

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Link Developments Ltd 'A'	Erection of two storey clubhouse building in association with golf course approved under application B/2003/0378, including lounge, kitchen, offices, pro shop, locker rooms, bar, two lounge/bars, staff facilities, and two self-contained residential units; provision of car parking for 75 vehicles at Marlbrook Tip, Alvechurch Highway, Lydiate Ash, Worcestershire	Green Belt	09/0905-JT

RECOMMENDATION:

That permission be **REFUSED**

Consultations

Worcestershire Highways Consulted: 07.12.2009. Response received: 11.01.2010.

Recommends that the application be deferred. In order to ensure that the car parking provision is appropriate the applicant should provide a schedule of the gross floor area of the key elements of the building.

The car parking ratio for golf courses is 2 spaces per hole (i.e. 18 for this development), with the club house to be separately assessed. Therefore the changing facilities are considered to be provided for in the golf course parking provision, however there should be a parking allocation based on the various uses that create the club house facility.

Specific areas are required for lounges, bars, kitchen, shop and staff facilities/management offices. The residential units will be assessed as a dwelling with 1 space per unit being the required provision.

Worcestershire County Minerals & Waste Consulted: 07.12.2009. No response received.

Severn Trent Water Consulted: 07.12.2009. Final response received: 10.12.2009.

No objection, subject to the imposition of a condition requiring drainage plans to be submitted in the event of approval.

Environment Agency Consulted: 07.12.2009. Final response awaited. Concerns have been expressed verbally in relation to the foundation design of the building given the nature and history of the site and potentially unstable ground.

Strategic Consulted: 07.12.2009. Final response received: 08.12.2009.

Planning

Advises that as the application site is located within the Green Belt the proposals should be assessed against PPG2 and Local Plan Policy DS2. As the proposals are for a clubhouse and car parking PPG13, PPG17, and Local Plan Policies DS13 and RAT2 are relevant. Notes that the application does not demonstrate that the proposals accord with the recommendations of the Council's PPG17 'Open Space, Sport and Recreation Assessment'. For example, the study indicates that the provision of golf courses in the district is above the national average but that there are limited golf facilities for 'pay-and-play' golf.

The applicant should demonstrate how the proposals meet Policy RAT2(a), and in particular justify why two key worker dwellings are needed.

The applicant should carry out an ecological survey of the site and incorporate measures to enhance habitats and to ensure that no adverse impacts are caused to the nearby Roughlands SWS.

Woodland Officer

Consulted: 07.12.2009. No comments.

Commercial Regulation

Consulted: 07.12.2009. Final response received: 08.12.2009.

No objections in principle. Advice is given on the need to comply with Food Safety and Health and Safety legislation which is enforced by this Council and the requirement that the premises be registered with the Council at least 28 days before starting any food business.

Contaminated Land

Consulted: 07.01.2010. Final response received: 18.01.2010.

Recommends that the application is refused until appropriate landfill gas risk assessment is undertaken and associated information submitted to the Council.

The proposed development lies on a former landfill site. A programme of environmental monitoring and risk assessment has been undertaken on the site in relation to planning consent granted for the restoration and capping of the site (B/03/0378). However, risk assessment specifically in relation to the construction of a building on the site is required. Details of any subsequent recommendations and/or proposals for foundation design and gas protection measures are also required.

Planning Policy Statement 23: Annex 2 "Development on Land Affected by Contamination" states that the developer must submit "sufficient information" to demonstrate that the proposed development will not be adversely affected by the presence of contamination, in this case primarily the presence of elevated levels of landfill gas. PPS23 states

that such information should be submitted before the application is determined.

Economic
Development

Consulted: 07.12.2009. No comments.

Engineers/
Drainage

Consulted: 07.12.2009. Response awaited.

Natural
England

Consulted: 07.12.2009. Response awaited.

Health & Safety
Executive

Consulted: 07.12.2009. No response received.

Sport England

Consulted: 07.12.2009. Final response received: 15.12.2009.

Sport England is concerned about the application for the following reasons:

- The English Golf Union, the governing body for golf, has informed me that there is currently an oversupply of courses in the West Midlands, particularly in the south Birmingham area;
- There is no robust business plan;
- A planning statement setting out the special needs for building in the green belt has not been submitted;
- A sports development plan has not been submitted;
- Justification for such a large clubhouse has not been provided;
- There is no needs assessment.

Deputy Head of
Service, Street
Scene &
Community

Response received 18.12.2009.

Comments that the scale of the clubhouse is excessive for a 9 hole course given its Green Belt location. There is no sports plan and the applicant has not clarified whether the facilities would be membership or pay-and-play.

Lickey &
Blackwell
Parish Council

Consulted: 07.12.2009. Final response received: 15.12.2009.

Object to the application. Welcome appropriate development of the site. However, several concerns are raised:

- The drawings accompanying the application are inconsistent. Plan 01 suggests the building and car park would occupy the 1st hole shown on Plan 02. [Officer's note: this is indeed the case – the proposed clubhouse and parking would take up substantially more room than the indicative arrangements shown on Plan 02 and would cover parts of holes 1, 7 and 8.]

- The site is in the Green Belt and adjacent to an Area of Great Landscape Value and a designated SWS. Its prominent and sensitive location requires landscaping or planting schemes.
- Alvechurch Highway is narrow with no footway and has a national speed limit, which the Parish Council considers to be too high. The access arrangements are therefore a concern.
- The car parking covers a large area (75 cars). This level of provision is questioned. The surface should be at least partly permeable.
- Visual impact. The Council would prefer a single storey building. There is no disabled access to the first floor flats and the meeting room. The two flats proposed are excessive for security such a small site. The four offices are also excessive.
- There is no indication of provision of storage for maintenance equipment etc.
- The long opening hours (9am -11pm most days) will demand more lighting and lead to increased noise levels in a rural site.
- The timing of development between the clubhouse and the greens is unclear. The Council recommends that planning permission for the clubhouse should only be granted once the sporting facility is completed.

Lickey
Community
Group

Response received: 27.12.2009.

- Comments that The clubhouse is situated in the green belt and adjacent to an area of "Outstanding Landscape Value" at the highest point of the site, and would be expected to be sympathetically designed as a single storey building.
- The original planning permission was for a much smaller building in line with a "Pay and Play" style golf course. The current proposal shows 2 additional residential properties a number of offices and a social club in the green belt without a proven requirement.
- Car parking for 75 cars is excessive for a 9 hole golf course requirement.
- A stipulation of the planning permission should be that the building of a clubhouse cannot commence until the Golf course has been laid ready for use.
- Lack improved bus service developed or footpath to the site.
- There is no provision for buildings to store ground-keeping machinery.
- The position and size of the proposed building does not match with the current design of the golf course. Hole No. 1,2 & 8 would be on the building/car park site.
- There are significant concerns regarding light and noise pollution.
- No Landscaping / tree planting is shown on the plans.

Publicity

Site Notice posted 21.12.2009; expired 11.01.2010.

Press Notice (Bromsgrove Standard): 10.12.2009; expired 31.12.2009.

Notification letters were sent to 30 adjoining properties. 6 letters of objection have been received. The concerns raised may be summarised as follows:

- The size of the building and level of car parking proposed would be excessive. The needs of the golfers could easily be served with smaller facilities.
- The proposal would be inappropriate in the Green Belt.
- The narrow nature of Marlbrook Lane and Alvechurch Highway, both having no footways, may present a danger to walkers. A perimeter path could be provided inside the course.
- The level of traffic using local roads would be increased.
- At least some of the car parking should be of environmentally-friendly design (i.e. permeable).
- The building is too large and may be used for other purposes (conferences; weddings etc.).
- The clubhouse would cover some of the area intended for golf course.
- Car park lighting should be of low level design.
- The residential element proposed would be unacceptable in the Green Belt, or on contaminated land.
- The construction of the clubhouse should be restricted until the course has been substantially completed.
- Noise and light pollution.
- Facilities for storage and landscaping proposals are not submitted.
- Increased flood risk as a result of the proposals.
- Impact on ecology and biodiversity.
- There is no indication on the plans as to the colour, texture or material to be used in the development.
- The catering facilities shown are insufficient for the scale of development proposed.
- The amount of material imported onto the site has exceeded the 373,000 m³ allowed by the original planning permission.

The site and its surroundings

The application relates to a site of approximately 9.7 ha at the former Marlbrook Tip, bounded by Marlbrook Lane to the west, Alvechurch Highway to the north, and residential properties to the south and south east. To the east is Upper Cottage Farm and open fields, beyond which lies Old Birmingham Road.

The site falls away from north east to south west, and has been extensively re-profiled under planning permission B/2003/0378, which allowed for the remediation of the site

(see below). The Catshill Brook flows into the site in the north western corner to an existing reservoir. An existing culvert runs through a dam south from this pond.

The site is located in designated Green Belt. The Roughland Special Wildlife Site (SWS) is located to the north west, on the opposite side of the Alvechurch Highway. The area to the north of this road is the southern most extent of the Lickey Hills Landscape Protection Area (LPA).

Proposal

The application seeks planning permission for the detailed design of a golf clubhouse is association with golf course approved under application B/2003/0378. The building would be of two storeys with a total floorspace of approximately 941 sq m. The building would be arranged across the two storeys as follows:

Ground floor	First floor
<ul style="list-style-type: none"> • Lounge with bar/servery and toilets • Separate 'spike' bar • Management offices • Main kitchen • Male and female locker rooms • Staff facilities • Pro shop and golf reception area 	<ul style="list-style-type: none"> • Meeting room/lounge with bar/servery, toilets and balcony • A one bedroom self contained residential unit intended for 'resident security' with balcony • A two bedroom self contained residential unit intended for 'club steward' with balcony • Administration and security offices

The building would be brick built and arranged symmetrically with two wings around a central component. The building would have a height of approximately 6 m to eaves with a total maximum height of approximately 9 m to the ridge. A single storey canopy entrance would face onto the Alvechurch Highway.

The building would be accessed via the existing access point on Alvechurch Highway, and a car park to accommodate 75 vehicles would be provided.

Relevant Planning History

B/1991/0993	Replacement of damaged culvert with an open channel. Approved 09.12.1991.
B/2000/1193	New drain culvert, perimeter bunding and balancing ponds. Refused 20.12.2001.
B/2002/0618	New drain culvert and balancing ponds – Resubmission of B/2000/1193. Approved 10.07.2002.
B/2003/0378	Remediation of former landfill site and subsequent creation of golf course. Approved 25.01.2006.
B/2003/1490	Variation of Condition 3 of Planning Permission B/2002/0618 to read: "In addition to 58,500 cubic metres of material required for the engineering works and already deposited on the site, no more than 36,500 cubic metres of material shall be brought onto the site between the

commencement and substantial completion of development for the following purposes: approximately 7,300 cubic metres of subsoil and 6,500 cubic metres of topsoil/soil forming material for landscaping and restoration of the site, and approximately 22,700 cubic metres of inert material (including approximately 7,000 cubic metres of clay-rich material) for temporary water management measures required during the carrying out of the development" - as amended by plans and letter received 4.2.04, 13.2.04 and 27.2.04. Approved 07.04.2004.

The planning history associated with the site is complex. Planning application B/2000/1193 – for new drain culvert, perimeter bunds and balancing ponds – was refused by committee against officers' recommendation in December 2001. In February 2002 the Council obtained an injunction from the High Court to prevent the works proposed by this application from being carried out. The application was resubmitted in May 2002 (B/2002/0618) supported by a Panel Engineer's Report prepared under the provisions of the Reservoir Act 1975. The Council, taking into account the Panels Engineers Report, granted planning permission July 2002. Material continued to be imported into the site until April 2003.

Despite the proposed replacement culvert and balancing ponds not being provided the original Panel Engineer has signed off the works as being satisfactory under the provision of the Reservoir Act. The applicant appointed a new Panel Engineer who required various additional works to take place on the site, including those proposed under planning permission B/2002/0618.

Planning permission B/2003/1490 varied permission B/2002/0618 to allow for the importation of additional material, settlement ponds, collection ditches and temporary bunds.

In 2005, the Environment Agency served two notices (dated 7 and 13 June 2005) under the Reservoir Act requiring the carrying out of measures recommended in the Inspecting Engineer's Report. The first Notice, relating to final earthworks and landscaping across the site, required confirmation in writing to the Agency of work having been begun by 13 June 2005 and completed within 48 months of commencement. The second Notice required that the remaining works must commence by the 16 June 2005 and be completed within 12 months of that date.

Application B/2003/0378 was approved in January 2006 allowed for the remediation of the site, involving removal and reuse of residual top soils over the waste, the provision of a clay-rich capping cover on the waste protected by inert material, and provision of topsoil above. The depth of this soil would be varied across the site to accommodate the restoration scheme, with thicker areas where tree planting is proposed. A programme of environmental monitoring and risk assessment has been undertaken on the site in relation to this permission.

The permission also allowed for the creation of a golf course on the site. This involved landform alterations to facilitate depths of contour cover, together with increases in the depth of cover between fairways and bunds to enable transitional shallow cross-falls to be achieved to the fairways and a rounding out of bund ends. A small club house was also shown on indicative plans.

Relevant Policies

WMSS	T2, T3, T5, T7, PA14, PA1, QE1, QE3, QE6, QE7, QE9
WCSP	CTC.1, CTC.8, CTC.9, CTC.12, CTC.13, CTC.14, D.38, D.39, SD.2
BDLP	DS1, DS2, DS13, C1, C4, C5, C10, RAT2, TR1, TR11, ES1, ES2, ES4, ES7, ES14, ES16
Others	PPS1, PPG2, PPS7, PPS9, PPG17, PPS23, PPG25, Bromsgrove District Open Space, Sport and Recreation Assessment.

Notes

Planning permission B/2003/0378 allowed for the provision of a nine-hole golf course and the formation of a parking for 53 vehicles. An indicative plan was submitted showing a clubhouse of modest footprint close to the access from Alvechurch Highway. It was envisaged that this building would house a pro-shop and changing facilities.

The officer's report accompanying this application noted that:

The proposed golf course is viewed as an outdoor sport and as such is considered to represent appropriate development in the Green Belt. Members will note no new buildings are proposed at this stage. If the application is approved and further application(s) are made for the erection of new building, these structures will be tested against national and local Green Belt Policy at this stage with the emphasis pertaining to essential facilities.

Members are therefore advised that the principle of the use of the site as a golf course is established, as is the remediation strategy for the site.

It is therefore considered that the main issue in determining the application is the acceptability of the proposed clubhouse and parking in relation to national and local policy seeking to preserve the designated Green Belt. The appropriateness of the proposals in a Green Belt location must be determined, and where harm is caused to the Green Belt, any very special circumstances which may outweigh that harm must be considered.

Other important matters include contaminated land, highways and access, flood risk, residential amenity and ecology.

Green Belt

Policy D.39 of the County Structure Plan states that there will be a presumption against allowing inappropriate development in the Green Belt, reflecting the advice contained in national planning guidance PPG2: Green Belts. Inappropriate development is, by definition, harmful to the Green Belt. Policy D.12 and D.38 of the Structure Plan and Policy DS2 of the Local Plan are in general accordance with PPG2 in resisting development in the Green Belt unless proposals fall within a defined list of appropriate development.

One of the objectives of the control of land use within the Green Belt referred to in PPG2 is “to provide opportunities for access to the open countryside for the urban population [and] to provide opportunities for outdoor sport and outdoor recreation near urban areas”. Paragraph 3.5 of PPG2 goes on to state that “these essential facilities should be genuinely required for uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land in it”.

Policy DS2 prohibits development in the Green Belt, except in very special circumstances, unless one of a series of criteria apply. Criteria (b) allow development in the Green Belt where proposals are for **essential facilities** for outdoor sport and outdoor recreation.

As is noted above, the use of the site as a golf course has previously been considered acceptable in the context of Green Belt policy. The appropriateness of the current proposals is therefore dependent on whether the proposals can be said to be genuinely essential to support the use of the site for that purpose. In particular, the proposals must be assessed against Local Plan Policy RAT2 (outdoor sport and recreation in the Green Belt).

Policy RAT2 sets out a series of criteria which must be met by outdoor sport and recreation developments, which are as follows:

- a) the proposal must not include new building other than that genuinely required for essential facilities which must be solely related to the main outdoor sports use. Encouragement will be given to locating facilities for outdoor sports in existing buildings;
- b) the proposed site should be within a reasonable walking distance of an existing public transport service;
- c) the proposal should have a safe and convenient access and adequate car parking to the satisfaction of the highway authority;
- d) the scale, design and visual appearance of the proposal should not have an adverse effect upon the character or amenities of the surrounding area;
- e) there must be no adverse impact upon ecological, environmental or archaeological interests;
- f) the proposal must not lead to the generation of excessive noise or other nuisance, such as lighting;
- g) an unrelieved concentration of pitches should not be created.

It is noted that criterion (g) does not apply to the application, as no playing pitches are proposed. The proposals are assessed against the other criteria below.

Need

It is not considered that the applicant has demonstrated that i) the building is genuinely required for essential golfing facilities or ii) that the facilities relate solely to golf club use. No justification has been submitted to justify the need for the accommodation. Sport England advises that the scale of the proposals is excessive to provide the facilities needed to serve a 9 hole golf course, a view which officers share.

The scale and nature of accommodation is of the type associated with a larger members-only golf club. Sport England and the Council's own Open Space, Sport and Recreation Assessment indicate that there is a general oversupply of courses in the area, whilst there are limited facilities for smaller 'pay-and-play' golf. The need for a development of the scale proposed is therefore questionable, as evidence suggests that there is no demand for such a large facility.

The range of accommodation proposed, including two lounge areas with bars, and another stand-alone bar, indicates that the primary purpose of the building would not be related solely to providing for outdoor sports. These facilities suggest that the building would also be used for regular entertainment events, parties, functions etc., which is not considered to be consistent with the aims of Policy RAT2.

Similarly, no justification has been provided for the two residential units proposed. Whilst it is accepted that security of the site may be a legitimate consideration, no evidence has been provided to show why this function could not be provided by a security guard/company. The accommodation for the club secretary is not considered to be essential.

Accessibility

Paragraph 21.9 accompanying Policy RAT2 states that a reasonable walking distance would normally be 400 metres or 5 minutes. The site is close to a bus stop and therefore the proposal is in easy walking distance from an existing public transport service.

Access and parking

WCC Highways advises that the application is not acceptable in the present form. The appropriate maximum car parking ratio is for golf courses (including changing facilities etc.) is 2 spaces per hole, which amounts to 18 spaces for the 9 hole course approved. A further two spaces would be required for the residential units. The parking requirements for the remainder of the accommodation cannot be assessed as a schedule of floorspace has not been provided by the applicant. However, given that the applicant has not demonstrated that i) the proposed development is genuinely required for essential golfing facilities or ii) that the facilities relate solely to golf club use, it is considered that the an excessive amount of car parking is proposed.

The car parking area therefore represents inappropriate development in the Green Belt, which is considered harmful by definition. No very special circumstances have been put forward which outweigh this harm.

Scale design and visual appearance

The proposed building would be located at the higher end of the site and would have a maximum height of approximately 9 m. The site is adjacent to the Lickey Hills Landscape Protection Area (LPA).

Local Plan Policy C4 states that development will not be permitted where it would have a materially detrimental effect on the landscape, in particular within LPAs. The policy requires that special attention is paid to, among other things, prominent slopes or major

ridge lines. Although the design of the building is satisfactory, in this location it would appear overly dominant and would have a harmful, obtrusive impact on the landscape character of the surrounding area. This would also harm the openness of the designated Green Belt.

Ecology, environment and archaeology

As the proposals relate to a former landfill site, the Council's Contaminated Land Officer has advised that gas risk assessment in relation to the construction of a building on the site is required. Details of any subsequent recommendations and/or proposals for foundation design and gas protection measures are also required. No technical information on these matters has been submitted with the application. In the absence of this information, officers are therefore of the view that the proposals are unacceptable in their present form.

No evidence has been submitted in order to judge the impact of the proposals on the biodiversity of the area, including the nearby Roughlands SWS. Furthermore, the application contains no supporting information on contaminated land or flood risk, which are considered particularly important matters in this sensitive location.

Noise and nuisance

Although there may be impacts associated with functions etc. being held at the golf club, these could be controlled by condition (assuming that the facilities to stage the events were considered acceptable in principle) and as such any noise generated by the development would not be such as to warrant recommending refusal of the application. Similarly, an appropriate lighting scheme could be secured by condition.

In summary, the proposals cannot be said to represent essential facilities for outdoor sport and recreation, and represent an overly-dominant development in a Green Belt location. The development would therefore be inappropriate development. In considering proposals for inappropriate development in the Green Belt, paragraph 3.2 of PPG2 is relevant:

Inappropriate development is, by definition, harmful to the Green Belt. It is for the applicant to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In view of the presumption against inappropriate development, the Secretary of State will attach substantial weight to the harm to the Green Belt when considering any planning application or appeal concerning such development.

The applicant's submission has provided no evidence to support the scale and nature of the proposals, or to suggest that any very special circumstances to outweigh the harm that would be caused to the Green Belt.

RECOMMENDATION:

That permission be **REFUSED** for the following reasons:

- 1) The application site falls within Green Belt as designated by the Bromsgrove District Local Plan. The range of accommodation proposed indicates that the primary purpose of the building would not be related solely to providing for outdoor sports. These facilities suggest that the building would also be used for regular entertainment events, parties, functions etc., which are not considered to be activities consistent with the restriction of such developments in the Green Belt to only those facilities essential for outdoor sport and outdoor recreation. Similarly, no justification has been provided for the two proposed residential units or the extent of proposed car parking provision, which are not considered to be essential facilities.

The proposals are therefore considered to represent inappropriate development in the Green Belt, which is considered to be harmful by definition. The applicant has not put forward any evidence to support the scale and nature of the proposals, or to suggest that any very special circumstances to outweigh the harm that would be caused to the Green Belt. Furthermore, the scale and location of the proposed building would appear overly dominant and would have a harmful, obtrusive impact on the landscape character of the surrounding area, including the nearby designated Landscape Protection Area and the openness of the designated Green Belt.

As such the proposal represents inappropriate development in the Green Belt that would harm the openness of the Green Belt and prejudice the purposes of Green Belt policy. No very special circumstances exist or have been put forward to outweigh the harm caused. As such the proposal is contrary to Policies CTC.1, D.39 and SD.2 of the Worcestershire County Structure Plan, Policies C4, DS2, DS13 and RAT2 of the Bromsgrove District Local Plan, and the provisions of PPG2, PPG17 and the Council's Open Space, Sport and Recreation Assessment.

- 2) As the proposals relate to a former landfill site, it is necessary for landfill gas risk assessment in relation to the construction of a building to take place. Details of any subsequent recommendations and/or proposals for foundation design and gas protection measures are also required. PPS23 Annex 2 'Development on Land Affected by Contamination' requires that information is submitted prior to the determination of planning applications to demonstrate that the proposed development will not be adversely affected by the presence of contamination. No information has been submitted to enable the Council to assess the impact of the elevated levels of landfill gas present on the site. In the absence of such information, the proposal is therefore contrary to Policy SD.2 of the Worcestershire County Structure Plan, Policies DS13, ES7, ES14 and ES16 of the Bromsgrove District Local Plan, and the provisions of PPS23.
- 3) No evidence has been submitted in order to satisfactorily assess the impact of the proposals on the biodiversity of the area, including the nearby Roughlands Special Wildlife Site. Furthermore, the application contains no supporting information on contaminated land or flood risk, which are considered particularly important matters in this sensitive location. In particular Annex E of PPS25 'Assessment of Flood Risk' requires that planning applications for development proposals of 1 hectare or greater should be accompanied by a Flood Risk Assessment. In the absence of such information, the proposal is therefore contrary to Policies CTC.8,

CTC.9, CTC.12, CTC.13 and CTC.14 of the Worcestershire County Structure Plan, Policies C10, ES1, ES2 and ES4 of the Bromsgrove District Local Plan, and the provisions of PPS9 and PPS25.