

Committee Report

Item No: 3

Reference: B/16/00928

Case Officer: Elizabeth Flood

Ward: Nayland.

Ward Member/s: Cllr Melanie Barrett.

RECOMMENDATION – GRANT PLANNING PERMISSION WITH CONDITIONS

Description of Development

Construction of 18 hole golf course, together with a new nine hole par 3 course, short game area; Relocation of 1 no. halfway hut and construction of 1 no. new halfway hut, new car park; 3 no. new tennis courts and a children's golf activity area.

Location

Stoke By Nayland Golf Club, Keepers Lane, Stoke By Nayland, Colchester CO6 4PZ

Parish: Stoke By Nayland

Expiry Date: 05/05/2017

Application Type: FUL - Full Planning Application

Development Type: Major Large Scale - All Other

Applicant: Stoke by Nayland Club Limited

Agent: Weller Designs

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason/s:

The location, scale and nature of the application.

Details of Previous Committee / Resolutions and any member site visit

None

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

The following policies are especially applicable to the determination of this application:

CS01 - Applying the presumption in Favour of Sustainable Development in Babergh

CS02 - Settlement Pattern Policy

CS03 - Strategy for Growth and Development

CS15 - Implementing Sustainable Development

CS17 - The Rural Economy

RE07 - Large Scale Recreation

CR02 - AONB Landscape

Consultations and Representations

During the course of the application Consultation responses and Representations from third parties have been received. These are summarised below.

A: Summary of Consultations

Stoke by Nayland Parish Council - Does not object to the proposals in principal but have some concerns. As a major development in the AONB, NPPF states that planning permission should be refused except in exceptional circumstances. The current application makes the case for being a national centre and is particularly strong on ecology, however would like to see more detailed information on the public benefit of the scheme and see improvements to the public footpath network. The travel plan is inadequate and makes to attempt to quantify the impact. There is insufficient information about job creation. Therefore the applications have not yet made a strong enough case for public benefit.

Leavenheath Parish Council: No objections

Arboricultural Officer:

7th Dec 2017. Subsequent comment: I am now satisfied that the tree loss proposed as part of this application is unlikely to have a significant impact on the local area or upon the wider landscape, the trees affected being either of limited amenity value or long-term viability. The protection measures for the retained trees are acceptable in principle. Require a condition relating to tree protection areas.

SCC Flood Officer: No objection subject to conditions

Natural England:

2nd August 2016. Statutory nature conservation sites - no objection. Protected landscapes – used national and local policies and local landscape expertise and information to determine the proposal.

Ecology Consultant:

21st September 2016. Interim comments – require additional information, Phase 1 habitat survey should be extended to cover whole of site.

Ecological report does not include Dormouse, further investigation and evaluation is required for this species. Timings of bird surveys do not confirm with Suffolk biodiversity validation checklist. In order not to delay the progress of the application, suggest following a precautionary approach and provide 2 skylark plots to be established within a cereal rotation.

Landscape Consultant:

15th September 2016. The LVIA should be reviewed and updated in the light of the report Dedham Vale AONB Natural Beauty and Special Qualities and Perceived and Anticipated Risks. The general landscape and visual issues may be adequately controlled by condition, but it would be helpful to understand the phasing of construction. Require conditions relating to soft and hard landscaping and lighting schemes.

Tourism Officer:

28th July 2016. Confirm support for the application. The current visitor destination plan emphasises the need to encourage more overnight stays, and for visitors to come all year round. This development already plays a key role in meeting our Tourism objectives, plans to expand the offer provided at the club will enhance the economic impact that Tourism brings to the District. It is a very important source of local employment for a large number of people, across a diverse range of employment opportunities. There is clearly a wider economic benefit to the local area through the supply chain for suppliers and services required to operate this large business.

The addition of facilities which are available to children and people with disabilities is also welcomed, and will help address the health and wellbeing agenda. Overall the development will provide significant economic benefits to the area, and allow the business to develop and expand and secure its future within the Babergh district.

Environmental Protection – Other issues: Concerns centred around noise and light pollution, both during construction as well as normal play at the proposed course. Recommend conditions relating to construction. Assume that course will not be illuminated, but if it is then need to include a lighting assessment. Proposed car park is to be illuminated by low level bollard lighting, no objection to this.

Noise from players may be audible at some nearby properties, do not think this will be at a significant level unlikely to result insignificant loss of amenity. May wish to limit the hours of operation for the golf course.

Suffolk County Council – Highways

12th August 2016.

Recommend conditions relating to signage during construction phase and surface cleansing.

13th September 2016.

Whist initial response highlighted appropriate conditions, there are additional measures that require addressing. Lack of footway provision linking the B1068 to the B8526 could be overcome by the implementation of a footpath on the existing wide verge. Methods of mitigation need to be submitted regarding how this development is going to work in conjunction with major events, as there are concerns of the highway network being over a safe capacity. The design and access statement offers little indication to vehicle movement figures for the construction phase of the development.

Suffolk County Council – Public Rights of Way

12th August 2016.

The proposal as submitted would have a direct impact on public rights of way; a number of routes will be obstructed by the proposed golf course, therefore objects to the proposal as submitted. To enable the development to go ahead, public rights of way within the development area will require diverting.

Environment Agency: A number of old apple trees in existing un-productive orchards are to be grubbed up. Old fruit trees are known to support some of the richest insect communities, therefore suggest that some of these are used to create stag beetle hotels. Request a condition to require a Landscape Management Plan to be agreed to ensure that the new habitat is managed in such a way to protect and enhance the ecological value of the site.

Site lies in Flood Zone's 1, 2 & 3 and proposal is considered to be water compatible/less vulnerable development. FRA provided includes information necessary. There are likely to be some land areas lying close to the main river that have a medium to high risk of flooding.

Archaeology - Insufficient information to determine the application, should provide a field evaluation to assess the potential for below ground heritage assets before the determination of a planning application. In addition there is a need for a geophysical survey and a trial trenched evaluation of 1% of the area to be affected by development. Provides comments on the Desk-based assessment.

The Dedham Vale Society - Considers in terms of visual impact on the AONB the detailed plans are unobjectionable. However this major project will have an impact on the tranquillity of the AONB. The large increase in customers using the greatly expanded facilities will have a long term detrimental effect on the overall tranquillity of the area. Not convinced that the case has been convincingly made out that the benefits of this major project are sufficient to override all other considerations.

B: Representations

Two letters providing comment and two letters of objections were received from neighbouring properties were received:

- Loss of light and view from intervening planting
- Need additional information relating to traffic generation
- Detrimental to neighbouring amenity due to noise from machinery and golfers
- Stray golf balls could cause hazards to neighbours and users of local footpaths
- Have not demonstrated that the benefits of the proposed development would allow an exception to the policy of not allowing major development in the AONB.
- Need to consider traffic generation in relation to other major applications in the area.
- Have not provided that there are no other alternative sites outside of the AONB.

PART THREE – ASSESSMENT OF APPLICATION

1. The Site and Surroundings

- 1.1 The site comprises of two 18-hole golf courses, a hotel, holiday lodges, driving range, a golf school and ancillary buildings and car park. The Stoke by Nayland Golf Course is situated off the B1068 between Leavenheath and Stoke by Nayland and is accessed via Keeper's Lane. There is a second access off the B1068 via Plough Lane which also provides access to residential dwellings. The boundary of the Dedham Vale AONB runs along Keeper's lane, approximately 2/3rds of the Golf Club is located within the AONB boundary.
 - 1.2 The site is surrounded by agricultural land and Harrow Road to the North, B1066 to the East, Cock Street to the South and the A134 to the West. The nearest neighbours are Holly Farm on the B1066, Keepers Lodge and Carrs Cottage on Keepers Lane, Daltons Farm on Plough Lane and various properties on Cock Street and the A134.
-

2. The Proposal

- 2.1 Construction of 18-hole golf course, together with a new nine hole par 3 course, short game area; Relocation of 1 no. halfway hut and construction of 1 no. new halfway hut, new car park; 3 no. new tennis courts and a children's golf activity area.
- 2.2 The proposals also involved the alteration of the two existing 18 hole golf courses, so that after the development there will be three 18 hole golf courses of championship standard and one 3 par 9 hole golf course, all starting close to the golf club house/hotel.
- 2.3 The layout alterations on the existing Constable (18 hole) course would comprise 3 new holes to the east of the clubhouse on an area which currently an arable field (within the AONB). The layout alternations on the existing Gainsborough (18 hole) course would involve retaining 9 holes of the existing course and provide 2 additional holes to the North and 7 holes to East the existing site (both outside of the AONB) between the current site and the A134, on land currently occupied by arable fields. The new golf course would reoccupy some of the holes from the existing golf courses and extend to the south of Plough Lane, an area partly used for commercial apple growing (outside the AONB).
- 2.4 The 9-hole par 3 course would be located to the east of the club house (within the AONB) on agricultural land between the existing golf development and the A134. The children's golf activity area would be located to the west of the club house. This would comprise an area of grass mown to provide features. The proposed tennis courts would be located to the rear of the club house while the car park would be located between Keepers Lane and the clubhouse in an area currently used for informal overspill parking. The short hole game area would be located to the north of the new car park adjacent to Keepers Lane. While the new and relocated half way huts would be situated close to the 9 holes of the realigned Gainsborough and Constable course.
- 2.5 The site area is 93.48 hectares.

3. The Principle of Development

- 3.1 The development is classed as a Major development for planning purposes. Likewise, the scale and nature of the application leads officers to conclude that the scheme should also be considered as 'major' in light of the treatment of proposals affecting AONB as set out within the NPPF. In relation to major developments in the AONB, Paragraph 116 of the NPPF states that:

Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:

- the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
 - the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
 - any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.
- 3.2 This is echoed in the Babergh Local Plan which states in Policy CR02 that the landscape of the Dedham Vale AONB will be safeguarded through strict control of development. Unless there is a national need for a development having a significant impact in the particular location and no alternative site is available, such developments will not be allowed.
-

- 3.3 Policy RE07 of the Babergh Local Plan states the large-scale recreational facilities will not be permitted except within or adjacent to the built-up areas of Sudbury, Hadleigh and Ipswich and where there is a good access to main roads and public transport.
- 3.4 In the case of the proposals at Stoke by Nayland Golf Club it is considered that there are exceptional circumstances and it is in the public interest to allow development to proceed in this instance. The development of a third 18-hole golf course plus the 9-hole golf course will allow the Golf Club to be able to cater for a greater range of golfers which will provide long-term stability for the club. By providing an additional golf course and an easier par 3 course Stoke by Nayland Golf Club will be able to provide more recreational opportunities for the local population including youth, families and disabled. It will also allow the club to develop its more prestigious events including national and international tournaments which provide positive publicity for both the club and the wider area. There will be a significant positive impact of permitting the development on the local economy: the club is a major employer within the local area providing 130 full-time equivalent jobs as well as a golf school providing educational facilities. Further development of the club will protect existing jobs and create 20 new jobs. The development of the club will also have knock-on benefits to other local businesses, while the hotel and spa provides accommodation for those who wish to stay within the AONB.
- 3.5 While it would be possible to develop two new golf courses and ancillary development elsewhere in the district outside of the AONB, this application is for expansion of an existing facility. The Stoke by Nayland Golf Club already has the ancillary facilities required i.e. the club house/ hotel. A completely new facility elsewhere would require more built development and would therefore be a much more costly scheme. Therefore it is very unlikely that it would be developed. It should also be noted that much of the area which will be subject to development is outside the boundary of the AONB.
- 3.6 The development may be considered to have a slightly detrimental impact on the landscape, although some of the areas where there will be a change of use from agriculture to golf course have been previously used for intensive fruit crops and have little landscape value. In terms of the environment, the development will increase the amount of cars accessing the site which will have a detrimental impact on the environment through noise, but this increase is not especially significant compared with the existing baseline. It is intended that any detrimental impacts on local ecology, flooding and archaeology will be fully assessed, and mitigation developed for, prior to final determination of the planning application. The development will improve the recreational facilities within the AONB for golfing and provided any footpath diversions are carefully considered the application should not be detrimental to the local right of way network.
- 3.7 In relation to policy CR02 it is not considered that the development will have a significant landscape impact and therefore the remainder of this policy is not applicable. While Policy RE07 requires large scale recreation to be located in Sudbury or Hadleigh, the Stoke by Nayland golf club is situated on an A road relatively close to Sudbury and equidistant between Ipswich and Colchester; equally, consideration must be afforded to the expansion of an existing business.

4. Site Access, Parking And Highway Safety Considerations

- 4.1. The Highway Authority has requested conditions relating to the construction period. They have also requested additional information relating to providing a verge along the B1113 and details of how major events at the club will be managed in relation to highways. These details have been requested from the applicant.
-

5. Design And Layout

- 5.1. The layout of the development has been influenced by land ownership and practicality. The three golf courses have all been designed to start and finish within a short walk of the club house and this has heavily influenced the layout. The golf courses have been designed to suit various levels of difficulty, as well as protect areas of landscape or ecological value. The new half-way hut has a practical design, with security shutters and will be clad in timber with a tiled roof.

6. Landscape Impact, Trees, Ecology, Biodiversity And Protected Species

- 6.1. The new golf holes will require regrading of the land, much of the development will not be visible outside of the site due to retained or proposed landscaping. The most visible area of the development will be the new 9-hole golf course. This area has been especially designed to have a low landscape impact with minimal regrading and planting. New and existing boundary landscaping will help mitigate some of the landscape impact in this location.
- 6.2. The development will involve the loss of some Category B and C trees. The Arboricultural Officer has not objected to the loss of these trees as they have limited amenity value or long term viability.
- 6.3. There is currently a holding objection from the Council's ecologist as the applicant has not provided sufficient information relating to dormice, breeding birds and stag beetles. Additional surveys are required to ensure that these species are not detrimentally affected by the development. The applicant has requested that these are undertaken after receiving a committee resolution.

7. Flood and surface water drainage.

- 7.1. The county flood officer has confirmed that there is no objection to the application subject to conditions. The applicant has sufficiently assessed the flood risk and submitted sufficient detail on the method for managing and disposing of the surface water from the development in line with national and local guidance.

8. Archaeology

- 8.1. Further work is required including an archaeological dig of part of the site prior to the Archaeology Officer being able to confirm that the development would not be detrimental to archaeology. The applicant has requested that this work is completed after receiving a committee resolution due to the intrusive nature and cost associated with this work.

9. Heritage Issues

- 9.1. The site is not close to any listed buildings or Conservation Areas and is not considered to have an impact on any heritage assets.

10. Impact on Residential Amenity

- 10.1. The new courses and realignment of the existing courses will bring the golf courses closer to some of the neighbouring properties. Golf courses produce some noise both during maintenance (e.g. mowers) and while being played. However subject to a condition relating to hours of use it is considered that the proposal will not be so detrimental to neighbours as to warrant refusal of the application.
-

PART FOUR – CONCLUSION

11. Planning Balance and Conclusion

12. Statement Required By Article 35 Of The Town And Country Planning (Development Management Procedure) Order 2015.

- 12.1. When determining planning applications The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires Local Planning Authorities to explain how, in dealing with the application they have worked with the applicant to resolve any problems or issues arising.
- 12.2. In this case the application has been subject to detailed discussions with the applicant to address outstanding matters where appropriate.

13. Planning Balance

- 13.1. At the heart of the balancing exercise to be undertaken by decision makers is Section 38(6) of the Planning and Compulsory Purchase Act 2004; which requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 13.2. When taken as a whole, and as a matter of planning judgment, the proposal is considered to adhere to the development plan, other material planning considerations including the NPPF, and imposed statutory duties and responsibilities. The proposal is consequently considered to represent a sustainable form of development, where there exists a presumption in favour of such development.
- 13.3. In the absence of any justifiable or demonstrable material consideration indicating otherwise, it is considered that the proposals are therefore acceptable in planning terms and a positive recommendation is given below.

RECOMMENDATION

That authority be delegated to Corporate Manager - Growth and Sustainable Planning to grant planning permission subject to resolving the outstanding issues relating to highways, ecology, surface water management and archaeology.

- (1) Following resolution of outstanding matters the Corporate Manager – Growth and Sustainable Planning be authorised to grant Planning Permission subject to conditions including:
- Standard time limit
 - Approved Plans
 - Tree protection measures
 - Details of lighting
 - Details of soft and hard landscaping
 - Landscape management plan
 - Details of phasing of development
 - Details of construction hours of operation, parking and delivery routes
 - Warning signage during construction
-

- Surface cleansing during construction
- As recommended by the Highway Authority
- As recommended by the Archaeological Officer following submission of additional data.
- As recommended by the Ecological Officer following submission of additional data.
- As recommended by the Flood and Water Officer following submission of additional data.