

18/01010/FUL

Applicant Stanton On The Wolds Golf Club Ltd

Location Stanton On The Wolds Golf Club Golf Course Road Stanton On The Wolds Nottinghamshire

Proposal Construction of two single storey dwellings and demolition of two storey cottages post occupation (resubmission)

Ward Keyworth and Wolds

THE SITE AND SURROUNDINGS

1. The application site forms an area within the grounds of Stanton on the Wolds Golf Club which is located within the Nottingham and Derby Green Belt. The site is accessed via Golf Course Road, a private road which connects with Stanton Lane to the west. The site is beyond the built up area of the village and in terms of planning policy, is located in the open countryside. Stanton On The Wolds Golf Course is a Designated Wildlife Site. A public right of way runs north/south through the site.
2. The site itself forms an area of the green keeper's compound which is partly hard surfaced and partly vegetated surrounded by trees to the south and east and the green keeper's shed which is constructed of breeze block and sheet metal to the north. A pair of semi-detached Victorian rendered cottages which currently provide on-site living accommodation for employees are located to the west with the pro shop, club house and car park beyond.

DETAILS OF THE PROPOSAL

3. The application seeks full planning permission for the construction and siting of two single storey park home style dwellings for occupation by employees and their families associated with the day-to-day running of the golf club. The proposal seeks to replace two existing Victorian cottages located within the grounds of the golf club. The siting of the proposed structures is 35m further east, away from the site of the existing cottages. It is proposed that the demolition of the existing cottages takes place following occupation of the proposed dwellings.
4. The proposed structures would measure 16.6m in length and 6.7m in width with a height of 2.8m to the eaves and 4.2m to the ridge. They would be externally faced in solid log timber with a profile sheet roof having the appearance of concrete tiles. Two parking spaces per dwelling and a small amount of curtilage space have been shown on the submitted plans.

SITE HISTORY

5. 17/02415/FUL - Construction of 2 no. single storey dwellings and subsequent demolition of 2 no. two storey cottages. This application was withdrawn in January 2018.

REPRESENTATIONS

Ward Councillor(s)

6. The Ward Councillor (Cllr. Edyvean) supports the application, as the proposal will provide suitable on site accommodation for key employees which is essential for the provision of the golfing facility. He states that the existing unsuitable dwellings will be removed and it is understood that the land on which they stand will be returned to the green belt. The new dwellings are to be constructed at a nearby location which is currently laid to concrete and used for storage. He argues that the new dwellings could be built in the existing location of the old cottages but improvements in technology over the years have rendered this location within easy reach of the first tee, and that there is a constant danger of flying golf balls landing in the gardens of the existing cottages. The new proposed location removes the danger from golf balls hit from the first tee. It is his opinion that the openness of the green belt will not be affected.

Town/Parish Council

7. Stanton On The Wolds Parish Council objects to the application due to the site's location within the Green Belt of which there are no special circumstances demonstrated to allow the development.

Statutory and Other Consultees

8. Nottinghamshire County Council as Highway Authority did not wish to make any observations on the application.
9. Nottinghamshire County Council Public Rights of Way Team raises no objection to the proposal as Footpath No. 4 does not appear to be affected by the proposal. The applicant is advised that should the footpath require closure during construction or demolition, or any change to the surfacing or alignment of the footpath, that the relevant notice and permissions are required.
10. The Borough Council's Design and Conservation Officer considers the two 'park home' style dwellings have no regard to local context and represent fairly basic and simple designs. He is therefore of the view that the proposal fails to achieve the supported principles of good design within the NPPF, particularly the following sections of paragraph 58 [revised to paragraph 127 of the NPPF 2018 which stated in its original form that proposals should]:
 - a) *respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation*
 - b) *are visually attractive as a result of good architecture and appropriate landscaping*
11. Chapter 7 of the NPPF [chapter 12 of the NPPF 2018] makes clear that the requirement for good design applies to individual buildings as much as it does to large developments and that good design is a "key aspect of

sustainable development, is indivisible from good planning, and should contribute positively to making places better for people".

12. A scheme of repair and renovation is required to the two cottages, however some of the work is minor and/or cosmetic and ongoing maintenance is a reality of all buildings.
13. The Officer further notes that buildings with external timber cladding will be in particular need of regular maintenance to ensure that woodwork is adequately protected, particularly in a position surrounded by trees, the sap from which has a tendency to quickly turn exposed timber green and slimy. The proposed buildings would be in close proximity to trees, it is unclear if the proposal requires the felling of any trees. If the existing compound is necessary for the operation of the golf club then the proposed buildings would only necessitate the recreation of this compound and the displacement of its associated buildings elsewhere and as such the argument that this avoids harm to the greenbelt is flawed.
14. The Borough Council's Environmental Sustainability Officer objects to the application and advises that the application should not be determined until such time that a survey is carried out to ascertain the ecological value of the area to be developed and the potential harm to ecology and habitats. The ecological survey submitted concerning the cottages proposed for demolition is noted.

Local Residents and the General Public

15. Written representations have been received from two local residents offering support for the proposal on the grounds that the proposed structures will replace poorly constructed properties which are no longer fit for purpose. It is also stated that the structures will blend in to the surroundings and be beneficial to the future of the golf club.
16. One written representation objecting to the proposal has been received from a local resident raising the following concerns:-
 - a. Substandard energy efficiency of the proposed dwellings.
 - b. Unsustainable form of development impacting on environment.

PLANNING POLICY

17. The Development Plan for Rushcliffe comprises of the Local Plan Part 1 - Core Strategy and the 5 saved policies of the Rushcliffe Borough Local Plan 1996.
18. Other material considerations include the National Planning Policy Framework (2018) (NPPF), the National Planning Practice Guidance (NPPG) and the Rushcliffe Borough Non-Statutory Replacement Local Plan (2006). Whilst not part of the development plan the Borough Council has adopted the Rushcliffe Borough Non-Statutory Replacement Local Plan for the purposes of Development Control and this is considered to be a material planning consideration in the determination of planning applications where still in compliance with the NPPF.

Relevant National Planning Policies and Guidance

19. The NPPF carries a presumption in favour of sustainable development and states that, for decision taking, this means *“approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*
20. In relation to design and residential amenity section 12 of the NPPF seeks to ensure the creation of high quality buildings and places and that good design is a key aspect of sustainable development. Paragraph 127 of the NPPF states that *“planning policies and decisions should ensure that developments function well and add to the overall quality of an area, are visually attractive, sympathetic to the local character and history and create places that are safe, inclusive and accessible with a high standard of amenity for existing and future users”*. Paragraph 130 states, *“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.”*
21. As the site falls within the Green Belt, the proposal falls to be considered under section 13 of the NPPF (Protecting Green Belt Land) and should satisfy the 5 purposes of Green Belt outlined in paragraph 134 of the NPPF. Paragraph 143 states inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 states local planning authorities should regard the construction of new buildings as inappropriate in the Green Belt with certain exceptions. Paragraphs 145 and 146 include a ‘closed’ list of the types of development which should be regarded as not inappropriate within the Green Belt.
22. In relation to conserving and enhancing the natural environment, paragraph 170 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by *“ minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures”*. Paragraph 175 states that *“if significant harm to biodiversity resulting from a development cannot be avoided or adequately mitigated, then planning permission should be refused.”*

Relevant Local Planning Policies and Guidance

23. Policy 1 of the Core Strategy sets out the need for a positive and proactive approach to planning decision making that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. The proposal should be considered under Core Strategy Policy

10 (Design and Enhancing Local Identity). Development should make a positive contribution to the public realm and sense of place, and should have regard to the local context and reinforce local characteristics. Development shall be assessed in terms of the criteria listed under section 2 of Policy 10, and of particular relevance to this application are 2(b) whereby development shall be assessed in terms of its impacts on neighbouring amenity; 2(f) in terms of its massing, scale and proportion; and 2(g) in terms of assessing the proposed materials, architectural style and detailing. Policy 17 seeks to protect restore, expand and enhance existing areas of biodiversity interest and ensuring where harm to biodiversity is unavoidable, mitigation or compensate at a level equivalent to the value of the habitat lost.

24. The site falls within the Green Belt as defined by policy ENV15 of the 1996 Local Plan. None of the other saved Local Plan policies are relevant in the determination of the application.
25. Whilst not a statutory document, the policies contained within the Rushcliffe Borough Non-Statutory Replacement Local Plan should be given weight as a material consideration in decision making. The proposal falls to be considered under the criteria of Policy GP2 (Design and Amenity Criteria) of the Rushcliffe Non-Statutory Replacement Local Plan. The scale, density, height, massing, design, layout and materials of the proposals are sympathetic to the character and appearance of the neighbouring buildings and the surrounding area. The proposal also falls to be considered under Green Belt policies EN14 and EN19.
26. Policy HOU6 (Replacement Dwellings) of the Local Plan also applies, this policy sets out the criteria against which replacement dwellings will be considered, including [inter alia];

f) the replacement dwelling is in the same location as the existing dwelling, unless there are good reasons for moving it. The original dwelling should be demolished following completion of the replacement dwelling; and

g) The proposed dwelling is of a design, and built of materials which are in keeping with the character of the surrounding area

APPRAISAL

27. The key issues to consider in relation to this application are the impact on the green belt and the open countryside, and the overall design and appearance of the proposed dwellings. In addition, there are matters of protected species and their habitats which require addressing.
28. Paragraph 143 of the NPPF sets out that *“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”*. Paragraph 145 goes on to further state that the local planning authority should regard the construction of new buildings as inappropriate in the Green Belt with a number of exceptions, these exceptions form a ‘closed list’ as established by case law.
29. Under paragraph 145 (b) exceptions include *“the provision of appropriate facilities (in connection with the existing use of land or a change of use) for*

outdoor sport, outdoor recreation [...]; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;" In the case of a golf course, this might typically include buildings associated with a driving range or buildings to store grounds maintenance equipment.

30. No detailed information has been provided in support of the application to establish why residential accommodation is essential on site for the Club Manager and the Head Greenkeeper and it is not considered, therefore, that residential accommodation can be considered an appropriate facility for the purposes of Green Belt policy. It is considered the proposal does not fall within the exception described in paragraph 145 (b).
31. Under paragraph 145 (d) exceptions also include "*the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces*". Policy HOU6 of the Non-Statutory Plan also deals with replacement dwellings and sets out criteria on which to judge applications, including that the replacement dwelling should be in the same location unless there are good reasons otherwise. In the application of this policy and as a starting point, to be regarded as a replacement dwelling, it is considered that the new dwelling should occupy the same footprint or at least be within the curtilage of the dwelling being replaced.
32. The proposed dwellings would be situated outside of the domestic curtilage that serves the existing dwellings, extending further into the countryside, somewhat divorced from the built up area of the golf club as existing. It is acknowledged that the proposed site is a greenkeeper's compound with sheds and some hard surfacing, however the site is not domestic in nature and currently has limited impact on the openness on the area. Other than to maintain continuous provision of accommodation for key staff, no convincing justification has been provided as to why the new dwellings could not be constructed on the site of the existing dwellings. Furthermore, the application is not accompanied by any form of Section 106 obligation, or the offer of one, that would ensure the existing cottages were demolished and the land use restricted to uses appropriate to the Green Belt following occupation of the proposed new dwellings, which gives the Borough Council no guarantee that this proposal would not ultimately result in four dwellings on site as opposed to the current two. In these circumstances, the new dwellings could not be regarded as 'replacement' dwellings and as new buildings in the Green Belt, which do not fall within any of the listed exceptions, they would be regarded as inappropriate development and harmful by definition.
33. It is suggested in a letter which accompanied the application that the location of the existing dwellings in relation to the first fairway puts them at risk of being struck by golf balls and that the gardens are unusable during the hours of play. Whilst this might be more of a problem if the dwellings were occupied by people unrelated to the golf course, the dwellings are occupied by the club manager and green keeper and as such, it is not considered that this provides any justification for the new siting of the dwellings. It would seem quite possible to employ other measures to protect these dwellings from stray golf balls, such as additional tree planting or netting. Furthermore, the first fairway runs west to east, past both the existing dwellings and the site of the proposed dwellings. Whilst the site of the proposed dwellings may be afforded a greater degree of protection from intervening trees, the siting

does not necessarily mean that they would not similarly be at risk from stray golf balls. It is also suggested in the supporting information that the dwellings would be sited within the greenkeeper's compound containing various buildings and materials necessary for the operation of the operation of the golf club. However, no information has been provided regarding where, if necessary, this storage facility would be relocated to or the impact of the dwellings on this necessary facility.

34. The site is in the open countryside and although screened by trees their health and size cannot be guaranteed in perpetuity, considerations of openness relate to more than just visual impact (as demonstrated by appeal decisions regarding basements in Green Belt locations) and as such, the development has the potential to impact more significantly on the undeveloped character and openness of the Green Belt than the existing cottages. Furthermore, this would extend the built development of the site into the open countryside.
35. It is acknowledged that the applicant is seeking to provide on-site living accommodation which is of a habitable standard without the financial burden of ongoing maintenance costs associated with the existing employee accommodation. However, the design of the proposed dwellings are of a fairly standard and 'off the peg' style, there has been no attempt to design the dwellings sensitively in relation to their surroundings and they are not considered to make any effort to respond to their surroundings. The proposal also fails, therefore, on grounds of design.
36. Bats and their habitats are protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000), and by the Habitats Regulations 1994 (as amended 2007). The submitted Protected Species Appraisal states that the existing buildings to be demolished are in a good state of repair, with no gaps, cracks or crevices within the brickwork and mortar. The roofs are also in a good state of repair, with no raised areas of lead flashing around the chimneys and only a single raised tile noted at the top of the gable end on the south-eastern part of the roof.
37. The survey concludes that there are no features suitable for nesting birds on the buildings and that nesting birds do not pose a constraint to the demolition of the existing buildings. No evidence of bats was found and the potential for bats to be present within the building is considered to be low. However, some areas of the roof void were inaccessible and it cannot be completely discounted that bats may be using the building in small numbers or on an occasional basis. It is therefore recommended that should demolition take place during the active season (March – September) a precautionary dusk emergence survey be carried out on the building.
38. The submitted application form states that no protected or priority species or habitats are present on the site or adjacent sites. This is factually incorrect as the land adjacent is designated as a Local Wildlife Site (ref: 2/902 - Stanton on the Wolds Golf Course LWS). The submitted Protected Species Survey does not consider the potential for protected species and habitats within the area of proposed development, which contains trees and vegetation at ground level and along the northern, eastern and southern perimeter. The Council's Environmental Sustainability Officer has recommended that the application should not be considered any further until such evidence has

been submitted that clarifies and determines the ecological value and potential impact of the development on the area proposed for the siting of the mobile homes. Without this information, it is not considered that Officers or Members can make an informed assessment or determination in terms of the potential ecological impact and any mitigation that may be required. Without any evidence to the contrary, the default position is to assume that the site is of ecological value and protected species and habitats would be adversely affected by the proposed development. This would, therefore, constitute a substantiated reason to refuse the application being contrary to Paragraph 175 of the NPPF which states that if significant harm to biodiversity cannot be avoided through mitigation, then planning permission should be refused.

39. An objection has been received on the grounds that the proposed structures would amount to substandard residential accommodation inadequate for long term habitation and the subsequent environmental of high energy consumption and inefficient heat insulation. Whilst it is acknowledged that the proposed structures are not conventional dwellings in respect of their construction, the submitted documents assert that they are compliant with BS3632 in terms of heat, sound and fire insulation for residential park homes. Refusal of the application on grounds that the accommodation is not the most environmentally efficient could not be robustly justified.
40. The proposal was the subject of pre-application discussions and the applicant/agent was made aware of the fundamental policy objections and identified unacceptable impacts of the development. The applicant/agent chose to submit the application without making any amendments to the proposal. In order to avoid further abortive costs to the applicant, the application is recommended for refusal without further negotiation.

RECOMMENDATION

It is RECOMMENDED that planning permission be refused for the following reason(s)

1. The proposal involves new buildings in the Green Belt and, therefore, constitutes inappropriate development, which is harmful by definition, and the Borough Council is not satisfied that the development falls within one of the exceptions listed within paragraph 145 of the National Planning Policy Framework. Furthermore, the proposed dwellings would, by virtue of their proposed location, divorced from the existing domestic curtilage and built development associated with the golf club and extending further into the open countryside, result in a greater and more harmful impact on the openness of the Green Belt. The Borough Council does not consider it has been adequately demonstrated that all other options to retain the existing buildings or replace them in the existing location have been adequately demonstrated or that very special circumstances have been demonstrated to outweigh the harm to the Green Belt. The proposal is therefore contrary to Policies HOU6 and EN14 of the Rushcliffe Borough Non-Statutory Replacement Local Plan, and the National Planning Policy Framework paragraph 144 which states: "When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt."

2. The proposed development site is located adjacent to a designated Local Wildlife Site and a large number of trees and ground vegetation. It has not been demonstrated to the satisfaction of the local planning authority that the proposal would not cause harm to features of biodiversity, protected species or their habitats and that appropriate mitigation can be provided. The proposal is therefore contrary to paragraph 170 of the NPPF which states that planning decisions should contribute to and enhance the local environment by minimising impacts on and providing net gains for biodiversity and paragraph 175 which requires that local planning authorities refuse planning permission for developments that do not mitigate the impacts of significant harm to biodiversity. The proposal would also be contrary to Policy 17 of the Rushcliffe Local Plan Part 1: Core Strategy which states that designated sites of biological importance for nature conservation will be protected and that development will only be permitted where it can be demonstrated that there is an overriding need for the development and that adequate mitigation measures are put in place.

3. The proposed design of the two new dwellings would not respond sensitively or appropriately to the character and setting of the site, it would, therefore, be contrary to Policy HOU6 of the Rushcliffe Borough Non-Statutory Replacement Local Plan and to Paragraph 130 of the NPPF which states:

“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents”