to any works being carried out. On completion of the works of reclamation, the developer shall provide a validation report which confirms that the works have been completed in accordance with the approved documents and plans.

Reason: To minimise and prevent pollution of the land and the water environment and ensure the effectiveness of the remediation strategy in mitigating contamination and preventing pollution of controlled waters in accordance with Policy ENV20 of the East Eerts Local Plan Second Review April 2007.

37. Prior to the commencement of development details of the foundation design shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To minimise and prevent pollution of the land and the water environment in accordance with Policy ENV20 of the East Eerts Local Plan Second Review April 2007.

38. The function room and restaurant shall be vacated by 2359 hours on any day.

Reason: In the interests of amenities of the residents of nearby properties.

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007), and in particular policies SD1, SD2, SD4, SD5, GBC1, TR1, TR2, TR3, TR4, TR7, TR13, ENV1, ENV2, ENV3, ENV4, ENV11, ENV14, ENV15, ENV16, ENV20, ENV21, ENV23 and ENV24. The balance of the considerations having regard to those policies and other material considerations is that permission should be granted.

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1.0 Background

- 1.1 The application site is located on the west side of Hertford, within the Metropolitan Green Belt and outside the development boundary for the town, as shown on the attached OS extract. The site is irregular in shape and is some 12 hectares in size. The site appears generally as 'scrubland' and has an artificial ditch and mound running along the whole length of its frontage along Welwyn Road. Some 2.8 hectares of the application site is an identified Wildlife Site containing a species diverse old grassland and scrub.
- 1.2 Immediately to the east is Sele Farm residential estate. The site is bounded to the North and East by open fields and to the North West by a wood known as Archers Spring. Immediately to the south of the site is the B1000, Welwyn Road.
- 1.3 The current application proposes an indoor and outdoor sports complex, comprising the construction of an indoor tennis club, outdoor tennis courts, outdoor swimming pool and sports facilities, golf driving range, outdoor recreational area, public open space and car park.
- 1.4 The proposed indoor tennis club comprises a building some 8450 square metres in size. It has barrel vaulted roofs and is clad in profiled metal sheeting. The building is L- shaped, the longest dimension of which is 109 metres and the widest, 68 metres. The building would be a maximum of 10 metres in height. It is proposed that the slab level will be set 1 metre below the existing natural ground level.
- 1.5 The building will accommodate 4 tennis courts, squash and badminton courts, a swimming pool, a fitness gym a restaurant/bar and function suite, a beauty salon and a crèche. Externally 7 tennis courts, 4 of which would be covered in winter via a bubble covering, a beach volleyball court, a basketball court and a golf driving range are proposed. The golf driving range would have 24 bays and would be illuminated.
- 1.6 Facilities available to the public would comprise the existing natural ecological area to the north west of the site, known as Archers Springs, and an area to the east of the site between the sports hall and the residential estate, which would be a semi- formal park containing a basketball court, children's playground and kick about pitch.

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- 1.7 Vehicular access is proposed from Welwyn Road. A total of 350 car parking spaces are proposed of which 18 would be for disabled persons. Twenty covered cycling spaces are also proposed, as are pedestrian accesses from the existing bus terminal point in Bentley Road and the newly constructed Sele Farm Community Centre.
- 1.8 The submitted landscape strategy plan indicates that comprehensive landscaping of the site is to be undertaken and this includes landscaping of existing and proposed mounding, the car park and parkland areas. The north west area (Archers Springs) is to remain natural.
- 1.9 As part of the proposals the applicant is offering a 'Community Outreach Package', which would enable 350 hours per annum of access to the racquet facilities without cost to non member sectors of the public identified by the local planning authority. The anticipated key sectors of the public who may benefit are local schools, single parent groups, retirement age groups and other special needs groups. In addition, coaching to school parties will be provided at non- commercial rates.
- 1.10 The application is accompanied by a number of supporting documents including a Planning Statement, a Transportation Assessment, a Flood Risk Assessment, a Habitat Survey Report, a Noise Assessment, a Lighting Assessment Report, a Sewer and Utilities Infrastructure Statement, a Remediation Study and a Draft S106 Agreement.

2.0 Site History

- 2.1 In 1999, following a history of previous applications, an application for the construction of an indoor tennis club and associated facilities, driving range, public car park and maintained recreational area was submitted to the council for consideration (LPA Ref:3/99/1945). Members resolved to grant planning permission subject to conditions; a section 106 Agreement; and the agreement of the Secretary of State to the departure from the Local Plan.
- 2.2 The Secretary of State 'called in' the application and after a public inquiry determined that planning permission should be granted.
- 2.3 In 2006 an application to renew the above planning permission was granted (LPA Ref: 3/05/1491/FN). The application, being a renewal of the then existing planning permission, was identical to that previously approved by the Secretary of State.

3.0 Consultation Responses

- 3.1 The Environment Agency advises that it has no objections to the proposal subject to conditions regarding contamination, foundation design, surface water drainage, and foul drainage being imposed.
- 3.2 County Highways advises that the scheme is acceptable in highway terms subject to a number of conditions. In addition to the off site highway works already proposed as part of the scheme (cycle route to Windsor Drive) a payment of £75,000 is requested towards sustainable transport mitigation measures in Hertford.
- 3.3 Thames Water comments that any permission should include conditions requiring further details of on and off site drainage works and the emptying of swimming pools.
- 3.4 The Architectural Liaison Officer comments that it has not been demonstrated that crime prevention and security measures have been considered. It is recommended that a condition be included requiring the development achieves Secured By Design accreditation.
- 3.5 Sports England supports the principle of the proposed development and comments that *'as the proposal involves the provision of new sports facilities which would offer the potential to make a contribution meeting strategic and local sports facilities needs that could help increase participation in sport, the proposals are considered to meet [Sport England's] planning policy objective.'*
- 3.6 Hertfordshire Biological Records Centre comments that although the applicant states that the County Wildlife Site and rank grassland are to be retained, the proposed development could still detrimentally impact upon the neutral grassland Wildlife Site and a number of protected and non protected species. A number of conditions and an additional Schedule in the S106 requiring the retention of the County Wildlife Site, its protection during construction and its future management are proposed to ensure that the potential impact of development on species and habitats of principal importance is addressed.
- 3.7 Natural England recommends that planning permission be refused on the grounds that the application contains insufficient survey information to demonstrate whether or not the development would have an adverse effect on legally protected species. Please note that subsequent to these comments being received a Habitat Survey report was submitted by the applicant to address these concerns. To date no further comments have been received in respect of this.

- 3.8 Herts and Middlesex Wildlife Trust comments that the applicant has not acknowledged the presence of the Wildlife Site nor of the need to consider the Wildlife Site based on local, regional and national legislation. It is therefore recommended that the the application be withdrawn based on lack of information. Please note that subsequent to these comments being received a Habitat Survey report was submitted by the applicant to address these concerns. To date no further comments have been received in respect of this.
- 3.9 Environmental Health recommends that any permission shall include conditions regarding construction hours of working, external loudspeakers, dust mitigation, bonfires and contamination.
- 3.10 Planning Policy comments that:

'The application does not differ from the previous application and therefore can only be considered in relation to any changes to the relevant development plan. As both the Regional and Local Plans have been adopted since the previous applications it is important that the full requirements of the two plans are taken into consideration. Green Belt policies have not evolved significantly, the need for such a facility remains the same and there have been no significant forms of development in the area or changes to the status of the neighbouring wildlife site that would warrant an alternative decision.'

The biggest change however, which must be considered, is the requirement of Policy ENG1 of the Regional Spatial Strategy for providing at least 10% of its energy requirement from renewable or local carbon sources.

The terms of the Section 106 agreement are still considered appropriate.'

4.0 Parish Council Representations

- 4.1 Hertford Town Council comments that a more appropriate use may be considered for this site and expresses its concern at the failure of the applicant to develop this site. *'Residents of Sele Farm Estate have had to endure nuisance of considerable magnitude because the land has been inappropriately used; namely by motorcyclists from far afield. Complaints have been made to the local police who are unable to take enforcement action due to the land being privately owned; the owners have not requested prosecution.'*
- 4.2 Hertingfordbury Parish Council has no objections to the proposal.

5.0 Other Representations

5.1 The application has been advertised by way of press notice, site notice and neighbour notification. Three third party letters of representation have been received raising the following concerns:

- The site is in the Metropolitan Green Belt;
- Similar facilities are already available in area;
- Increased traffic congestion;
- Unsustainable location;
- The size and scale of the building;
- The site was previously used for the disposal of toxic materials, and the disturbance of the site would constitute a health hazard for local people;
- The proposed Outreach Programme is inadequate;
- There is no certainty that the development will be built, ending the current problems associated with the land.

5.2 In addition Hertford Civic Society objects to the scheme on the grounds that very special circumstances no longer exist as there is no longer a need for the facilities after alternative facilities (4 indoor tennis courts) became available at Legends Tennis Academy beside Haileybury School. The other factors that originally contributed towards very special circumstances, have, in the Civic Societies view, always been questionable.

6.0 Policy

6.1 The Policies of the adopted East Herts Local Plan that are most relevant to the consideration of this application are as follows:

SD1	Making Development More Sustainable
SD2	Settlement Hierarchy
SD4	Sustainable Development and Nature Conservation
SD5	Development on Contaminated Land
GBC1	Appropriate Development in the Green Belt
TR1	Traffic Reduction in New Developments
TR2	Access to New Developments
TR3	Transport Assessments
TR4	Travel Plans
TR7	Car Parking- Standards
TR13	Cycling –Facilities Provision (Non- Residential)
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV3	Planning Out Crime- New Development
ENV4	Access for Disabled People

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- ENV11 Protecting of Existing Hedgerows and Trees
- ENV14 Local Sites
- ENV15 Nature Conservation Area Management Agreements
- ENV16 Protected Species
- ENV20 Groundwater Protection
- ENV21 Surface Water Drainage
- ENV23 Light Pollution and Floodlighting
- ENV24 Noise generating Development

6.2 In addition, Policy ENG1 of the Regional Spatial Strategy for providing at least 10% of its energy requirement from renewable or local carbon sources is of relevance.

7.0 Considerations

7.1 The main issue for consideration is whether the principle of the development on the site is acceptable. Consideration also needs to be given to any impact the development may have on the amenities of nearby residents; its visual impact; the traffic implications on the surrounding highway network and any impact the development may have on the designated Wildlife Site and any protected species on the site.

Principle of development

7.2 Within the Green Belt under the provisions of Local Plan Policy GBC1, permission will not normally be given for the construction of new buildings or changes of use, other than for those purposes listed under the policy as appropriate development. The proposal fails to fall within any of these exception categories and so constitutes “inappropriate” development and consequently it needs to be considered whether there are any very special circumstances in this case to warrant a decision that overrides Green Belt policy.

7.3 The original planning permission granted in 2001 and its subsequent renewal in 2006 are both material considerations when considering the current proposal. It therefore needs to be determined whether or not the very special circumstances that were accepted by the Secretary of State still exist. In addition, as new Regional and Local Plans have been adopted since the previous applications, it is important that the full requirements of these are taken into consideration, although it is noted that Green Belt policies have remained largely unchanged.

7.4 The Secretary of State identified 5 factors which contributed towards the existence of very special circumstances in 2001; need; its favorable location; its sustainability; its benefit to the local community and the gains to nature conservation. I will consider each of these matters in turn.

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- 7.5 Turning first to need; the applicant argues that despite the level of provision being improved in the area it is still by no means adequate.
- 7.6 The Sports Facilities Strategy 2007-2016 by Sport England and Active Hertfordshire identifies a deficit of such multiple use facilities in the District and acknowledges that the lack of facilities managed by the Authority is a significant barrier to implementing community benefits. Although a strategic need has not been identified for additional indoor tennis facilities in Hertford due to the proximity of the Legends Tennis UK site at Haileybury, Hertford was identified as a priority area within the district for additional sport hall provision. Overall a need has been identified for an additional 4.2 x four court sport halls and 182 fitness stations in East Hertfordshire over the period up to 2016.
- 7.7 The facilities proposed are to be used principally by members and therefore the level of accessibility and affordability would not be expected to be the same as a local authority facility. However, the facilities would be suitable for addressing the needs of at least part of the community and the community outreach programmes would open up access to the facilities for other groups.
- 7.8 To conclude, both a strategic and local sport facility need is still identified which the proposals offer the potential to contribute towards.
- 7.9 With regards to the argument that the site is favourably located, the Secretary of State concluded that such a scheme would require a minimum of 2.43 hectares of land for core facilities to achieve commercial viability. Investigation at that time into alternative sites that were either suitable or available within the town was unsuccessful. No alternative sites have been identified in the adopted Local Plan for such facilities. Furthermore, the project, by its very nature, is land hungry and PPG17 envisages such sites being located on the urban fringe. I therefore consider that the favorable location of this scheme is still a material consideration.
- 7.10 Turning to the sustainable nature of the scheme, concepts and technologies have evolved considerably in the last 8 years. The applicant has, in line with Policy SD1, submitted a sustainability statement which sets out how the development will contribute towards healthy, socially integrated communities, sustainable movement patterns, the sustainable use of resources and the creation of a healthy economy whilst being physically well integrated and protecting and enhancing the environment. Whilst I accept the report's conclusions, I do consider that many of the measures proposed are now a standard requirement for a development of this scale, particularly since the publication of PPS1. Nevertheless, sustainability is still a factor contributing towards the very special circumstances of the case.

- 7.11 With regards to the benefit to the local community, the project would provide substantial benefit to local people in the package of sports and recreation facilities provide. Whilst not extensive in hours, the community outreach programme is good in principle and would materially benefit the local community as would the areas of public open space to be provided. The employment potential of the development at some 80-100 full and part time staff would be significant and is likely to attract local people. Overall it is considered that there would still be a considerable benefit to the local community resulting from the development
- 7.12 Regarding the gain to nature conservation, the existing landscape has been scarred by years of neglect and unauthorised activities. The application, like those preceding it, includes proposals to enhance the existing landscape and includes a detailed landscape management scheme. Subsequent to the Secretary of States decision, part of the site to the north west was identified as a Wildlife Site. This area is to remain for wildlife and positive management of the site to optimise its conservation value and a plan is proposed for the protection and future management of the Wildlife Site specifically. In summary, I consider that the benefits that will be gained from the landscape management plans and the measures put into place to ensure the long term integrity of the Wildlife Site specifically remains a material consideration.
- 7.13 To conclude, it is considered that very special circumstances still exist in this case which outweigh the presumption against development and the benefits the scheme will bring to the area continue to override the site's Green Belt designation.

Visual impact of the scheme

- 7.14 The building has been specifically designed for its purpose and inevitably because the covered tennis building would be substantial and the site much busier and less open than existing there would be some harmful visual impact. In this instance, if the principle of such a development is to be accepted it must be assumed that there will be a visual impact. I do consider that the harm would only be localised and the development would not have a detrimental impact on the wider landscape. Furthermore, the degree of impact would be significantly mitigated by the landscaping measures proposed and the slab level being set 1 metre below ground level. The visual impact of the development was considered to be acceptable by the Secretary of State in 2001 and on the basis that physical circumstances are unchanged, I consider it remains acceptable.

Neighbour Amenity

- 7.15 Turning to any impact the proposal may have on the amenities of nearby properties, the nearest neighbours to the new building would be the residents on Bentley Road to the east. The car park and building will however be separated from these properties by a 75 metre wide area of public open space and consequently I do not consider that the proposal will have a direct harmful impact on their living conditions. Furthermore whilst the proposals do include some external lighting, this is limited to the car parks, tennis courts and driving range, all of which are a considerable distance from neighbouring residential properties. Finally, the applicant's noise impact assessment concludes that noise from both the activities themselves and any plant or equipment would not affect the ambient noise profile of the area. In summary I am satisfied that the development would not have an undue impact on the amenities of residents in the area.

Traffic Implications

- 7.16 The application was accompanied by a Transportation Assessment which was submitted with the original application. This concludes that the local highway network can safely accommodate the predicted development traffic and the provision of footpaths and cycleway will ensure that there is direct access to public transport links and the Sele Farm residential estate. In addition, it considers that the level of parking proposed is sufficient to meet demand.
- 7.17 County Highways has advised that, in highways terms, the principle of the development, the level of parking and the access arrangements remain acceptable. There will however be a requirement for off site improvements to the pedestrian linkages to the site and bus stop improvements. In addition a financial contribution is sought toward sustainable transport initiatives. In line with these comments I consider that the amount of traffic being generated from the development would not adversely impact on the surrounding highway network and that the amount of parking proposed is sufficient and in this respect the proposal is acceptable.

Ecology and Landscape

- 7.18 With regards to any impact the proposal will have on the existing ecology at the site, it is acknowledged that a site of this nature will invariably contain a number of different species and its development may impact on these. I note HBRC's concerns about the potential impact developing the site may have on protected species; however I am satisfied that adequate mitigation measures can be put in place to ensure that existing ecology is not unduly affected. I have included conditions requiring the provision of further detailed ecology surveys prior to the commencement of development as well as details of any necessary mitigation.

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7.19 Likewise, I am confident that on the basis that the designated Wildlife Site remains for wildlife only and positive management of the site takes place to optimise its conservation value which should include details for its protection and future management, as suggested by HBRC, the development will not have an adverse impact on of this important ecological resource as required by Policy ENV14.

8.0 Conclusion

8.1 Having regard to the above considerations it is considered that very special circumstances exist in this case to warrant a departure from the Local Plan. It is therefore recommended that, subject to the applicant entering into a Section 106 obligation with the Council, planning permission should be granted.

8.2 In light of the previous decision it is not considered necessary for this application to be referred to the Secretary of State.