

<b>Agenda Item:</b>	5.1
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<b>Site:</b>	JCB Golf Course, Woodseat Level, Rocester
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<b>Proposal:</b>	Erection of single storey extension and associated glass link to existing Golf Academy building to form Interim Golf Clubhouse
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### Report of Head of Service (Section 151 Officer)

This report has been checked on behalf of Legal Services by Sherrie Grant

### [Hyperlink to Application Details](#)

<b>Application Numbers:</b>	P/2018/00232
<b>Planning Officer:</b>	Alan Harvey
<b>Type of Application:</b>	Detailed Planning Application
<b>Applicant:</b>	JCB (Excavators) Ltd
<b>Ward:</b>	Churnet
<b>Ward Member:</b>	Councillor Chris Smith
<b>Date Registered:</b>	29 March 2018
<b>Date Expires:</b>	Extension of time agreed with applicants for the determination to 16 November 2018 to allow for revised submissions and to report the matter to Planning Committee for determination.

## 1. Executive Summary

- 1.1 This report relates to the proposed erection of a single storey extension and associated glass link to the existing Golf Academy building to provide an 'Interim' Golf Clubhouse on the recently constructed JCB Golf Course in the parish of Rocester. The building works in respect of the interim clubhouse have been substantially completed on the site and thus this is now effectively a retrospective application.
- 1.2 The County Highway Authority has raised no objections and Historic England has raised no objections in terms of impacts on heritage assets. Other statutory consultees have not raised any objections in principle.
- 1.3 Croxden Parish Council identify that the scheme proposes development over and above the original golf course scheme and whilst not objecting to the specific changes proposed in principle, do request that a better view of forthcoming changes is provided to allow for a full consideration to be made and that some form of traffic monitoring takes place over the first 3 years of the establishment being opened, especially along Hollington Road. No responses were received from Rocester, Denstone or Uttoxeter Rural Parish Councils.

- 1.4 Local residents were notified of the application, a press notice published and a site notice posted. Three No. local residents have raised concerns/objections about the noise, disturbance and light pollution implications of the development in terms of their impacts on the visual and residential amenities of the locality.
- 1.5 It is considered that in principle the proposal would comply with adopted Local Plan Policies SP8 and SP15 in relation to development outside settlement limits. The application proposal is also not considered to be likely to sufficiently adversely affect the amenities of occupiers of nearby dwellings to warrant a refusal of planning permission, and would not detract from the wider visual amenities of the locality. The proposal will not have an unacceptably adverse impact on the wider existing highway network nor give rise to any environmental concerns. The scheme would also provide necessary mitigation in relation to biodiversity and would not have a harmful impact on the setting of heritage assets.
- 1.6 **Members are advised that the above is a brief summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies and the Officer's assessment, and Members are advised that this summary should be read in conjunction with the detailed report.**

**Map of the site – Please note a further map will follow**



## 2. The site description

- 2.1 The application site is situated within a larger site of 106 hectares which is presently being developed by JCB for the purpose of a golf course further to an original grant of planning permission of 2014 (see planning history in Section 3.0). The golf course is timetabled to open during the latter part of 2018.
- 2.2 The JCB golf course site lies to the south west of the village of Rocester, and the JCB World Headquarters, to the south of the hamlet of Stubwood, and to the north of the hamlet of Combridge. The vast majority of the site was formerly undeveloped farmland, with the exception of the derelict former Woodseat Hall and associated managed estate land, and a number of traditional style buildings used by JCB to house finance and insurance services, a more modern building used as the international training centre (ITC), and a small number of dwellings associated with JCB. Also within the site is a former scrap yard (now cleared), and associated dwelling (Jacksons Cottage) which are also in the ownership of JCB. The site, which has vehicular access via a new gatehouse on Hollington Road, lies outside settlement limits as defined by the adopted Local Plan.
- 2.3 The JCB golf course site is bounded by the B5030 Rocester to Uttoxeter Road to the south east, Hollington Road to the North, and Combridge Lane to the South West. Nabb/Alders Brook runs through the site from north to south and the watercourses at Woodseat and the ornamental lake adjoining the B5030 are also included within the application site. There are a number of areas of mixed leaf woodland within the golf course site, and field boundaries are delineated by hedgerows and stock proof fencing. New planting has been undertaken and the fairways laid out with the construction of the golf course.
- 2.4 The JCB golf course site is traversed by three public footpaths (which have been subject to diversion orders). Footpaths 45 and 46 cross the eastern end of the site linking Hollington Road and Combridge Lane; and footpath 27 running across the centre of the site again linking Hollington Road and Combridge Lane. There are a number of residential properties to the periphery of the site, with small concentrations of properties to the north of the site at Stubwood, and the southern corner at Combridge. The Grade II\* listed Mince Pie Hall (also known as Banks Farm) is located to the eastern boundary of the golf course and a series of recent approvals there have provided for conversion and new build development which will provide accommodation at the property for workers on the golf course.
- 2.5 The golf course site is undulating, and is set within the shallow valley of Nabb/Alders Brook with the lands sloping gradually from east and then rising back up to the junction of Combridge Lane and Nabb Lane, the land also falls away towards the B5030. To the boundary with Hollington Road the land is raised higher than the highway given the fact that it is made up land which was transferred onto the site when the main JCB factory was constructed in the 1960's. Tree planting has been undertaken along Hollington Road.
- 2.6 The site the subject of this current application occupies a position some 330 metres to the south of Hollington Road and approximately 320 metres to the south-west of the Grade II star listed Mince Pie Hall (Banks Farm). The application site sits between two raised areas of land with planting now in place immediately to the west on the raised landform.

### 3. Planning history

3.1 In July 2014 an application for full planning permission ref: **P/2014/00228** was approved for the JCB golf course which comprised the following main elements:

- Construction of an 18 hole course and associated practice facilities on the site including attenuation/irrigation lakes and associated landscape, earth works and drainage works
- Restoration of the former Woodseat Hall ruins and extension to infill between the former hall to accommodate the clubhouse and leisure facilities and stewards' accommodation;
- Provision of associated car parking on the site
- Demolition of the steel framed JCB International Training Centre and single storey steel framed storage shed associated with the scrap yard
- Provision of two single storey steel framed agricultural barns in relation to course upkeep.
- Construction of two rain shelters adjacent to golf holes 7 and 17
- Access and egress arrangements to serve the proposed golf course including the formation of a right hand turning lane on the B5030 adjacent to the existing Woodseat Lodge access and improvements to the existing scrap yard entrance/egress on to Hollington Road (C10) together with the extension of the current private access road serving the JCB Arena to link it to the current Hollington Road access.

3.2 Subsequently, separate applications have been submitted for the following proposals related to the development of the golf course site:-

**Application ref: P/2016/00423** - Erection of New Gatehouse/Gates off Hollington Road with associated alteration to the internal access road. The application was approved in September 2016.

**Application ref: P/2016/00434** - Application under Section 73 for the construction of the golf course and associated facilities without complying with Condition 19 of planning permission ref: P/2014/00228 relating to amended access arrangements; namely that all vehicular access to and from the golf course would be from Hollington Road. The application was approved in September 2016 and included an additional condition requiring a Traffic Management and Monitoring Plan to be put in place for a period of at least five years after the opening of the golf course (with provision for mitigation measures if necessary).

**Application ref: P/2017/00256** - Erection of golf practice range building (the 'Academy'). Approved in May 2017 (and superseding an original approval in May 2016 under **application ref: P/2016/00166**). The 'Academy' has now been constructed. A condition of the approval requires that the building be used as an ancillary facility to the golf course and not as an independent use.

3.3 In 2016 applications for golf lodges at the site, including a scheme for the extension and conversion of Jacksons Cottage into guest accommodation, were submitted but were subsequently withdrawn by the applicants. In June 2018, **application ref: P/2018/00846** was submitted for the erection of 10 No. four bedroom lodges with car parking provision. The application remains

undetermined to date and is scheduled to be reported to Planning Committee in due course.

- 3.4 Further to the 2014 approval for the golf course, various applications have also been approved under officer delegated powers to discharge pre-commencement conditions of the original golf course scheme (approved under application ref: P/2014/00228). These applications include the access/egress arrangements in respect of the Hollington Road junction (under condition 13) and the construction details in relation to the formation of the new access road off B5030 road (under condition 19); although this provision no longer forms part of scheme having been superseded by the approval of application ref: P/2016/00434. An application has been approved for the division of footpaths which run across the new golf course including the public right of way (Footpath 27) running south from Hollington Road (adjacent to the new access/aggress road to serve the golf course). The works on these are due to be completed in autumn 2018.
- 3.5 The discharge of condition submissions reflect the timings of the four stage phasing plan for the construction the golf course agreed in 2014. Phase 1 comprised land shifting operations/structural planting and Phase 2 related to cut and filling operations (with both now being complete), Phase 3 is the construction of the golf course (which is nearing completion) and Phase 4 is the proposed provision of the club house/hotel/leisure facilities at Woodseat Hall. As set out in the supporting documentation to accompany the present application - and to be addressed by a Unilateral Undertaking (see Proposals and Assessment sections below) - the applicants have indicated that Phase 4 is not to be progressed in the immediate future. The conditions of planning permission ref: P/2014/00228 that presently remain to be discharged before the commencement of Phase 4 occurs include the lighting at the site and the landscaping works around Woodseat Hall.
- 3.6 There are also a number of conditions that need to be formally addressed before the golf course is brought into use including (under condition 20) details of how membership numbers and public access will be managed in the form of a Membership Management Plan. As part of the current application the applicants have given an informal indication as to their likely intentions in this respect (see also below at paragraphs 4.8-4.11).
- 3.7 Condition 25 requires that there shall be no major events at the site until an Events Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. A major event is defined as including 'JCB Dealer Days' and any other event expected to attract more than 250 attendees to the application site at any one time.

#### **4. The proposal**

- 4.1 This full application submission relates to the erection of a single storey extension to the western side of the golf practice centre ('the Academy') to provide an 'interim' golf club house. As the extension, which has raised glazed link to the 'Academy', is substantially complete the scheme is essentially now a retrospective submission.
- 4.2 The 'interim' golf club house, which measures some 17.5 metres in depth and 39.5 metres across its façade, comprises of a dining/conference area and

bar/kitchen along with changing areas and associated toilet facilities. The glazed link incorporates a reception/lobby area. In terms of its design the scheme is a (continuing) modern architectural solution. Externally, therefore, to match the 'Academy' the development is finished with timber cladding (with areas of aluminium glazing panels) with a metal clad roof.

- 4.3 In relation to the lighting scheme to serve the development there is external lighting on both the western elevation of the clubhouse facing the external terrace and the northern elevation facing Hollington Road. The style of lighting is upward and downward facing. There is also low level lighting on the external terrace to the western side of the clubhouse. There is low level bollard lighting to the new access road and to pedestrian pathways and the lighting report proposes lighting mounted on 5 metre high columns in the car parking area.
- 4.4 The application scheme includes proposals to provide 60 No new car parking spaces to the south of the building. In addition, it is proposed to utilise the existing car parking facilities to the south-west which were formerly provided to serve the (now vacant) training centre. The scheme will thus be served by a total of 151 No. car parking spaces. The proposed landscaping/planting scheme around the car parking area has been amended to accommodate the new proposal. The application will also provide for the construction of the final section of the onsite estate road which links into the existing consented estate road and provides access to the interim clubhouse building and the car parking areas proposed in this application.
- 4.5 The applicants advise in their submissions that the 'interim' clubhouse will operate as the main clubhouse facility for the golf course from its opening. The building will therefore provide reception, locker room, bar/catering/dining and other support facilities for the use of the golf course. With regard to overnight accommodation, it is proposed that the hotel accommodation originally proposed as part of Phase 4 will come forward when the Permanent Clubhouse Facilities are progressed in the future.
- 4.6 The applicants also advise that when the Permanent Clubhouse Facilities come forward (as 'Phase 4'), JCB's intention is that the 'interim' clubhouse building will then be used principally as a facility to cater for private groups of visitors to the golf course, eg dealer/corporate events. The facility will enable private groups to have exclusivity of the building for their organised golf days, enabling exclusive use of the space for meetings, social and dining facilities and will provide that such private group activities do not impact in any way on any other corporate users of the golf course and its facilities.
- 4.7 During the application process officers sought clarification on the relationship of the proposals with the extant permitted proposals for the club house/hotel/leisure facilities around Woodseat Hall (the 'Phase 4' of the original approval). In turn the applicants have acknowledged that as things stand the current proposal if approved would overlap/conflict with the 'Phase 4' scheme and to seek to address this issue the applicants are proposing to enter into a Unilateral Undertaking whereby :-
  - They would not use or occupy the existing (but now vacant) JCB insurance, ITC and other buildings within the 'Phase 4' area of the golf

course other than for purposes ancillary to the golf course development (or for them to remain vacant) to ensure that the parking facilities remain available for the golf course use.

- The development proposed in Phase 4 of the Original Permission should not come forward unless further approval is obtained from the Borough Council which would enable the development of Phase 4 to be reviewed in a comprehensive manner taking into account the interim clubhouse development and any necessary changes to the golf course development layout and landscape masterplan.

4.8 At the time of this clarification by way of an amended supporting statement, the applicants also provided additional/updated documentation including noise and lighting assessments.

4.9 In terms of the membership of the golf course (which is required to be formally discharged as a discharge of condition application before the opening of the course) the applicants advise that *“the JCB golf course will be a corporate member’s golf course (and therefore) it is not intended that there will be individual private membership or public pay and play. This reflects the proposed principal use of the golf course to support the JCB business.”*

4.10 JCB advise that there are three categories of membership being proposed :-

- *“JCB dealers membership which will be corporate membership available to JCB dealers;*
- *JCB commercial partners’ membership. This category of membership will be available to corporate organisations who are suppliers, customers or commercial partners of the JCB business;*
- *JCB private corporate membership. This category of membership will be available to corporate organisations who do not have any formal commercial link with JCB.”*

4.11 The proposed management plan for the golf course will be operated by reference to a number of rounds of golf purchased by each corporate member. Within each of the three above categories of members there are three different levels of membership available to purchase. The JCB ‘100 membership’ offers a membership package which is based around 100 rounds of golf per year plus one corporate event. The JCB ‘160 membership’ offers a package based around 160 rounds of golf per year plus two corporate golf days. The JCB ‘240 membership’ offers a package based around 240 rounds of golf per year plus four corporate days.

4.12 In the light of the intended membership structure JCB advise that they *“anticipate in 2018 (that there will be) thirty three JCB dealership members, thirty three JCB commercial partners’ members and fifteen JCB private corporate members. Consequently, JCB anticipates that once the golf course is fully established it will operate at a level of circa. 18,000 rounds of golf in total per annum. This level is considered to be the optimum level of usage of the course which will enable it to be maintained as a top class golf facility. In year*

*one, JCB anticipates 10,000 rounds of golf which will build up to the 18,000 operational level by year 3.”*

#### List of supporting documentation

4.13 The following documents have been provided as part of the application:

- Location Plan
- Vehicular Access Plan
- Proposed Site Layout Plans
- Proposed Elevations
- Architectural Details Drawings
- Design and Access Statement
- Heritage Assessment (Original and Revised)
- Golf Course Membership Note
- Planning and Sustainability Statement
- Supporting Planning Statements (including terms of the proposed Unilateral Undertaking)
- Noise Assessment
- External Lighting Note
- Supplementary External Lighting Report
- Highways Note (Original and Revised)
- Ecological Report
- Environmental Impacts Note
- Revised Landscape Masterplan (Original and Revised)

4.14 The relevant findings are dealt with in section 8 onwards below.

## **5. Consultation responses and representations**

5.1 A summary of the consultation responses on the original and revised submissions are set out below:

<b>Statutory and non statutory consultee</b>		<b>Response</b>
5.2	Croxden Parish Council	<p>Commented on the original submissions that it</p> <p><i>“would like to note the latest change to the scheme, our concerns as previously submitted are that these iterative changes have an impact to the scheme as whole, in particular the level of traffic, impact on the general and local environment etc which were not identified and reviewed in the original submission and do not get appropriate attention in the revisions. It seems unlikely for example that the changes identified in P/2018/00232 to increase the building footprint by more than 50% are not with the expectation of a greater level of use than originally planned and we feel that this could have been reasonably anticipated in the original</i></p>



		<p><i>plans.</i></p> <p><i>We do not object to the specific changes proposed in principle, but would request that a better view of forthcoming changes is provided to allow for a full consideration to be made and that some form of traffic monitoring takes place over the first 3 years of the establishment being opened, especially along Hollington Road, Croxden”</i></p> <p>Croxden Parish Council did not comment in relation to the re-consultation.</p>
5.3	Denstone Parish Council	No comments received
5.4	Rocester Parish Council	No comments received
5.5	Uttoxeter Rural Parish Council	No comments received
5.6	SCC Highways	Raise no objections in principle.
5.7	Severn Trent Water	Comment that the proposal has minimal impact on the public sewerage system and therefore have no objections to the proposals and do not require a drainage condition to be applied.
5.8	Historic England	Originally requested additional information to provide a fully informed assessment of the impact on the setting of the Grade II (star) listed Mince Pie Hall. Upon consideration of the additional information provided by the applicants (in the form of a revised Heritage Assessment) Historic England advised they are happy to defer to the Borough Council regarding the proposal.
5.9	SCC Archaeology	Comments that taking into account the previous archaeological work undertaken on this landscape and the scale of the current proposals that there are no concerns in this instance.
5.10	Architectural Liaison Officer	Has no objections to this application but makes recommendations in relation to security.
5.11	ESBC Environmental Protection	Advise that after considering the applicants Noise Assessment they are satisfied that there will be no significant adverse noise impact from the proposal subject to a condition requiring that <i>“after 22:00 hrs the doors and windows of the northern and western façades of the Conference Room shall remain closed.”</i>

## 6. Neighbour responses

6.1 Neighbours have been notified of the application and a press notice published and a site notice posted in respect of the original submissions. Three local residents made representations in relation to the original submissions which are summarised below.

<b>Neighbour responses</b>	
Highways Impacts and Residential Amenity	<ul style="list-style-type: none"> <li>• There are concerns that the glass in the building façade will be angled to reflect sunlight onto houses on Hollington Road in the line of sight on a sunny day in summer or winter</li> <li>• There are concerns regarding lighting impact - lights have been left on during the night in the Academy building which due to the nature of the glass front are visible from dwellings on Hollington Road.</li> <li>• There are concerns that floodlights are intended to be fitted on the front and sides of the clubhouse facing properties on Hollington Road enabling external evening activities which would have occurred previously (as per the approved scheme) in the Woodseat Hall clubhouse area which is (more) in the centre of the course.</li> </ul>
Impacts on Visual Amenity	<ul style="list-style-type: none"> <li>• There are properties on Hollington Road which have direct views towards the Academy building meaning it is visible from rooms within dwellings even where the applicants have accommodated planting/earthworks (as they remain about 0.5m - 1m too low to provide effective screening). This second building has further impact on these views.</li> </ul>
Impacts on Wildlife	<ul style="list-style-type: none"> <li>• Lights at the existing Academy building appear to sometimes come on triggered by wildlife or be on when no-one is around. It is questioned as to whether the glass link will have lighting in it that could add to further light impact on wildlife.</li> </ul>
Other Matters	<ul style="list-style-type: none"> <li>• The steel frame was already up at the time of the application submission thus the applicants were building ahead of planning permission being granted.</li> <li>• There is a recurring theme with JCB changing their plans at the golf course and commencing building works; for example the previous change in entrance/exit to a single point on Hollington Road and then starting to build a gatehouse</li> <li>• The original plan was to have the clubhouse on the Woodseat Hall area and as the new application building will clearly be permanent it is questioned as to whether the Woodseat Hall plans are to be shelved and if not what is the purpose of this building longer term when it is no longer needed as the clubhouse.</li> </ul>

	<ul style="list-style-type: none"> <li>• JCB are stating in their application that it is a ‘temporary clubhouse’ so why does it need to be a permanent structure with glass architecture</li> <li>• It is questioned as to how many extensions could be added if there is seen to be further need as the building footprint on the golf course appears to be growing.</li> </ul>
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6.2 Neighbours were re-consulted upon the provision of the additional documentation (as referred to above) and a further letter of representation was received from a resident on Hollington Road indicating that notwithstanding the lighting assessment submissions concerns remain about light pollution from the glass in the clubhouse structure and the car park/external lighting and the fact that the submitted documentation fails to deal with the light reflection analysis previously questioned. The letter concludes with the resident stating that *“I hope that this is the last of what appears to be a continual evolution of buildings and ideas of how this golf course is to be used - beyond that of a pure golf course - with the opening up now of ability for conference/function type events. This does not appear fully in keeping with the initial consultation JCB held with their neighbours a few years ago and where (sic) residents aware then of these ultimate plans would have likely been more vociferous in the early stages.”*

6.3 A second lighting assessment - including a glare reflection review - has been received (in late October 2018) and a further consultation exercise has been undertaken with the resident concerned. Any further comments that are received will be reported to the Committee by way of the update sheet.

## 7. Policy Framework

### National Policy

- National Planning Policy Framework
- National Planning Policy Guidance

### Local Plan

- SP1: East Staffordshire Approach to Sustainable Development
- SP8 Development Outside Settlement Boundaries
- SP15 Tourism, culture and leisure development
- SP24 High Quality Design
- SP25 Historic Environment
- SP27 Climate Change, Water Body Management and Flooding
- SP29 Biodiversity and Geodiversity
- SP35 Accessibility and Sustainable Transport
- DP1 Design of New Development
- DP5 Protecting the Historic Environment: All Heritage Assets, Listed Buildings, Conservation Areas and archaeology
- DP7 Pollution and Contamination

### Supplementary Planning Documents/Guidance

- East Staffordshire Design Guide
- Revised Car Parking Guide SPD

## 8. Assessment

8.1 It is considered that the key issues relevant to the determination of this application are as follows:-

- Principle of the Development
- Highway Safety Implications
- Impact on Residential Amenities
- Impact on Heritage Assets/Impacts on Visual Amenities
- Biodiversity Impacts/Impact on Protected Species
- Flood Risk and Drainage/Contaminated Land
- Other Issues
- Unilateral Undertaking

## 9. Principle of Development

9.1 Paragraph 11 of the National Planning Policy Framework (in the updated version of July 2018) states that the starting point for determining planning applications is the Development Plan. Annex 1 of the NPPF goes on to state that 'existing policies should not be considered out of date simply because they were adopted or made prior to the publication of the Framework (July 2018). Due weight should be given to them, according to their degree of consistency with the NPPF. The closer the policies in the plan to policies in the framework, the greater the weight that may be given'.

9.2 The site lies outside of any designated development boundary as set out in the adopted Local Plan. Policy SP8 of the Local Plan relates to development outside of designated settlement boundaries and Policy SP1 sets out the East Staffordshire Approach to Sustainable Development. In addition Policy SP15 of the plan relates to Tourism, Culture and Leisure Development and advises that the Borough Council will support new tourism and cultural developments providing they respect the character and quality of the landscape, champion exemplar design, make positive use of the natural assets of the Borough, and do not affect local transport infrastructure or residential amenity.

9.3 The proposal involves the erection (retention) of an 'interim' golf clubhouse within the boundaries of the 18 No. holes golf course approved in 2014. The building comprises an extension to the recently completed golf academy building and in terms of the operation of the golf course layout is a logical position for the structure (at the present time) as the applicants have not progressed 'Phase 4.' As the building is proposed to be used ancillary to the existing golf course (and not to be used as a separate entity) it is considered that in principle the proposal could comply with adopted Local Plan Policies SP8 and SP15 and the economic and social arms of sustainability as defined by the NPPF. Nevertheless, as the proposal apparently duplicates provision of a facility that has an extant approval - as part of the 'Phase 4' area of the course (by Woodseats Hall) - it is necessary to examine as to whether the scheme would be justified having regard to the relevant established National and Local Planning policies.

9.4 Insofar as matters stand at present the issue of the potential duplication of facilities at the site has been appropriately mitigated by the applicants offer for the application to be subject to a Unilateral Undertaking such that the

development proposed in 'Phase 4' area of the 'Original Permission' shall not be implemented and constructed as approved. JCB shall covenant to submit a further planning application to the Council for approval of the Phase 4 development which would enable the development of Phase 4 to be reviewed in a comprehensive manner taking into account the interim clubhouse development (should it be approved) and any necessary changes to the golf course development layout and landscape masterplan. As such the Undertaking will effectively ensure that there can be only one clubhouse in operation to serve the golf course at this point in time and as such it is considered that this 'interim' clubhouse proposal would be acceptable as providing an ancillary and complementary facility to the golf course; with it in the short term enabling the applicants to bring the course into operation - ahead of the development 'Phase 4' area - with its associated economic and social benefits to the locality.

- 9.5 In terms of the future use of the 'interim' building once the 'permanent' clubhouse comes forward as part of 'Phase 4' area development it is noted that it is the applicants intention that it will be used principally as a facility to cater for private groups of visitors to the golf course (e.g. dealer/corporate events) and in doing to provide exclusive use of the space for private group activities which do not impact on any other corporate users of the golf course and its facilities. Whilst such intentions are noted, and that it is considered in principle that the building could be continued to be put to a use within the course (rather than being demolished when the 'permanent' club house scheme comes into operation) it is however the case that until such time as the Local Planning Authority has been furnished with the full details of the Phase 4 scheme for further approval - as per the Unilateral Undertaking - that the assessment of the acceptability (or otherwise) of the applicants intended future use can also be assessed in a fully informed manner. As such it is recommended that any approval of the interim clubhouse scheme should also be subject to a restriction requiring that upon the bringing into use of any 'permanent' clubhouse and/or bar/catering/dining/function facilities scheme on the 'Phase 4' area of the golf course development that any use of the 'interim' club house building shall cease unless approval has first been granted for any 'continuing' use/any alternative use(s).
- 9.6 The scheme's compliance with the environmental arm of sustainability will be considered within the relevant sections of the report below having regard to the relevant planning policies.

## **10. Highway Safety Implications**

- 10.1 The NPPF in section 9 sets out the role transport policies play in facilitating sustainable development which contributes to wider sustainability and health objectives. Decisions should ensure development proposals have taken the opportunities for sustainable transport modes and to ensure safe and suitable access to the site to be achieved for all people. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 10.2 Strategic Policy 35 Accessibility and Sustainable Transport of the East Staffordshire Local Plan states that new development must ensure appropriate infrastructure is provided to mitigate the adverse effects of development traffic and other environmental and safety impacts.

- 10.3 The Council's parking standards SPD - recently revised - sets out standards for different uses including space size, accessibility and the quantity of car parking spaces required for different uses.
- 10.4 As outlined in this report local residents and Croxden Parish Council have expressed concerns about traffic generation in the relation to the scheme given that the proposal was not part of the originally envisaged golf course project. The County Highway Authority however raise no objection in principle to the scheme.
- 10.5 In relation to the longer terms impacts Croxden Parish Council request that some form of traffic monitoring takes place over the first three years of the establishment being opened, especially along Hollington Road, Croxden. It is pointed out, however, that such a provision already exists - and for a longer period - under the application ref: P/2016/00434. Specifically, a condition of that approval requires that a Traffic Management and Monitoring Plan be put in place for a period of at least five years after the opening of the golf course (with provision for mitigation measures if necessary). An informative will be attached to any approval for the current scheme to remind the applicants of this requirement. As per the Academy building and original golf course approval a condition will also provide that no service or delivery vehicles serving the course and ancillary facilities shall enter or exit the site outside of the hours of 07:00 - 18:00 Mon-Sat, with no deliveries Sundays or Bank Holidays.
- 10.6 In relation to the proposed car parking provision to serve the 'interim' clubhouse, it is considered that the provision of 151 No. spaces is commensurate with the use of the clubhouse and the Academy building to which it is attached.
- 10.7 The new parking provision and turning facilities will be necessarily secured by condition in line with recommendations of the Highway Authority and the use of the existing parking (formerly serving the ITC building) to be secure for the use of the golf course by the Unilateral Undertaking. As such the scheme is considered to be compliant with Local Plan Policies SP1 and SP35.

## **11. Impact on Residential Amenities**

- 11.1 Paragraph 127 of the National Planning Policy Framework seeks to ensure new development will not have an adverse impact on the amenities of the occupiers of nearby residential properties. Policy SP1 of the adopted Local Plan indicates that amongst other things that proposals should be designed to protect the amenity of the occupiers of residential properties. Policy DP7 of the adopted Local Plan *inter alia* requires new development not to give rise to unacceptable levels of noise and other pollution (including light pollution).
- 11.2 With regard to the proposed building itself, in terms of its physical impact given that the interim club house is more than 320 metres from any dwelling outside the site would mean that there would be no overbearing, overshadowing or overlooking impacts arising.
- 11.3 In relation to potential noise and disturbance issues, it is recognised that concerns are raised by local residents that the use of the clubhouse and its associated car parking area, could give rise to negative impacts on existing residents. Further to the assessment of the application submissions, however,

the ESBC Environment Health Section advises that they are satisfied that there will be no significant adverse noise impact from the proposal subject to a condition requiring that *“after 22:00 hrs the doors and windows of the northern and western façades of the Conference Room shall remain closed.”* It is considered that this suggested condition, along with the condition as per that of the Academy building providing for an ancillary use of the building (and therefore not be used to host functions which are not related to the main golf course use) along with a condition controlling the hours operation to between the hours of 6am to midnight on any day would ensure the use of the development would not have a sufficiently detrimental impact on residential amenities to warrant a refusal of planning permission.

- 11.4 With regard to traffic generation, it is recognised as per the submissions of local residents that there are concerns in relation to increasing traffic coming in and out of the Hollington Road access. Nevertheless, it does not necessarily follow that noise levels generated by traffic using the access would increase as a consequence of any approval of this scheme; which at this present time proposes an ‘interim’ clubhouse building of a reduced scale in comparison with that approved as part of the 2014 scheme. The undertaking of the applicants (to be secured by the Unilateral Agreement) to not construct the Phase 4 development as approved under the Original Permission. JCB to submit a new scheme for approval to the Borough Council before developing ‘Phase 4’ shall be developed (for a ‘permanent’ clubhouse/hotel/leisure facilities) to enable the cumulative impacts and the overall development of the site to be assessed by the Borough Council.
- 11.5 Accordingly, it is considered that the consequences of the grant of permission for this scheme in terms of the noise and pollution impacts (of traffic) on the residents would not be significantly detrimental to residential amenities. Where major events at the site occur in the future, it is also pointed out that provision exists under condition 25 of the 2014 approval (as amended by the Section 73 application) for an Events Traffic Management Plan to be agreed with the Local Planning Authority. A major event is defined as including ‘JCB Dealer Days’ and any other event expected to attract more than 250 attendees to the application site (i.e. the Golf Course) at any one time.
- 11.6 There have been concerns raised by local residents on Hollington Road in relation to the impacts of lighting glare/lighting pollution arising from the use of the clubhouse building. It is nevertheless considered that the reports submitted with the application have demonstrated that the lighting scheme as proposed to the building and its surrounds would not have a detrimental impact on existing residents. Conditions of any approval will require that all external lighting on the clubhouse shall be switched off when the clubhouse is not in use (i.e. between the hours of midnight and 6am) and that no other external lighting shall be installed to the external elevations of the building or within the application site unless first agreed in writing by the local planning authority. This will similarly mitigate impacts on wildlife.
- 11.7 In relation to light pollution issues connected to vehicular activities, it is considered that the impact of the application would not have any significantly increased impact in terms of glare from headlights.
- 11.8 With regard to the concerns about sun reflected glare from the glazed facades towards properties on Hollington Road, given that the building is north facing

towards those residences, and with the path of the sun taken into account, there should be no significant glare off the atrium/other glazing of the interim clubhouse to the residential properties in question.

## **12. Impact on Heritage Assets/Impacts on Visual Amenities**

- 12.1 The NPPF expects the creation of high quality buildings and places, which are fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps to make development acceptable to communities. The NPPF states that 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. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision maker as a valid reason to object to development. Policy SP24 of the East Staffordshire Local Plan states that development proposals must contribute positively to the area in which they are proposed and reinforce character and identity through local distinctiveness. Policy DP1 expands upon this aim with specific reference to the design of new development. The Local Plan policies are supplemented by the East Staffordshire Design Guide.
- 12.2 Paragraph 184 of the NPPF states that Local Planning Authorities should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.
- 12.3 In determining planning applications with respect to any building or other land in a conservation area, local planning authorities are under a statutory duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 12.4 With regard to the Section 72 duty referred to above, case law (Barnwell Manor Wind Energy Ltd) has established that this means that considerable importance and weight has to be given to that statutory duty when balancing the proposal against other material considerations. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.
- 12.5 The Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Again, as for the Section 72 duty referred to above, case law has established that this means that considerable importance and weight has to be given to that statutory duty when balancing the proposal against other material considerations.



- 12.6 Policy DP5 of the Local Plan states that development which protects the character and setting of listed buildings and conservation areas will be permitted. Strategic Policy 25 of the Local Plan indicates amongst other things that development proposals should protect, conserve and enhance heritage assets and their settings, taking account of their significance, as well as the distinctive character of the Borough's townscapes and landscapes. Such heritage assets may consist of undesignated and designated assets including conservation areas, listed buildings, scheduled monuments, archaeological sites, registered parks and gardens and historic landscapes which contribute to the Borough's historic environment and local distinctiveness.
- 12.7 In relation to potential archaeological impacts, the County Archaeologist advises that taking into account the previous archaeological work undertaken on this landscape and the scale of the current proposals that there are no concerns in this instance.
- 12.8 The proposal site is not located in a Conservation Area nor does it involve the alteration or demolition of a Listed Building. The nearest Listed Building is the grade II\* listed Mince Pie Hall (Banks Farm) and its associated outbuildings - which overlooks immediately the 16th hole green and the 17th hole tees. The listed building is situated some 320 metres to the north-east of the application proposal. Historic England having considered the additional information provided by the applicants (in the form of a revised Heritage Assessment) advise that they will defer to the Borough Council regarding the proposal.
- 12.9 The scheme is not within a conservation area; with the nearest such designation being that of the Rocester Conservation Area some 1km away. The built development proposals would have no impact on the conservation area due to the separation distances between it and the development proposal. Given these separation distances and the form of existing built development, it is considered that the proposal would not have an impact on views into, or those out of the conservation area. Accordingly, the assessment on the conservation area is such that the statutory duty under Section 66(1) is not engaged in this regard.
- 12.10 Turning to the impact of the proposal on the setting of the listed building at Mince Pie Hall by the nature of the development in extending the existing academy building the scheme will materially change the wider setting of the Mince Pie Hall in terms of views over the golf course as now constructed. However, given that the interim club house extension will be seen in the context of that newly created golf course landscape, along with having regard to the separation distance and intervening landform and screen planting, means that the proposed development would not have a harmful impact on the setting of Mince Pie Hall. Accordingly, this assessment of there being no harm discharges the statutory duty under Section 72 and leads officers to also conclude that the proposals in terms of their impacts on the historic environment comply with Local Plan Policies SP25 and DP5.
- 12.11 With regard to the impact on the wider environs, it is considered that given its design, scale and materials of construction, along with its position in the landform of the golf course in relationship to Hollington Road, means that the new building is sufficiently sympathetic to the wider countryside environs. The new planted landscaping on the golf courses, along with the planting proposed in relation to the current application, will provide sufficient screening to the

proposed car parking area. The scheme would therefore be in line with Policies SP24 and DP1 of the Local Plan.

### **13. Biodiversity Impacts/Impact on Protected Species**

- 13.1 Paragraph 175 of the National Planning Policy Framework states that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, planning permission should be refused.
- 13.2 The Natural Environment and Rural Communities Act 2006 states that public authorities in England have a duty to have regard to conserving biodiversity as part of policy or decision making
- 13.3 Strategic Policy 29 lists criteria including development needing to retain features of biological interest to produce a net gain in biodiversity in line with Staffordshire biodiversity action plan species and supporting developments with multi-functional benefits.
- 13.4 The scheme will result in alterations to the planting scheme as originally envisaged on the site to accommodate the new car parking provision. The scheme would not, however, result in the nett loss of the overall planting provision. The scheme would also not give rise to any biodiversity concerns as it would not impact on any protected species and would not result in the loss of habitat of any intrinsic value.
- 13.5 It is therefore concluded, that the issue of the impacts on protected species and biodiversity on the scheme has been appropriately addressed.

### **14. Flood Risk and Drainage/Contaminated Land**

- 14.1 Section 14 of the National Planning Policy Framework seeks to ensure that new development is not at risk from flooding, or does not increase flood risk elsewhere. It advocates the use of a sequential test with the aim of steering new developments to areas with the lowest probability of flooding. The Environment Agency produces flood risk maps which classifies land according to probability of flooding. The areas of highest risk are classified as Flood Zone 3, with a 1 in 100 or greater annual probability of flooding, and the areas of lowest risk are classified as Flood Zone 1, with a less than 1 in 1000 annual probability of flooding.
- 14.2 Strategic Policy 27 expects all new development to incorporate Sustainable Drainage Systems (SUDS). Systems will discharge clean roof water to ground via infiltration techniques, limit surface water discharge to the greenfield run-off rate and protect and enhance wildlife habitats, heritage assets, existing open space, amenity areas and landscape value.
- 14.3 The application site is situated in Flood Zone 1 and as such is unlikely to give rise to any flooding concerns. Detailed foul and surface water have been put in place to serve the building, although in any event Severn Trent Water commented that the proposal has minimal impact on the public sewerage system and therefore they did not require a drainage condition to be applied to

any approval in relation to this scheme. ESBC Environmental Protection do not raise any contaminated land concerns.

## **15. Other Matters**

15.1 Local residents raise concerns that the golf course scheme is evolving to include built development over and above that was provided for in the 2014 approval and that the applicants are (continually) starting work on the schemes prior to planning permissions being in place. These concerns are recognised, however, it is incumbent on any Local Planning Authority to determine applications on their own merits irrespective of whether the development has been progressed prior to determination (albeit it has been made clear to applicants that any works undertaken prior to any determination are done so at their own risk of potential enforcement actions). For the reasons outlined in this report it is considered that the scheme would be acceptable. It also follows that any further development proposals at the Golf Course would in turn fall to be considered on their own individual merits.

## **16. Unilateral Undertaking Provision**

16.1 The NPPF and Regulation 122 of the Community Infrastructure Levy Regulations 2011 (as amended) set tests in respect of planning obligations. Obligations should only be sought where they meet the following tests:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

16.2 As set out in this report, the applicants are proposing an undertaking that on any grant of planning permission for the current application they shall not implement/construct the works in the Phase 4 area of the golf course site pursuant to the Original permission (as amended by the Section 73 application). JCB shall submit for approval a further planning application for the works within the Phase 4 area (with these measures also necessarily allowing the Borough Council the potential to consider the development of 'Phase 4' area in the context of the operation/future operation of the building the subject of this application). The applicants are also proposing to undertake to ensure that the existing parking facilities (formerly used in connection with the ITC building) are only presently utilised in connection with the golf course with the existing buildings remaining vacant unless utilised to serve the golf course use. Nevertheless, as such undertakings would fall outside the realms of any control by a condition of this application (as it relates to the development of the wider site) these provisions will be necessarily need to be secured by way of a Unilateral Undertaking. This would be in line with the requirements of the NPPF and Regulation 122 of the Community Infrastructure Levy Regulations 2011 (as amended).

## **17. Conclusions**

17.1 This proposal is considered to be acceptable in principle in planning policy terms and the submitted details demonstrate that the development will fit

visually acceptably into the context of the golf course site and the wider environs by way of its siting, scale, massing and design.

- 17.2 The separation distances between the development and nearest dwellings are such that the scheme would not have any significant physical impact on residential amenities of any existing properties in the locality. It is also considered that subject to controls (by way of conditions) that the scheme would not give rise to sufficient levels of noise and disturbance in the relation to the use of the building, car parking and access facilities to warrant a refusal of planning permission.
- 17.3 The Highway Authority has confirmed that there are no issues in relation to highway safety and other statutory consultees have not raised any issues that cannot be addressed by condition(s). It is also considered that the mitigation of all ecological and biodiversity been successfully addressed. The proposal is therefore considered to be in line with the aims of the policies of the adopted Local Plan and the National Planning Policy Framework.
- 17.4 The proposed development is not within a conservation area and given the separation distances (at least 1km) and the form of existing built development, it is not considered that the proposal would have an impact on views into, or those out of, the nearest conservation area. The proposed development would not have a harmful impact on the setting of the listed building at Mince Pie Hall. The statutory duties under Section 66 (1) and 72 are therefore addressed.
- 17.5 Accordingly, having regard to the above planning issues it is recommended that the application should be approved subject to conditions and to the Unilateral Undertaking constraints set out in this report.

**17.6 That PLANNING PERMISSION BE APPROVED, subject to a Unilateral Undertaking Agreement and the following conditions:**

Condition 1 - Approved Plans list relating to the development as undertaken (bespoke)

Condition 2 - The interim golf club house building shall only be used for the purposes specified in the application and as an ancillary facility by the users of the golf course. The building shall not be used to host functions which are not related to the main golf course use (bespoke).

Condition 3 - A scheme (including timing) for the provision of car parking for persons with disabilities (Bespoke)

Condition 4 - A scheme (including timing) for the provision of cycle parking (Bespoke)

Condition 5 - A scheme (including timing) for the provision of parking of motorcycles (Bespoke).

Condition 6 - All car parking and turning facilities as shown on the approved plans/agreed under another condition shall be provided and retained for the purposes specified at all times. (Bespoke)

Condition 7 - Landscaping to be undertaken in the first planting season following the completion of the development (Standard Condition No. 00003b).

Condition 8 - No lighting other than that approved shall be provided/erected unless permission has first been granted by the Local Planning Authority. (Bespoke)

Condition 9 - The premises shall not be used between the hours of midnight and 6am on any day. (Bespoke)

Condition 10 - No lighting shall be illuminated at the building/site between the hours of midnight and 6am on any day. (Bespoke)

Condition 11 - Where the premises are used after 22:00 hrs on any day the doors and windows of the northern and western façades of the Conference Room shall remain closed at all times. (Bespoke).

Condition 12 – No service or delivery vehicles serving the development shall enter or exit the golf course site outside of the hours of 07:00 - 18:00 Mon-Sat, with no deliveries Sundays or Bank Holidays. (Bespoke).

### **Informatives**

1. Standard Engagement condition
2. Standard timing/cost of discharge of condition informative
3. You are reminded to discharge condition 20 of application ref: P/2016/00434 (Golf Club Membership)
4. You are reminded to comply with condition 31 of application ref: P/2016/00434 which requires a Traffic Management and Monitoring Plan to be put in place for a period of at least five years after the opening of the golf course.
5. With regard to conditions 3, 4 and 5 you are referred to the Council's Revised Car Parking Standards (2017) in relation to the standards of provision.

## **18. Background papers**

18.1 The following papers were used in the preparation of this report:

- The Local and National Planning policies outlined above in Section 7
- Papers on the Planning Application file reference P/2018/00232
- Papers on the Planning Application file reference P/2017/00256
- Papers on the Planning Application file reference P/2016/00434
- Papers on the Planning Application file reference P/2016/00423
- Papers on the Planning Application file reference P/2016/00166
- Papers on the Planning Application file reference P/2014/00228 and the associated discharge of condition application files.

## 19. Human Rights Act 1998

19.1 There may be implications under Article 8 and Article 1 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions. However, these potential issues are in this case amply covered by consideration of the environmental impact of the application under the policies of the development plan and other relevant policy guidance.

## 20. Crime and Disorder Implications

20.1 It is considered that the proposal does not raise any crime and disorder implications.

## 21. Equalities Act 2010

21.1 Due regard, where relevant, has been had to the East Staffordshire Borough Council's equality duty as contained within the Equalities Act 2010.

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