

Application Reference: 06/0644/EIA **Date Received:** 12/06/2006
Ord Sheet: 384088.417661502 **Expiry Date:** 11/09/2006
279078.433748201
Case Officer: Paul Round **Ward:** Wolverley

Proposal: Variation of condition 1 attached to planning permission Ref: WF211/01 to allow implementation until 17/7/09 - (Construction of two new golf courses (18 & 9 hole), erection of clubhouse and ancillary facilities with new driveways and parking facilities)

Site Address: LEA CASTLE FARM, WOLVERHAMPTON ROAD,
WOLVERLEY, KIDDERMINSTER,

Applicant: Strong Farms (1988) Ltd

Summary of Policy	D1, D4, D5, D9, D11, D15, LA1, LA2, LA6, GB1, GB2, GB3, GB6, AG1, LB5, AR2, AR3, NC2, NCNC3, NC4, NC5, NC6, NC7, TR9, TR17, LR8, LR14, (AWFDLP) CTC1, CTC2, CTC5, CTC7, CTC12, CTC13, CTC14. CTC17, CTC18, D38, D39, T1, T3, T4, T9, RST1, RST3, RST13 (WCSP) QE1, QE3, QE5, QE6, QE7, QE8, T1, T2, T7, T9 (RSS) PPG2, PPS7, PPG17, PPS9
Reason for Referral to Committee	'Major' planning application
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 This application relates to a variation of condition 1 of planning approval WF.0211/01, to allow a further 3 years to implement the permission. The permission for the two new golf courses and associated development was granted on 17th July 2001 with a 5 year implementation condition. The application was submitted prior to the expiration of this time limit and, as such, for the purpose of determining this current application it is viewed as being still extant. The 2001 approval allowed an 18 and 9 hole golf course, 882 sq.m club house and a maximum car park provision of 120 spaces.
- 1.2 The site consists of 92 hectares (227 acres) of agricultural land and woodland. It is situated to the north of Kidderminster, sitting between Lea Lane, A449 (Wolverhampton Road), Castle Road and Wolverley Road.
- 1.3 Vehicular access is to be provided via the existing driveway that serves Castle Barn's off Castle Road, Cookley. Footpaths 61, 62, and 63 are located within the application site, these are shown to be maintained in a diverted form, with associated crossing points being proposed.

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- 1.4 In accordance with the Environmental Impact Assessment Regulations 1999 the applicant has submitted an update to the Environmental Statement submitted with the previous application. Copies of this have been forwarded to the Government Office for the West Midlands.
- 1.5 The site is located within the West Midlands Green Belt and designated a Landscape Protection Area.

2.0 Planning History

- 2.1 WF.155/98 – Change of Use of land from agricultural to a Golf Course : Withdrawn.
- 2.2 WF.260/99 – Construction of 18 + 9 hole golf courses and clubhouse and car park : Refused – Appeal withdrawn
- 2.3 WF.211/01 – Construction of 18 + 9 hole golf courses and clubhouse and car park : Approved

This application was approved subject to 36 conditions which are summarised below:-

1. Must be commenced within 5 years
2. Approval of Plans
3. Detailed layout plan to be provided **prior to commencement of works**
4. Holes 7 and 14 (on 18 hole course) no less than 30m from Footpath 61
5. No approval given to design or siting of clubhouse or car park (must be the subject of a separate planning application)
6. The clubhouse shall not exceed 882 sq.m
7. The car park shall not exceed 120 spaces
8. Limitation of use to golf club, club house and car park only.
9. Large scale plan with written landscape brief for landscaping of site and protection of trees, **prior to commencement of works**
10. No earth moving or engineering works other than those required to implement the scheme shall be carried out.
11. Record of physical characteristics of the site shall be submitted **prior to commencement of works**
12. Scheme of soil handling and movement and details of final contours to be submitted **prior to commencement of works**
13. No turf, top soil or subsoil to be exported without agreement from Local Planning Authority; and no importing of material shall take place without Planning Approval.

14. 5 days notice to be given of commencement. Access to be given to Local Planning Authority Officer to ensure conditions are being complied with.
15. Movement of topsoil and subsoil only to take place between October and April. No movement of soils
16. Storage location and methodology for soils to be agreed
17. Soils to be handled by machinery which minimises soil compaction
18. No new greens, tees, bunkers or other courses features to be created without agreement. All soil stores to be undisturbed.
19. Upon cessation of the golf course land to be restored in accordance with plan approved by Local Planning Authority
20. Habitat management plan to be submitted and agreed **prior to commencement of works**
21. No screen fencing or netting shall be erected without written approval
22. Fencing to be erected to prevent unauthorised access to woodland
23. Improvements to Castle Road junction with A449 to be provided (including pedestrian refuge) **prior to commencement of works**
24. Prior to use of the site all existing accesses along Castle Road and A449 to be permanently closed in accordance with details to be submitted **prior to commencement of works**
25. Before commencement of use site access to be completed in accordance with approved details to be submitted.
26. Provision of visibility splays
27. Car park to be provided prior to commencement of use in accordance with details to be submitted and agreed.
28. Details of parking for site operatives to be submitted and agreed **prior to commencement of works**.
29. Prior to first use pedestrian crossing points to be provided in accordance with approved details
30. Unless otherwise agreed following a public consultation exercise traffic calming to be provided along Castle Road.
31. Details of surfacing and signing of public footpaths and cycle route to be submitted **prior to commencement of works** and provided prior to first use
32. Details of drainage to be submitted and agreed **prior to commencement of works**
33. No discharge of surface water in foul water sewer
34. All storage of oils etc shall be in sealed bunded locations
35. No floodlighting to be installed or erected
36. Archaeological survey to be submitted and approved **prior to commencement of works**

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3.0 Consultations and Representations

THE CONSULTATION RESPONSES ARE SHOWN BELOW, ALONG WITH PREVIOUS RESPONSES IN 2001 SHOWN IN *ITALICS*.

3.1 Wolverley and Cookley Parish Council - Defer decision to allow additional consultation (2006)

The strength of feeling remains, locally the main points of concern are:- scale of development, increase in traffic, loss of privacy, danger to footpath users, potential impact on ecology, landscape and woodlands, loss of wildlife habitat, conflict with Local Plan, no community benefit (2001)

3.2 Highway Authority - No comments received (2006)

No objections subject to conditions regarding access and limitation of car park to 120 spaces (2001)

3.3 Severn Trent Water Ltd. - No Objection subject to condition (2006)

No objection subject to conditions (2001)

3.4 South Staffordshire Water - No comments received (2006)

No objections subject to due care in management practices. (2001)

3.5 Sport England - Supportive of new sports development (2006)

Supports application in principle (2001)

3.6 Environment Agency - No Objections (2006)

Creation of pools would benefit the newt population; areas of rough should be left around pools and hibernation sites provided. No objection subject to conditions. (2001)

3.7 Ramblers Association - No Objection to the extension of planning permission subject to conditions as set in 2001 being met (2006)

The Ramblers have made suggestions to divert the western half of Footpath 62 to reduce danger factors. Without these changes, The Ramblers oppose the scheme. (2001)

3.8 Worcestershire County Council (Footpaths) - No comments received (2006)

3.9 Highways Agency - As application does not change any of the other conditions imposed in 2001 - No objection (2006)

No objections subject to the following conditions:

1. *Development is restricted to golf course and clubhouse only.*
2. *The existing access to 'North Lodges' is permanently closed and reinstated to the satisfaction of the Local Planning Authority in consultation with the Highway Authority*
3. *The side road junction to the A449 is designed, where possible, to current design standards to the satisfaction of the Local Planning Authority in consultation with the Highway Authority and includes a pedestrian refuge at the junction.*
4. *Development shall not begin until agreed improvements to the side road junction with the A449 have been provided. (2001)*

3.10 Arboricultural Officer - The site contains trees that are a mixture of 'parkland' specimens including Oak, Beech, Lime and Wellingtonia and are all large mature specimens, which contribute greatly to the landscape character. The trees have historical association with the former Lea Castle, which is now the Lea Castle Equestrian Centre. Two mature Beech trees have recently been removed from the site, without apparent reason and discussion with the District Council. Whilst the trees are not proposed to be removed in association with the proposed golf course, they may be placed under pressure by development activities or the site's associated change of use. **(Seventeen of the 'parkland trees' have now been protected by a Tree Preservation Order served 17th July 2006)** - No Objection subject to protection of trees (2006)

Generally happy with proposals. Main concern is with new access onto Castle Road and required tree loss. A detailed plan needs to be submitted and trees to be clearly marked before felling. (2001)

3.11 English Nature - Considers proposal will have no additional affect on locally designated sites or species interests. This is provided other conditions attached to the planning permission are discharged before development commences. (2006)

The nature conservation elements of the Environmental Statement (ES) seem appropriate for the proposed development with regard to coverage, technical competence and validity of conclusions. English Nature has no further comments on the proposed development and ES. (2001)

3.12 Environmental Health (Noise Pollution) - No adverse comments (2006)

Concern about disturbance from early morning mowing near to Westhead Road. (2001)

3.13 DEFRA - No objection as long as quality of land is not compromised (2006)

No objection subject to conditions designed to protect soil integrity (2001)

3.14 British Waterways – No objection subject to additional note (2006)

No objections (2001)

3.15 Worcestershire County Council Historic Environment and Archaeology Service – No comments received (2006)

Archaeological survey required prior to consideration (2001)

3.16 Worcestershire County Council (Planning) – No comments received (2006)

No comments received (2001)

3.17 Forward Planning - No comments received (2006)

This location is in a relatively narrow area of countryside, which provides an important physical separation between the urban area of Kidderminster, and the settlement of Cookley. A Golf Course is acceptable in principle within the Green Belt and Landscape Protection Area. However, Policy GB1 does specify “essential facilities for outdoor sport for outdoor recreation...” and consequently the requirement for the proposed development should be carefully assessed. The location of the proposals complies with the requirements of policy GC1, being adjacent to the urban area of Kidderminster. (2001)

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3.18 Worcestershire Wildlife Trust - No comments received (2006)

The altered layout of holes 4 to 7 has apparently reduced the impact to woodland W1 considerably. However, I am rather concerned that this plan is only termed an illustrative master plan. In addition, it is not clear for instance how access would be gained from hole 4 to 5. There is comment that paths will be sited through the woodland to avoid the badger setts, although these are not shown on any of the plans. Three bird species of particular importance – Skylark, Linnet and Corn Bunting have been recorded, all of which are species that have declined substantially in the U.K. These are reliant on the current areas of semi-improved neutral grassland. We do not agree that the impact will be slight and unless careful mitigation measures are taken, we would expect that Skylark and Corn Bunting will not be able to tolerate the reduction in available habitat and disturbance. Linnets may be a little more tolerant but may still suffer. We would strongly recommend that areas of the rough should be set aside and managed as habitat that is appropriate for these species and for other farmland birds such as Yellowhammer and Goldfinch. (2001)

3.19 Cookley and Wolverley Footpath and Countryside Conservation Society - Three of Wolverley and Cookley's footpaths, numbers 61, 62, and 63 cross this piece of land; some of them affording lovely views over Wolverley and providing pleasant country walking, away from busy adjoining roads. Many school children use the routes to and from school. Obviously we are worried about the future of these paths, and whether they may be re-routed to their detriment (2006)

It appears that this application is worse than the first; Footpath 62 would cross a number of fairways. Not persuaded the course is needed. This is a cynical attempt to manipulate the Planning System. (2001)

3.20 Council for the Protection of Rural England – No comments received (2006)

No comments received (2001)

3.21 Wolverley and Cookley Historical Society - No comments received (2006)

No comments received (2001)

3.22 RIGS Group, Hereford and Worcester - No comments received (2006)

The dry valley is a significant landscape feature. Such features should not be lost (2001)

3.23 Wyre Forest Friends of the Earth - No comments received (2006)

No development should be allowed which discourages people to walk to school. The golf course will generate extra traffic on a dangerous, heavily used junction. (2001)

3.24 Neighbour / Site Notice / Press Notice - In 2001, 47 letters (11 in favour, 35 against and 1 seeking clarification) were received commenting on the application. As part of the consultation process for this application 121 letters have been sent out to properties within the vicinity, local groups, and previous people who commented on the 2001 application, as well as site notices and a press notice.

At the time of writing 6 letters have been received objecting to the application on the following grounds: -

- Increase in traffic on an already busy road leading to increased pollution
- Access too close to junction
- Wyre Forest already well served by Golf Courses
- Circumstances have changed since 2001 in respect of Castle Barns and Lea Castle Hospital Site.
- Extension of time would create uncertainty, a further three years of Golf Course / Construction Site hanging over head
- Siting of Clubhouse and Car park inappropriate and even though subject to separate application would not be successful
- Impact on nature conservation and existing woodlands (fauna and flora)
- Loss of privacy, outlook, noise pollution to residents of Castle Barns
- Three years insufficient to carry out work required to allow work to start possibility that applicant has no intention of implementation and may be part of a larger plan for the site.
- Impact on Landscape Protection Area
- Development would threaten the rural nature of the area
- Impact on conservation area
- Disturbance of protected species
- Traffic flow through village would intensify
- Impact of footpath diversion
- Irreversible loss of agricultural land
- Wish to ensure traffic calming measures and safe cycle routes are provided

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- Development is flawed in any event.
- Excessive scale of development contrary to policy LR14. Cannot be accommodated on the site , does not provide sufficient safety margins
- Over supply of car parking contrary to policy TR17 and car parking standards
- Increase traffic will jeopardise existing road users including pedestrians and cyclists. Contrary to policy TR7,
- Loss of informal countryside facility which provides local amenity contrary to policy LR5
- Impact of Public Rights of Way contrary to policy LR8
- Over-provision contrary to local plan paragraph 11.49. All ready sufficient Golf Clubs in area. Not implemented within 5 years shows the view of the market.
- Biodiversity and impact on protected habitats and species

4.0 Previous Officer Comments from 2001

4.1 Members are familiar with this site having considered officer reports in December 1999 and March 2000 and having visited the site in January 2000. Members will know that the application was refused for the following reasons, which this application has sought to address. Whilst this report will also address the range of topics covered by the Environmental Statement and the views of consultees, unless there has been a material change in circumstances then the objective must be to fairly assess the proposal against the previous grounds for refusal. The refusal reasons were:

1. The site of the proposed golf courses is considered to be of insufficient size to adequately accommodate both an 18 hole and 9 hole course without having an adverse impact upon areas of nature conservation importance (Woodland Area W1 and W2). The proposal is therefore considered to be contrary to Policies GC.2 (Nature Conservation) and GC.5 of the Wyre Forest District Local Plan.
2. The proposed development is likely to disturb badgers in Woodland Area W1 and it is therefore contrary to Policy NC.4 of the Wyre Forest District Local Plan.
3. Several footpaths cross the application site including an important 'walk to school route' and as the Council is not satisfied that the development will not conflict with safety considerations it cannot be favourably considered. The proposal therefore conflicts with Policies T.16 and GC.13 of the Wyre Forest District Local Plan.

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4. The size of the clubhouse and car park are too large to be considered either necessary or ancillary to the golf course use and as such they are in conflict with Policies GB.2 and GC.16 of the Wyre Forest District Local Plan.
- 4.2 Members will also recall that upon receipt of the Appeal, Counsel's advice was taken as a result of which it was decided that a negotiated solution leading to a revised application was the most appropriate course of action. Members should refer to their Planning (Development Control) Committee Agenda of the 17th October 2000.

- 4.3 In summary the main changes to this application, in addressing the refusal reasons are:

Refusal Reason	Amendment
Impact on Woodland Areas 1 and 2	Hole 5 in W1 deleted and impact of T for hole 6 reduced. Additionally holes 13 and 14 moved to reduce impact on W3 and footpath.
Disturbance to Badgers in Woodland Area	Holes in W1 deleted and impact of T for hole 6 reduced. Walk through wood not in proximity of Badger setts and no disturbance envisaged
Safety of Users Footpaths and of Walk to School Route	Holes 13 and 14 moved to reduce impact on footpath near Lea Lane. Path to Brown Westhead Park retained (and not diverted) as per PGA Management guidelines (possible amendment to accommodate Ramblers' suggestions). Footpath aligned to maximum of 60m from centre line of fair way on hole 9.
Excessive size of Clubhouse and Car Park	Clubhouse reduced from 1,672 sq.m. to 882 sq.m. Car Park reduced from 200 car spaces to 125 (Highway Authority wish to limit to 120).

- 4.4 The application has been accompanied by Environmental Impact Assessment which covers a range of areas set out by your officers. The areas covered include Demand – Access – Nature Conservation – Archaeology – Landscape – Soil and Agricultural Land. The findings and conclusions will be addressed in turn.

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- 4.5 The starting point for the consideration of any application is the Development Plan Policy Context. The County Structure Plan and the Local Plan both contain policies which set out the Green Belt status of the site. The County Structure Plan Policy CTC.2 also identifies the site as an Area of Great Landscape Value. This is also translated into the Local Plan (Policy LA.2). Neither of these policies preclude the development of a sporting/recreational use such as a Golf Course on this site but they do highlight the attractive, open and generally sensitive nature of this part of the District. Indeed sporting uses are appropriate to a Green Belt location as set out in PPG2 and PPG17. Buildings such as the clubhouse and operational development such as the 125 space car park are not appropriate development and must be shown to be ancillary and where necessary restricted to the minimum size necessary for the use proposed. I am now satisfied that this is the case. A separate planning application relating to these details will be required. Members will note that the Highways Agency is concerned that there is no use of the site for non-golf related uses and the applicants have re-stated that they are happy to accept a restrictive condition. Many residents have expressed concern about the detrimental impact of this proposal on the visual amenity of the area which is generally of high landscape quality. It is hard to see how this generality translates to this site specific case as the site is largely in agricultural use with the exception of the woodland areas, is highly visible from the A449 in particular and is substantially degraded. I am of the view therefore that the scheme will enhance the amenity of the area and not detract from it. A detailed landscaping and layout plan will be conditioned.
- 4.6 The Wyre Forest District Local Plan contains a range of policies GC.1 – GC.20 which provide specific guidance on Golf Course development. The Preamble indicates that there may be a shortfall of provision. The Environmental Statement concludes that there is indeed a shortfall and that their figures support the need for a course. They support this by reference to qualitative shortfall in courses able to meet the demands of the modern game. The Local Plan makes it clear however, that the planning system is largely concerned with the suitability of particular sites and that the number, level and type of facilities is largely down to market forces to dictate. I cannot accept the arguments which have been raised on need purely because this is a commercial venture.

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- 4.7 Policy GC.1 states that Golf Courses should be located adjoining the urban areas which this site clearly is and on land where the quality of the landscape is likely to be enhanced as a result. Given the run down and degraded nature of this highly visible site, I believe that this criteria is also met. Such proposals should not be injurious to the amenity of the Green Belt. The Environmental Statement provides a more rigorous statement of landscape impact, however, but still concludes that a positive effect could be achieved overall on this site. I concur with these conclusions. The location of the site on the urban fringe is also, in my view, a sustainable location which is surely the objective of GC.1.

ACCESS

- 4.8 Access to the site is proposed via a new junction onto Castle Road. A Traffic Impact assessment was submitted with application WF.260/99 and the comments of the Highways Agency have been important in confirming that the use of the Castle Road A449 junction can be made safe. Many letters of objection cite traffic as a problem but neither the Highways Agency nor the Highway Authority supports this view. The applicant will also provide traffic calming to Castle Road if required which would, in my view, answer many of the general concerns about traffic through the village itself. However, neither the Parish Council or the Highway Authority support this view.
- 4.9 Access via the north and south lodges will not be permissible for users of the facility. Access to the A449 is also not appropriate or acceptable.
- 4.10 Three footpaths, 61, 62 and 63 cross the site. Footpath 63, together with the eastern part of Footpath 62, provide a link between the North and South Lodges and is a 'walk to school' route for children in the Cookley area. Although modified, its essential line is retained in the latest proposals to keep it 60m from the fairway of hole 9 which runs parallel to it. Other diversions previously suggested on the other routes have been reconsidered and withdrawn. However, following consultations with the Ramblers, a slight realignment is now proposed to improve safety issues perceived by them and the proposals will reinstate the definitive route of footpath 61 adjacent to the canal and provide for a safer crossing point. Potential pedestrian crossing points on Wolverley road are also shown subject to highway approval. This is in recognition of the use of the paths on a safe route to school. Additionally, I am exploring the possibility of having the applicant lay a separate cycle path along side the 'safe routes' footpath in recognition that some of the objectors have indicated the importance of the path for cycling. Cycling, as an alternative mode of transport to the car, should be supported. In my view the alterations to the paths as modified provide safe attractive alternatives in line with circular advice, PGA advice, the comments of the Ramblers and the Local Plan policy.

- 4.11 Many objectors have suggested that the revised footpath layout (regarding leaving it unchanged) is worse. However, the PGA advice states “footpaths can cross fairways but must do so at 90° to the centre line and outside a 30m landing zone”. Proper signage for walkers and golfers is also recommended by The Ramblers’ Association. A distance of 30m from the edge of the green and the footpath on holes 7 and 14 should be specified. This can be dealt with by way of conditions.

NATURE CONSERVATION

- 4.12 In terms of land take the tees, greens, traps etc. will only take up 2.35 ha. or 2.6% of the total course area. This figure rises to approximately 3.4% when you add the clubhouse and car park. Field survey information was gathered in June 1999. This revealed that the site comprises mostly semi-improved grassland with areas of woodland. There are no statutory conservation designations on the site. The site has also been assessed for habitat value and the impact of the course on most of these aspects has been calculated. The woodlands in particular contain a large number of naturalised species and provide opportunities for a range of wildlife supporting birds and Badger setts. PPG9 advice on nature conservation is a material consideration. Amendments to the course layout have been made to accommodate the Badger population and no adverse impacts are envisaged. English Nature has no objections to the proposal. It is proposed that the semi-improved natural grassland will be enhanced and expanded. They will be left as Rough. The overall conclusion is that, given sympathetic design and management, the golf course would not cause significant ecological impacts and will produce significant opportunities to create and manage new wildlife features such as the ponds importance to the newt population in the Kidderminster area. A Management Agreement is proposed to deal with this aspect as suggested by the Worcestershire Wildlife Trust.

ARCHAEOLOGICAL ASSESSMENT

- 4.13 An assessment has been carried out in line with PPG16 Archaeology and Planning – 1990. There are no significant archaeological sites such as scheduled monuments or historic parks and gardens. Some archaeological interest is present and it is acknowledged that further on site evaluation will be necessary to define the nature of some of the underlying archaeology where this might coincide with intrusive works such as the tees, bunkers, greens etc. A survey prior to commencement of work is proposed.

- 4.14 Overall the scheme accords with Development Plan policy and PPG advice. The Environmental Statement shows the degree of anticipated impact in a number of areas and how these can be overcome. Subject to the above reservations, the amended proposals are considered to be satisfactory. The proposal is a large scheme and quite contentious in the locality and a site visit has previously been held. Notwithstanding this, I do not consider that any areas of Human Rights will be adversely affected by the proposals. The proposals are, in my view, satisfactory, properly address the four reasons for refusal and **APPROVAL** is recommended.

5.0 Officer Comments

- 5.1 The application is presented as renewal of the permission given in 2001. As such the Local Planning Authority must consider whether circumstances have changed significantly since the grant of planning permission to warrant a change in recommendation.
- 5.2 The previous report and consultation responses have been replicated in sections 3.0 and 4.0. This section will assess any change in policy or circumstances

POLICY CONSIDERATIONS

- 5.3 The previous application was considered under the 1996 Local Plan, the deposit Structure Plan (adopted June 2001) and Government Guidance in PPG2, PPG17 and PPG9.
- 5.4 The consideration of this application must take account of policies contained within the 2004 Local Plan, 2001 Structure Plan, 2004 Regional Spatial Strategy and Government Guidance in PPG2, PPG17, PPS7 and PPS9.
- 5.5 Although some of the policy numbering and documents have changed since the last approval the key principles in relation to Golf Courses with the Green Belt have been carried through. Both the Green Belt and Golf Course policies in the Local Plan are very similar to those that existed in 2001, and PPG2 remains unchanged. New guidance has been published by the Government on development in the Countryside and Nature Conservation in the form of PPS7 and PPS9 on Biodiversity and Geological Conservation replaces PPG9. However this guidance does not change any of the policy principles established in 2001. Having considered the policy context very closely, I find that the principles that lead to the decision in 2001 are the same at the present moment in time and that there has been no shift in the policy context in this case.

CHANGES IN CIRCUMSTANCES

Consultation Responses

- 5.6 In section 3.0 I have laid out the consultations responses received for this application and those received in 2001. As Members can see none of the statutory consultees have objected to the proposal at the time of writing. No new issues or change in circumstances have been raised as a result of consultee responses.
- 5.7 In respect of neighbour's responses, similar issues have been raised to those considered in 2001. Two changes in circumstances have been raised, namely the residential occupation of Castle Barns and the allocation of Lea Castle Hospital as a major developed site in the Green Belt. These will be dealt with below.
- ### Castle Barns
- 5.8 Castle Barns were granted planning permission for conversion on 30th July 2001 following consideration of the application at the Planning (Development Control) Committee earlier that month. Members may recall that both the Golf Club application and that of the Barns were considered within two months of each other. As such, in considering the barn conversion application, the Golf Club permission was taken into account as a material consideration, and is referred to in the Officer's report at the time.
- 5.9 The Barns and farmhouse are now fully occupied, being completed in 2003/2004. The main concerns have been expressed in relation to the position of the clubhouse, car park and practice range. The approved plan is an illustrative master plan, and as Members can see in section 2.0, the approval was conditional on detailed layout, and landscaping plans being submitted, and a full planning application being submitted for the clubhouse and car park. These conditions and submissions allow the flexibility for compensatory measures and precise locations for these elements to be agreed in light of residential occupation of the barns.
- 5.10 The existence of the Golf Club approval at the time of the Barn Conversion application, its extant nature during sale and occupation, and the flexibility of the 2001 approval to achieve the best layout in the context of residential occupation, lead me to conclude that this change of circumstance does not result in significant new issues that warrant refusal of the application.

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Lea Castle Hospital

5.11 This site has been raised in the context of further new residential development due to its "brownfield nature". The Lea Castle site is allocated within the Local Plan as a major developed site within the Green Belt and attaches specific policies to the site. For the purposes of this report it is sufficient to note the following points: -

1. The site remains designated Green Belt
2. Policy restricts use of the site to B1 (light industrial and business) uses.
3. Proposals must not exceed footprints or heights of existing buildings

5.12 Although the site has been given this allocation after the 2001 decision I cannot see how this alters the circumstances or consideration of this application

Other Material Issues

5.13 The access to serve the Golf Course will utilise the existing access that serves the existing barn conversions. This accords with the approval given in 2001. However, during the discharge of conditions on the barn conversions the access was moved slightly south in line with Highway Authority advice. A drawing showing the existing situation has been submitted with the application in order to clarify this point. I do not consider that this slight change warrants a new application or that its movement creates a significant change to justify refusal of the whole application.

5.14 Issues in respect of footpaths, highway access, appropriateness in the Green Belt, impact on the Landscape Protection Area, impact on protected species, impact on habitats and loss of agricultural land have not altered since the 2001 approval and their acceptable nature then still apply today.

5.15 I feel that in light of the above that an additional period of 3 years is appropriate and cannot be denied under these circumstances or the current policy context.

5.16 Neighbours have raised the issue that the 2004 Local Plan provide a substantial policy shift, and allow the Local Planning Authority to take a different view to that taken in 2001. The policy changes policies LR14, TR17, TR7, LR5, LR8, and NC5 (in the order raised).

5.17 I will deal with each policy in turn.

- a) Policy LR14 in essence condenses the range of Golf Course policies that were contained within the 1996 Local Plan. The issue raised in this respect is that of the adequate size of the site in accommodating the two courses. Policy GC5 and GC6 of the 1996 Adopted Plan is very similar to proviso iv) of policy LR14 of the current adopted plan. Both deal with size of site and safety required margins.
- b) Policy TR17 relates to car parking standards. The standards for Golf Courses require 60 spaces for an 18-hole course and 2 spaces per driving range. On this basis the requirement for the golf course is 93 spaces. Conditions attached to the 2001 permission require submission of a planning application for the car park area, which is stipulated to not exceed 120 spaces. Policy TR17 will be taken into account when the planning application for the car park is submitted.
- c) Policy TR7 deals with safe passage for pedestrians. I do not feel that this is a policy change. Safety of pedestrians is as much of a material consideration in 2001 as it is today. Both the Highway Authority and Local Planning Authority took this issue into account in 2001, and as Members can see from the consultation responses no issues have been raised in this respect. Conditions attached to the 2001 permission actually require additional pedestrian safety measure to be put in place.
- d) Policy LR5 deals with Informal Countryside Facilities. These are specifically referred to in the reasoned justification as Rifle Range, Burlish Top, Habberley Valley, Puxton Marsh and other Local Nature Reserves. I do not consider that the site is an informal countryside facility .
- e) Policy LR8 deals with the impact of development on public rights of way. Policy GC13 of the 1996 Local Plan also deals with this subject. As the Ramblers Association has given a 'No Objection' response, I do not feel that policy LR8 will be compromised.
- f) Policy LR17 relates to Commercial Leisure Developments. Although the reasoned justification for Policy LR17 mentions provision, nothing in policy LR17 requires a demonstration of need.
- g) Policy NC5 deals with biodiversity. I do not feel that the proposal will affect this aim, and conditions in respect of submission of Habitat management plan will take the biodiversity issues into account. It is also noted that English Nature has not objected to this application.

6.0 Conclusions and Recommendations

- 6.1 I can find no significant change in circumstances or policy considerations to result in a fresh approach to this application. No negative responses have been received from statutory consultees at the time of writing. As such I feel that nothing restricts the granting of approval for a further 3 years.
- 6.2 I therefore recommend **APPROVAL** subject to following revised condition 1 and the previous conditions applied to the 2001 approval :-
1. Must be commenced within 3 years
 2. Approval of Plans
 3. Detailed layout plan to be provided **prior to commencement of works**
 4. Holes 7 and 14 (on 18 hole course) no less than 30m from Footpath 61
 5. No approval given to design or siting of clubhouse or car park (must be the subject of a separate planning application)
 6. The clubhouse shall not exceed 882 sq.m
 7. The car park shall not exceed 120 spaces
 8. Limitation of use to golf club, club house and car park only.
 9. Large scale plan with written landscape brief for landscaping of site and protection of trees, **prior to commencement of works**
 10. No earth moving or engineering works other than those required to implement the scheme shall be carried out.
 11. Record of physical characteristics of the site shall be submitted **prior to commencement of works**
 12. Scheme of soil handling and movement and details of final contours to be submitted **prior to commencement of works**
 13. No turf, top soil or subsoil to be exported without agreement from Local Planning Authority; and no importing of material shall take place without Planning Approval.
 14. 5 days notice to be given of commencement. Access to be given to Local Planning Authority Officer to ensure conditions are being complied with.
 15. Movement of topsoil and subsoil only to take place between October and April. No movement of soils
 16. Storage location and methodology for soils to be agreed
 17. Soils to be handled by machinery which minimises soil compaction
 18. No new greens, tees, bunkers or other courses features to be created without agreement. All soil stores to be undisturbed.
 19. Upon cessation of the golf course land to be restored in accordance with plan approved by Local Planning Authority
 20. Habitat management plan to be submitted and agreed **prior to commencement of works**
 21. No screen fencing or netting shall be erected without written approval
 22. Fencing to be erected to prevent unauthorised access to woodland

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23. Improvements to Castle Road junction with A449 to be provided (including pedestrian refuge) **prior to commencement of works**
24. Prior to use of the site all existing accesses along Castle Road and A449 to be permanently closed in accordance with details to be submitted **prior to commencement of works**
25. Before commencement of use site access to be completed in accordance with approved details to be submitted.
26. Provision of visibility splays
27. Car park to be provided prior to commencement of use in use in accordance with details to be submitted and agreed.
28. Details of parking for site operatives to be submitted and agreed **prior to commencement of works**.
29. Prior to first use pedestrian crossing points to be provided in accordance with approved details
30. Unless otherwise agreed following a public consultation exercise traffic calming to provided along Castle Road.
31. Details of surfacing and signing of public footpaths and cycle route to be submitted **prior to commencement of works** and provided prior to first use
32. Details of drainage to be submitted and agreed **prior to commencement of works**
33. No discharge of surface water in foul water sewer
34. All storage of oils etc shall be in sealed bunded locations
35. No floodlighting to be installed or erected
36. Archaeological survey to be submitted and approved **prior to commencement of works**

Notes

- A - J Highways
- K Seven Trent
- L Protected Species
- M - N Environment Agency
- O British Waterways

Reason for Approval

There has been significant change in circumstances or policy considerations to restrict the grant of planning permission for a further 3 years. The application is still felt to be acceptable and compliant with the polices listed above.