

## **Horton Park Golf and Country Club Hook Road Epsom KT19 8QG**

Illumination of Adventure Golf Facility and variation of condition 3 of planning permission reference 12/01094/FUL to allow evening use of facility.

<b>Ward:</b>	<b>Ruxley Ward;</b>
<b>Contact Officer:</b>	<b>John Robinson</b>

### **1 Plans and Representations**

- 1.1 The Council now holds this information electronically. Please click on the following link to access the plans and representations relating to this application via the Council's website, which is provided by way of background information to the report. Please note that the link is current at the time of publication, and will not be updated.

Link: <http://eplanning.epsom-ewell.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PCOE M1GYKL500>

### **2 Summary**

- 2.1 This application seeks permission for the illumination of the existing "adventure" golf course and to change the hours of operation to allow evening use of the facility.
- 2.2 The application is submitted to committee as the Council is the freeholder of the application site.

### **3 Site description**

- 3.1 The wider application site comprises Horton Park Golf Club (around 50ha in extent) located on the northern eastern edge of the Horton Country Park. The application site itself is 0.3ha in extent, and comprises land adjacent to Chessington Road and the north-western edge of the existing car park. The site is screened by earth bunds with an outer bund that runs parallel to Chessington Road providing significant screening.
- 3.2 The course comprises 18 holes, each being laid on a concrete bed covered in "astroturf" with connecting paths to each. There is a cave with waterfall structure which is the principal feature of the course, 3.1m high from ground level, 14m wide and 4m deep. There is an additional rock structure, water features, dwarf walls, up lighting, boundary fencing (1.2m in height), seating area, retaining wall and bridge structures.
- 3.3 It forms part of the Metropolitan Green Belt and lies within the designated Horton Country Park Local Nature Reserve.

#### 4 Proposal

- 4.1 The applicant seeks permission to install down-lighting to the “adventure” golf facility in order to allow the use of the “adventure” golf during the darker evenings after sunset. In order to permit this evening use, the variation of planning condition 3 of permission 12/01094/FUL is also sought in order to permit the use of the “adventure” golf beyond sunset.

- 4.2 The extant condition 3 :

*3. The premises shall not be used for the purposes hereby permitted outside daylight hours.*

*Reason: To restrict the proposed use to daily periods which are acceptable having regard to the proposed location and to ensure that they proposed use does not prejudice the enjoyment by neighbouring occupiers of their properties as required by Policy DC1 of the Epsom and Ewell District Wide Local Plan (May 2000)'*

is proposed to be amended as follows:

**The premises shall not be used for the purposes hereby permitted outside of the hours of 9am to 10.30pm.**

Reason: To restrict the proposed use to periods which are acceptable having regard to the proposed location and to ensure that the proposed use does not prejudice the enjoyment by neighbouring occupiers of their properties.

- 4.3 In support of their proposal the applicants submit the following:

- The golfing industry faces a challenging economic environment with rising costs and increased internal and external competition. The industry also needs to stay up-to-date and move with the times and customer demands. The proposed illumination is a further investment in the facility to keep the golf club economically viable and competitive.
- The proposed illumination would not present any material harm to the occupants of the nearest properties.
- The current evening use of the “adventure” golf, up to 9.20pm during the summer months, has not caused any material noise or disturbance to the occupants of the nearest dwellings. The proposed lighting and evening use of the facility up to 10.30pm would not present any material harm.
- The proposed illumination represents further investment in the facility and the local area. It would support the local economy and help to ensure that the existing business remains viable. The proposal would also result in social benefits, allowing young people to play golf after school and allowing families to use the facility together in the evenings.

- 4.4 The proposed lighting would be provided by 14 lamps measuring 4m high. Three lights would be installed on the northern boundary adjacent to the existing streetlights and a further four would be installed on the eastern boundary with the car park adjacent to the locations of existing car park lighting. Six lights would be installed on the south-western side, set back by a few metres from the wide path marking the boundary of the adjacent hole within the main golf.

## **5 Comments from third parties**

- 5.1 The application was advertised by means of letters of notification to 37 neighbouring properties. To date (12.11.2018) no letters of objection have been received.

## **6 Consultations**

- 6.1 Environmental Health: No objections
- 6.2 Highways: No objections. Condition to be imposed on any permission granted.

**7 Relevant planning history**

<b>Application number</b>	<b>Decision date</b>	<b>Application detail</b>	<b>Decision</b>
12/01094/FUL	30.04.2013	Development of 18 hole adventure golf course involving remodelling of existing bunds and provision of new landscape features including cave with waterfall structure, rock structure, dwarf walls, external seating area and new planting.	GRANTED
13/00129/COND	26.09.2014	Details pursuant to planning permission 12/01094/FUL (Development of 18 hole adventure golf course involving remodelling of existing bunds and provision of new landscape features including cave with waterfall structure, rock structure, dwarf walls, external seating area and new planting.) for Condition 6 (method of construction), 7 (Travel Plan), 9 (contaminated land assessment).	DISCHARGED
14/00114/FUL	09.09.2014	Variation of Condition 4 of 12/01094/FUL (Development of 18 hole adventure golf course involving remodelling of existing bunds and provision of new landscape features including cave with waterfall structure, rock structure, dwarf walls, external seating area and new planting) to include revised layout as built together with associated landscaping details to discharge Condition 2 of 12/01094/FUL.	GRANTED
15/01261/FUL	17.02.2016	Erection of children's play area structure.	GRANTED

16/00749/FUL	12.10.2016	Driving bay extension and new conservatory to club house	GRANTED
17/00880/FUL	19.12.2017	Erection of kitchen extension to club house and new yard enclosure	GRANTED

## 8 Planning Policy

### National Policy Planning Framework (NPPF) 2018

Chapter 13 para 145 Green Belt

### Core Strategy 2007

Policy CS2 Green Belt

Policy CS5 Conserving and Enhancing the Quality of the Built Environment

Policy CS16 Managing Transport and Travel

### Development Management Policies Document November 2015

Policy DM4 Biodiversity

Policy DM5 Trees and Landscape

Policy DM1 Extent of Green Belt

Policy DM10 Design Requirements for New Development (Including House Extensions

Policy DM35 Transport and New Development

## 9 Planning considerations

### Principle of Development

- 9.1 The National Planning Policy Framework (NPPF) was revised in July 2018 and sets out the government's planning policies for England and how these are expected to be applied. Paragraph 133 of the NPPF sets out that openness and permanence are the essential characteristics of Green Belts.
- 9.2 The construction of new buildings in the Green Belt is regarded as inappropriate development, in line with paragraph 145 of the NPPF. Exceptions to this include (inter alia) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport and 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.
- 9.3 Policy CS2 (Green Belt) of the Core Strategy (2007) seeks to ensure that the Green Belt continues to serve its key functions and maintain its existing general extent. Strict control will be exercised over inappropriate development, as defined by Government policy.

- 9.4 Policy DM1 (Extent of the Green Belt) of the Development Management Policies Document (2015) sets out that the Green Belt will be maintained along the boundaries of the existing built-up area and extending to the outer Borough boundary as defined in the Epsom and Ewell Borough-wide Local Plan 2000 and as defined in the successor Site Allocations Development Plan Document. Supporting paragraph 2.3 of the Development Management Policies Document (2015) sets out that the main purpose of the Green Belt is to prevent urban sprawl and the coalescence of neighbouring settlements by keeping land permanently open.
- 9.5 This application seeks the erection of flood lighting columns to illuminate the golf course. The proposed scheme would facilitate outdoor sport and recreation and the proposed fourteen, 4m high lighting columns would preserve the openness of the Green Belt. The proposal would therefore comply with paragraph 145 of the NPPF.

#### Layout Design and Scale

- 9.6 The lighting columns would be visually discreet and would not have a detrimental impact on the immediate and wider environment

#### Residential Amenity

- 9.7 The nearest residential properties are situated along Chessington Road at approximately 60m distant from the nearest north-eastern edge of the application site. These properties are separated from the application site by a central reservation which contains a linear band of planting and an additional hedgerow adjacent to the site within the highway lands. The eastern side of the application site is screened by an earth bank and landscaping features. There is further hedge planting along the western side of Chessington Road. The eastern side of Chessington Road is interspersed with tree planting. Dwellings along this road have large front gardens, some bounded by hedges.
- 9.8 There is street lighting along both the eastern and western sides of Chessington Road. The streetlighting on the eastern side of the road would present a small amount of illumination to the western facing rooms of the dwellings along this road. The golf club car park is fully floodlit, with the lights on until the early hours of the morning.
- 9.9 The lighting columns would be 4m high down-lighters designed to illuminate the area required without light spread. Due to the limited height of the columns, the light sources would only be visible close to the site looking up into the source, with views from a distance unable to obtain a sufficient angle to view the light-source.

- 9.10 The submitted lighting information demonstrates that on average there would be around 10 Lux illumination on the Adventure Golf course with the maximum level being 28 Lux directly under some of the lighting columns but reducing rapidly away from the column's base. Due to the directional nature of the proposed lighting columns, the proposed lighting would be contained on the golf course and lux levels would fall to 1 Lux on the boundary of the site. By comparison, the following uses typically produce these lux levels:

- Quiet Residential Street – 2 – 3.0 lux
- Small Car Park – 5 lux
- Medium Car Park – 10 lux
- Large Car Park – 20 lux
- Town Centre – 30 lux
- Lorry Loading Bay – 50 lux
- Tennis Court – 200 lux

Candela is essentially a measurement of light coming from a lit surface to an observer's location. For example, on a motorway, the reflected light from the road surface is measured at the driver's location. The highest motorway lighting class is (M1) and would produce 2.0 candela per square metre. To produce this level on a motorway one needs in the region of 30,000 lumen from the light source. For the proposed scheme approximately 3,540 lumens would be used on the lighting to produce the lux figures shown on the submitted plans. The use of 3,540 lumens would produce considerably less than 300 candela.

- 9.11 Officers therefore consider that the impact of the proposal outside of the site would be negligible.
- 9.12 The golf club operates the floodlit driving range until late in the evening, beyond 10.30pm. The clubhouse is also operated beyond this time with functions taking place until late into the night. The floodlit car park is also operational until the early hours of the morning. All of these uses have taken place without recorded complaints from the occupants of the nearest properties.
- 9.13 It is therefore concluded that the proposed floodlighting and increased operating hours of the golf facility would not have a materially harmful impact on neighbour amenity in terms of light pollution or noise and disturbance in accordance with Policy DM10.

Biodiversity

- 9.14 Paragraph 175 of the NPPF states that “In determining a planning application, planning authorities should aim to conserve and enhance biodiversity by ensuring that: designated sites are protected from harm; there is appropriate mitigation or compensation where significant harm cannot be avoided; opportunities to incorporate biodiversity in and around developments are encouraged; and planning permission is refused for development resulting in the loss or deterioration of irreplaceable habitats
- 9.15 All species of bat are fully protected under The Conservation of Habitats and Species Regulations 2010 (as amended) through their inclusion on Schedule 2
- 9.16 A European Protected Species Mitigation (EPSM) Licence issued by the relevant statutory authority (e.g. Natural England) will be required for works likely to affect a bat roost or for operations likely to result in a level of disturbance which might impair their ability to undertake those activities mentioned above (e.g. survive, breed, rear young and hibernate). The licence is to allow derogation from the relevant legislation but also to enable appropriate mitigation measures to be put in place and their efficiency/success to be monitored.
- 9.17 The application is supported by a review by the applicant’s ecologist of the proposed lighting and its impact on the potential bat activity.
- 9.18 The applicants ecologists review concludes the following:
- The proposed scheme will result in a localised increase in lux levels in the immediate vicinity of the adventure golf course in a locality that is already subject to light spill from street lights, golf driving range and the golf course car park.
  - Bat species that do not avoid artificial lighting (for example pipistrelle species, noctule) could forage within and around the adventure golf course and these species may even be attracted to the existing lights where they are associated with an abundance of prey species.
  - At the adventure golf course there will be no reduction in the quality of habitat for the bats following the installation of proposed lighting design and consequently no adverse effects on the activity of any bat species.
  - In the wider context, light sensitive bat species may regularly utilise the extensive unlit habitats across the golf course. The extensive connected habitats between fairways have high potential value for a range of bat species. The minor change in light spill as a result of the proposed lighting scheme will not have any effect on any of the bat species that feed and commute over the wider golf course.



- 9.19 Officers have considered the submitted report and concur with its conclusion that the proposed floodlights would not have a materially harmful impact on the habitat or movement of bats or require the issuing of European Protected Species Mitigation (EPSM) Licence
- 9.20 Officers consider that the proposed development would meet the licensing criteria (the '3 legal tests') of Natural England to make sure that:
- the activity is for a certain purpose, for example it's in the public interest to enhance the facilities at the golf course
  - there's no satisfactory alternative that will cause less harm to the species
  - the activity doesn't harm the long-term conservation status of the species
- 9.21 The proposed scheme would therefore comply with Policy DM4.

Community Infrastructure Levy

- 9.22 The proposed development would not be CIL liable.

## **10 Conclusion**

- 10.1 The proposed illumination would not present any material harm to the occupants of the nearest properties. The current evening use of the "adventure" golf, up to 9.20pm during the summer months, has not caused any material noise or disturbance to the occupants of the nearest dwellings, and therefore the proposed lighting and evening use of the facility up to 10.30pm would not present any material harm.
- 10.2 The proposed scheme would facilitate outdoor sport and recreation and the proposed fourteen, 4m high lighting columns would preserve the openness of the Green Belt.
- 10.3 The proposed scheme would not affect a bat roost or result in a level of disturbance which might impair their ability to hibernate or migrate and therefore would not result in an unacceptable impact on threatened species.
- 10.4 The proposal would therefore comply with National and Local Planning Policy requirements

## **11 Recommendation**

- 11.1 It is recommended that planning permission be granted subject to the conditions detailed below

**Conditions:**

- (1) The development hereby permitted shall be commenced within 3 years from the date of this decision.**

**Reason:** In order to comply with Section 91 of the Town and Country Planning Act, 1990. (As amended)

- (2) The development hereby permitted shall be carried out in accordance with the following approved plans:

**Lighting Column Drawing 3D43167-01**

**Proposed lighting Layout Plan dated 14.03.2017**

**Outdoor Lighting Report 13335-1-A Dated 14.03.2017**

**Reason:** For avoidance of doubt and in the interests of proper planning, as required by Policy CS5 of the Core Strategy 2007.

- (3) The illumination of the Adventure Golf Facility should not exceed luminance levels of 300 candelas per square metre.

**Reason:** To ensure that the development does not prejudice the free flow of traffic and conditions of safety on the highway or cause inconvenience to other highway users in accordance with Policy CS16 of the Core Strategy (2007) and Policy DM35 of the Development Management Policies 2015.

- (4) The premises shall not be used for the purposes hereby permitted outside of the hours of 9am to 10.30pm.

**Reason:** To restrict the proposed use to periods which are acceptable having regard to the proposed location and to ensure that the proposed use does not prejudice the enjoyment by neighbouring occupiers of their properties, in accordance with Policy DM10 of the Development Management Policies 2015.

- (5) The development shall only be carried out in accordance with the landscape scheme approved under application 14/00114/FUL dated 09.09.2014

**Reason:** To ensure the provision and maintenance of landscaping in the interests of visual amenity as required in accordance with Policy CS5 of the Core Strategy (2007) and Policy DM5 of the Development Management Policies 2015.

- (6) No new development shall be occupied until space has been laid out within the site in accordance with the approved plans for cars/cycles to be parked. The parking area shall be maintained exclusively for its designated use.

**Reason:** The above condition is required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policy CS16 of the Core Strategy 2007

- (7) The development shall be carried out in accordance with the Method of Construction Statement approved under application 13/00129/COND dated 26.09.2014

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policy CS16 of the Core Strategy 2007

- (8) The applicant shall implement the travel plan approved under application 13/00129/COND dated 26.09.2018, on completion of the Adventure Golf Course, and for each subsequent occupation of the development thereafter maintain and develop the Travel Plan to the satisfaction of the Local Planning Authority

Reason: To ensure sustainable travel modes in accordance with Policy CS16 of the Core Strategy 2007

- (9) No tannoys, loud hailers, public address systems or amplified sound shall be operated on the site at any time.

Reason: In order to ensure a satisfactory development in the interests of the neighbouring amenities of the locality as required by policy DM10 of the Development Management Policies 2015.

- (10) The site shall be remediated in accordance with the approved measures and verification report submitted and approved by the Local Planning Authority under application 13/00129/COND dated 26.09.2018

Reason: To control significant harm from land contamination to human beings, controlled waters, buildings and or/ecosystems as required by Policy DM17 of the Development Management Policies 2015.

**Informative:**

- (1) In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the Core Strategy, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.