

Item B. 1 **08/00239/FUL** **Refuse Full Planning Permission**

Case Officer **Mr David Stirzaker**

Ward **Brindle And Hoghton**

Proposal **Deletion of condition no.19 and variation of condition no.11 of planning permission 06/00205/FUL to allow the permission of illumination to car park and clubhouse to be open to members of the general public.**

Location **Oak Royal Golf Club Bury Lane Withnell ChorleyPR6 8BH**

Applicant **Mr C Downes**

Proposal This application proposes the modification of and deletion of conditions imposed as part of the planning permission for a golf club house on the site permitted under 06/00205/FUL. A smaller golf clubhouse was permitted as part of the original permission for a 9 hole golf course (Ref No. 05/00366/FULMAJ) although following work on the golf course commencing, the applicant submitted an application to re-site the clubhouse and enlarge it which was permitted by Development Control Committee on the 23rd May 2006.

The golf clubhouse is part of the recently formed Oak Royal Golf Course, which also includes two large fishing lakes. The site is accessed from Bury Lane, Brinscall wherein a car park serves the facilities. The modified condition would enable a restaurant to continue operating and for the clubhouse to be open to members of the general public for functions etc although the golf and fishing shop would still be restricted to users of the facilities whilst another condition prohibiting lights on the building and car park would be removed.

Background It should be noted that Councillor Shaun Smith has requested that the application be reported to Development Control Committee.

The application has been submitted following the Council becoming aware of the clubhouse being available to members of the public and that lights have been provided on site contrary to the conditions imposed by the planning permission for the enlarged clubhouse (Ref No. 06/00205/FUL).

Planning Policy DC1 - Development in the Green Belt
EP21A - Light Pollution
TR4 - Highway Development Control Criteria
LT12 - Golf, Other Outdoor Sport and Related Development
Policy 7 - Parking Standards (Joint Lancashire Structure Plan)
PPG2 - Green Belts
PPS7 - Sustainable Development in Rural Areas

Planning History Application submitted to LCC for drainage improvements and infill (02/00688/CTY) (Objected).

Construction of 9 hole golf course, fishing lakes and ancillary building (Ref No. 04/00896/FULMAJ) (Withdrawn).

Construction of 9 hole golf course, two fishing lakes and two ancillary buildings for use as a clubhouse and machinery/maintenance store (05/00366/FULMAJ) (Permitted).

Erection of Golf Club House and associated car-park together with machinery store to service 9 hole golf club (06/00205/FUL) (Permitted).

Retrospective application for the retention of an extension to the car park approved under permission 06/00205/FUL associated with a golf course, fishing lakes and clubhouse (07/00226/FUL) (Permitted).

Erection of chalet building adjacent fishing lake and erection of fishermans lodge building adjacent fishing lake nearest Bolton Road and formation of 20 space car park accessed from Bolton Road for use by fishermen (08/00238/FUL) (Pending Consideration).

Consultations **LCC (Highways)** have not raised any objections.

Director of Neighbourhoods – No objections in principle

Representations No comments have been received from nearby residents and interested parties as a result of the public consultation exercise.

Assessment The mains issues are whether or not an unrestricted restaurant and clubhouse use in the Green Belt constitutes an essential facility associated with the golf course and fishing lakes and if the unrestricted provision of lighting to the building and car park is acceptable in the Green Belt.

Turning to the first matter, Policy DC1, which reflects national guidance in PPG2: Green Belts, makes it expressly clear that only essential facilities associated with outdoor sport and recreation uses of land will be permitted. The clubhouse was permitted with a café area that by virtue of the condition (No. 11 of 06/00205/FUL), which the applicant wishes to modify, can only be utilised by customers using the golfing and fishing facilities and not the general public. The café area was considered an essential facility associated with the facilities on site due to the anticipated customer need for refreshments and snacks and was deemed to be appropriate development in the Green Belt. Therefore, for the restaurant and the unrestricted use of the clubhouse for functions open to the general public to be considered acceptable in the Green Belt, it must constitute an essential facility associated with the golf course and fishing lakes. If it does not, then by definition, the unrestricted use of the clubhouse is inappropriate development in the Green Belt contrary to PPG2: Green Belts and Policy DC1 of the Local Plan unless very special circumstances can be demonstrated by the applicant to override the normal Policy restrictions.

In support of the application, the applicant states that the opening of the clubhouse to the general public would have the effect of furthering the development of the diversification project, which the creation of the golf club is based upon. The applicant also states that at the time of the application for the construction of the golf club was first envisaged; it was not considered that there would be a need for provision of restaurant facilities. However, since the construction of the golf course and fishing lakes, demand from users and members of the local community has led to the provision of such facilities and it is now important for the financial maintenance of the club to continue with the provision of these facilities.

A letter of support has also been submitted by Lancashire Rural Futures. This letter states that the lifting of the restrictions on the clubhouse will enable the business to develop further as the owners wish to provide high quality functions at the clubhouse whilst they also wish to utilise food sourced locally from Lancashire producers. Therefore, lifting the restrictions will improve the long term sustainability of the golf club as well as surrounding food producers.

As stated, the applicant is already operating the restaurant in breach of the condition and is advertising the restaurant on the golf clubs website and through roadside signage. At the time of the application for the enlarged clubhouse (Ref No. 06/00205/FUL), its provision without any restrictions (i.e. open to the general public) would not have been acceptable, as it would not have constituted an essential facility associated with the golf course and fishing lakes whereas the provision of a café and snack facilities for golfers and fishermen only does. Moreover, following the grant of planning permission for the enlarged re-sited clubhouse, it was open to the applicant to submit an appeal to the Planning Inspectorate to modify the condition although this did not take place. The situation now remains the same as when the clubhouse permission was issued and the arguments forwarded by the applicant are of little weight and certainly do not demonstrate that the unrestricted use of the clubhouse and restaurant is an essential facility associated with the golf course and fishing lakes. Moreover, the applicant has not forwarded any 'very special circumstances' that justify modifying the condition and therefore opening up the clubhouse and in particular, allowing the restaurant to remain operating as a facility open to the general public and not only users of the facilities on site.

Notwithstanding the above, it is likely that the unrestricted availability of the clubhouse would lead to an intensification of its use, particularly the restaurant that could operate without any time restrictions and the number of covers provided aside from the functions and events that would be open to the public. The applicant has not demonstrated that such intensification would be compatible with the open and rural character of the Green Belt.

It is therefore considered that the proposed modification of the condition is contrary to PPG2: Green Belts and Policy DC1 of the Local Plan.

With regards to the condition that the applicant wishes to delete relating to lights, the applicant has not submitted any details of the lights nor has it been suitably demonstrated that the lights do not

cause detrimental harm to the open and rural character of the Green Belt. Whilst a health and safety audit accompanies the application and supports the provision of some form of lighting, without details of the lights for consideration, this is not sufficient reason to justify deleting the condition which would not only allow the existing lights to be retained, but would also allow the applicant to provide further lighting that would erode the open and rural character of the Green Belt. The deletion of this condition is therefore unacceptable and contrary to PPG2: Green Belts and Policy Nos. DC1, EP21A and LT12 of the Local Plan.

Conclusion On the basis of the above, it is recommended that planning permission be refused.

Recommendation: Refuse Full Planning Permission

Reasons

1. It has not been demonstrated that the opening of the clubhouse facilities to the general public will not result in an intensification of the use of the clubhouse that will cause detrimental harm to the open and rural character of the Green Belt. The proposed modification of condition no. 11 of planning permission 06/00205/FUL is therefore contrary to Policy Nos. DC1 and LT12 of the Chorley Borough Local Plan Review and PPG2: Green Belts.

2. The deletion of condition no. 10 of planning permission 06/00205/FUL would allow the retention and further addition of lighting for which it has not been demonstrated that harm will not occur to the open and rural character of the Green Belt. Moreover, no details of the existing lights installed have been submitted. The deletion of condition no. 10 of planning permission 06/00205/FUL is therefore contrary to Policy Nos. DC1 and EP21A of the Chorley Borough Local Plan Review and PPG2: Green Belts.

3. The opening of the clubhouse facilities to the general public has not been demonstrated as being an essential facility associated with the outdoor sport and recreation facilities available on site comprising of the golf course and fishing lakes and is therefore by definition inappropriate development in the Green Belt and no very special circumstances have been forwarded to justify the modification of the condition. Making the clubhouse facilities available to the general public by virtue of the modification of condition no. 11 of planning permission 06/00205/FUL is therefore contrary to Policy Nos. DC1 and LT12 of the Chorley Borough Local Plan Review and PPG2: Green Belts.
