

DEVELOPMENT MANAGEMENT COMMITTEE – 28 MARCH 2017

Application Number	3/17/1867/FUL
Proposal	Change of use from agricultural land to golf course; erection of golf club house with bar, restaurant, changing and pro shop facilities; incorporation of a water harvesting scheme for sustainable irrigation and an improved drainage system through the importation of recovered soils; upgraded practice facility including covered practice bays; and enhanced landscaping
Location	Hertford Gold Club, London Road, Hertford
Applicant	Mr A Rubino, Belview Gold Ltd
Parish	Hertford
Ward	Hertford Castle

Date of Registration of Application	25 August 2017
Target Determination Date	24 November – ETA 30 March 2018
Reason for Committee Report	Major application
Case Officer	Lisa Page

RECOMMENDATION

That planning permission be **GRANTED** subject to the conditions set out at the end of this report.

1.0 Summary of Proposal and Main Issues

1.1 The site already has planning permission for the formation of a golf club, which has been partly implemented with the construction of a greenkeeper's house and storage building and the base of a car park and access road approved in 2005. In 2015, 87,000 cubic metres of material was imported under the terms of the permission to the eastern side of the site.

- 1.2 This application proposes a number of changes to the existing 2005 permission, sought to create re-profiled contours of the golf course in order to create sustainable irrigation water supply, improve drainage and enhance the quality, aesthetics and playability of the course. The approved course layout and fairways and greens would remain unchanged. The changes to re-profile the course would result in the further importation of 176,666 cubic metres of inert material.
- 1.3 Officers are content that the proposed importation of material does not result in a waste operation and that it would fall to be an engineering operation that is appropriate in principle in this Green Belt location. Whilst it is considered that the buildings would not be appropriate development, there is an extant permission for buildings of very similar size, scale and design to which significant weight is assigned.
- 1.4 The re-profiling would have limited impacts to the visual amenity of the Green Belt and no unacceptable harm to the local landscape character would occur.
- 1.5 County Highways are content that the highway network has the capacity to cope with the 13,244 additional loads with 240 lorry movements per working day with 120 lorries in and 120 lorries out. This, together with other details of the access route, timings, wheel washing and similar will be secured via the Construction Management Plan.
- 1.6 Matters in relation to neighbour impact, drainage matters and ecology are considered to be all acceptable.

2.0 Site Description

- 2.1 The application site is 21.63ha and is located to the south east of Hertford and to the west of Hertford Heath village (as shown on the attached OS extract). Balls Park (a Grade II Registered Park and Garden with Grade I Listed dwelling) and Jenningsbury Farm (a Grade II Listed property with historic moat) are situated to the north

of the site and London Road is to the east. The site is set within open farmland. There are allotments close to Hertford Heath to the east of the site. Woodland and further arable farmland are situated to the south of the site.

- 2.2 The eastern part of the site comprises undulating land which rises quite steeply in the direction of Hertford Heath and London Road. From this area there are views from some of the houses in Hertford Heath. This area of land has also been altered in recent years by the construction of a greenkeeper's house and storage building and the base of a car park and access road which has been constructed for the golf course approved in 2005. In 2015, 87,000 cubic metres of material was imported under the terms of the permission to the eastern side of the site.
- 2.3 There is a Public Footpath which runs in a westerly direction from Hertford Heath village close to the southern boundary of the site.
- 2.4 The site boundary contains two areas of land within the wider proposed golf course with a central link haul road between the eastern and western sides together with access off London Road. These two sides of the site are the areas that are proposed as part of this application to have the imported material deposited on, to re-contour the land.
- 2.5 The application site is located in the Metropolitan Green Belt. There has been significant planning history over the last 20 years with permissions for a golf course and golf course related development. The last planning permission for the layout of a golf course in 2005 has now been partially implemented with the importation of 87,000 cubic metres of material brought in to the eastern part of the site in 2015. The golf course itself has not yet been constructed.

- 2.6 This current application seeks to change the proposed contouring of the landscape of both the western and the eastern side by the further importation of 176,666 cubic metres of inert material (in addition to the 87,000 cubic metres granted permission in 2005 and imported to the site during 2015). The material proposed to be imported would be split between the east and the west side of the site. The Planning Statement, details the reason for the proposed importation being to create re-profiled contours of the golf course in order to create sustainable irrigation water supply, improve drainage and increase bio-diversity, as well as improving the quality, aesthetics and playability of the course as well as to improve safety for users. It is intended that the approved course layout would remain unchanged. This would mean that the position of the tees, fairways and greens would be kept the same as shown on the approved plan.
- 2.7 This application would result in the importation of around 60,633 cubic metres of inert material to the eastern side of the application site predominantly to the south west corner to upgrade the practice ground outfield. An additional irrigation reservoir (storage pond) is also proposed on the eastern half. The proposal also involves the importation of around 116,033 cubic metres of inert material to the western side of the site.
- 2.8 The proposal remains the same as that previously applied for under the latest County Council application. The LPA has sought legal advice to determine whether the County Council or the District Council should fall to be the determining Authority. The outcome of that advice was that the District Council can determine, the reasoning being that the relevant test within Reg. 2 of the Town and Country Planning (Prescription of County Matters) (England) Regulations 2003 is whether the operation the subject of the application, is for the carrying out of engineering operations "wholly or mainly for the purposes of... depositing waste". The judgement is not in terms of the scale or amount of material being deposited, but rather it is in regard to the purpose of the operation. From the information available at validation stage, there appeared to be sufficient information for a view to be reached that a rational

conclusion is that the whole or main purpose is otherwise than for the disposal of waste.

3.0 **Planning History**

The following planning history is of relevance to this proposal:

Application Number	Proposal	Decision	Date
3/15/2050/CPO (County Matters application)	Creation of a water harvesting system for sustainable irrigation and an improved drainage system through the importation of recovered soil, to incorporate a water harvesting scheme, improved drainage system and upgraded practice facilities.	Refused	25.02.16
3/14/1368/CM (County Matters application)	Improvements to the design of an approved golf course through importation of recovered soil; to incorporate a water harvesting scheme, improved drainage system and upgraded practice facilities.	Refused	22.10.14
3/05/0721/RP	Approval of matters reserved by condition no 1 outline planning permission 3/03/0161/ON (18 golf course)	Granted with Conditions	22.06.05

3/03/0161/ON	Variation of condition no.2 of planning permission 3/00/1088/ON to allow further 3 years.	Granted with Conditions	28.05.2003
3/00/1088/ON	Variation of condition 2 of planning permission ref. 3/91/1068/OP to allow a further 3 year period for approval of reserved matters relating to golf course.	Granted with Conditions	22.09.2000
3/91/1068/OP	Change of use from agricultural land to golf course and outline application for golf club-house with bar restaurant changing and pro-shop facilities storage and one staff dwelling.	Granted with Conditions	08.07.1997

4.0 Main Policy Issues

- 4.1 These relate to the relevant policies in the National Planning Policy Framework (NPPF), the pre-submission East Herts District Plan 2016 (DP), the adopted East Herts Local Plan 2007 (LP). There is no Neighbourhood Plan prepared or in draft for this location.

Main Issue	NPPF	Local Plan policy	Pre-submission District Plan
Principle of development in the Green Belt	Section 9	GBC1, LRC6	GBR1
Visual amenity impacts and landscape implications	Section 3 and 9	ENV1, ENV2	DES1, DES2, DES3, DES4.
Impact upon highway network	Section 4	TR2, TR7, TR13, TR16	TRA1, TRA2, TRA3
Surface Water Drainage and Flooding	Section 10	ENV18 ENV21	WAT1, WAT5
Heritage assets	Section 12	BH6	HA1, HA4, HA2
Neighbouring Amenity	Section 7	ENV1, ENV23, ENV24	DES3, EQ2, EQ3
Ecology		ENV16	NE3

Other relevant issues are referred to in the 'Consideration of Relevant Issues' section below.

5.0 Summary of Consultee Responses

- 5.1 HCC Highway Authority does not wish to restrict the grant of permission subject to Conditions for wheel washing; restriction to no more than 120 lorry movements (120in/120out) entering/leaving the London Road access on a working day and written records of vehicles make available for inspection; and that all lorries shall enter the site turning right from London Road and leave the site turning left onto London Road. They also request a legal agreement to secure the installation of wheel washing facilities within the site and a bond of £15,000 towards the cleaning of the road if the Lorries continuously deposit mud on the road.
- 5.2 Lead Local Flood Authority comment that the submitted Flood Risk Assessment (FRA) and Surface Water Management Strategy

adequately demonstrate a feasible drainage scheme. They recommend conditions on any permission being granted, relating to accordance with the FRA and mitigations measures and detailed surface water drainage scheme to be agreed.

- 5.3 The Environment Agency raises no objections. They note that there will be no discharge from the balancing ponds, and/or connection from their rainwater harvesting scheme to any inland water (i.e. linked to the water network) and comment that as the flow of water into the balancing pond will be by engineered ditches constructed solely for this purpose, and/or piped water that has no connection with any surface watercourses and/or underground strata, there will be no need to obtain a licence to abstract water.
- 5.4 HCC Historic Environment Unit comments that there is potential for the site to contain archaeological remains, and due to the scale and nature of the proposed development it should be regarded as likely to have an impact on heritage assets of archaeological interest. A condition is reasonable and necessary to provide properly for the likely archaeological implications of this development.
- 5.5 EHDC Landscape Advisor initially agreed that whilst the principle of a golf course in this location is established under the extant permission, raised concerns with regards to the impact of the construction stage, and the adverse impact of the proposed landform within the more sensitive open and elevated areas, and towards the site boundaries. Following amendments, the Advisor comments that overall, the proposed amendments are fully supported and serve to meet the concerns raised in the previous landscape comments, and that the proposed amendments help mitigate the impact of the proposals, ensuring that the finished golf course sits more comfortably within its landscape setting and views, and does not have an unacceptable impact upon the amenity of the nearby residents, allotments, and public rights of way network.
- 5.6 Herts Ecology comments that the site is predominately agricultural but highlight the two woodlands on the southern boundary, which are also Wildlife Sites. There are a number of protected species in

the area including bats, badgers, great crested newts, grass snakes, little owl and barn owl. Appropriate mitigation, precautionary approaches and enhancement measures have been provided for within the Ecology Report which if followed, would ensure that protected species will not be a significant constraint.

- 5.7 HCC Minerals and Waste comment insofar as the application raises issues in connection with waste and mineral matters. They confirm that HCC has previously determined a very similar application at this site, which was refused for three reasons, including that the development would constitute land-raising and would be a waste disposal operation which would be unacceptable in landscape and environment terms, and because the development would constitute inappropriate development which would affect the openness of the Metropolitan Green Belt.

They comment that should the District be mindful of permitting the application, a number of detailed matters should be given careful consideration. These relate to waste importation wherein the depositing of waste to land should be stringently regulated to ensure that a high standard of development and landscaping is achieved. They recommend a condition to monitor material brought onto site to ensure that only suitable material is incorporated into the proposed landscaping and engineering works. They would also seek conditions to include a landscaping scheme, soil handling, dust management, wheel washing, HGV movements, surface water drainage, noise and waste management.

They also highlight the County Council's adopted waste planning documents which seek to promote the sustainable management of waste in the county and encourage Districts and Boroughs to have regard to the potential for minimising waste generated by development. In particular they draw attention to the Department for Communities and Local Government, National Planning Policy for Waste (October 2014).

- 5.8 EHDC Environmental Health Advisor advise that any permission shall include details for a Construction Management Plan to ensure

that all works are carried out using best practice means to control environmental impacts that could adversely affect the amenity of neighbouring residential occupiers.

(Note: EHDC, East Herts District Council; HCC, Hertfordshire County Council)

6.0 Parish Council Representations

6.1 Hertford Heath Parish Council (HHPC) raise no objections in principle but raise some concerns over the delivery of the development and suggest conditions and mitigations measures. They comment that *'...the residents of Hertford Heath have experienced the impact of the importation of materials for phase one of the extant planning permission. This has allowed a more considered and accurate consideration of the above detailed application to be made by HHPC. The key concern arising from the development of phase one is the number and speed of lorries coming in and out of site, and the inherent issues caused by this. Although the site manager was accommodating and worked effectively at the time with the parish council to negate the impacts of the construction, it is clear that enforceable conditions are required to ensure the safety of residents both in vehicles and on foot.'*

6.2 They raise concerns in regards to the following:

Traffic and Highways

- Increase lorry movement and increased risk to pedestrians between Hertford and Hertford Heath (particularly at the point where the cessation of pathways necessitates pedestrians to cross the road at the bottom of the hill with no lighting at the entrance to Foxholes Farm on London Road).
- Request that the applicant is obliged to provide a safe pedestrian crossing, with traffic lights, close to the entrance of the golf course.
- Should a pedestrian crossing not be installed, are opposed to any movement of lorries prior to 9.30am and after 4:30pm to reduce impact on school children and the village as a whole.

- Hedge maintenance must be carried out regularly along this stretch of road as the existing pavement is extremely narrow at certain points and obstructs vision for pedestrians and drivers.
- Lorries previously travelled at excess speeds. Request a form of measure, such as a temporary speed camera to ensure safety for the residents of Hertford Heath.
- Suggest a management plan to deal with delivery of vehicles on site, timings, haulage routes and wheel washing.
- Request phasing of the site so that the site will be landscaped and avoid the potential risk of importation of the full amount of soil with no further action being taken to landscape the site.
- Would object to any increase of lorry movements in each day.

Soil, Landscaping and Water

- Land should remain classed and protected as Green Belt.
- Suggest a condition that no depositing of imported soil in inclement weather.
- Concern over toxicity which could affect the surrounding environment including allotments and the water course. Note that all imported soil must be licensed by the Environment Agency and monitored accordingly.
- Concerns with run off and drainage as well as impacts to the local water table and local reserves.

Enforcement

- Seek a named contact at the LPA and for the developer to allow easy communicating.

7.0 Summary of Other Representations

7.1 The application was advertised by way of a site notice, newspaper and neighbour notification.

7.2 14 letters of objection have been received raising the following comments:

- Application is identical to that refused twice by HCC

- Is for waste landfill and land raising. Is for financial gain and there is no desire to build the golf-course
- Harmful to the landscape character of the area and Green Belt
- Size of building too large
- Local traffic congestion and highway safety. Timings and routing for material delivery should be restricted in the interest of highway safety.
- The use once operational will create traffic movements and noise disturbance
- Noise pollution from HGV movements
- Health and safety concerns from landfill emissions and dust
- Light pollution and harm to amenity from floodlighting on driving range
- Harmful impacts to wildlife and protected trees
- Lack of traceability of material and associated impact to environment. (All waste would need a permit)
- Impact to water quality and flooding
- Harmful impact to historic environment and the historic moat surrounding Jenningsbury
- No need for additional golf course

7.3 2 letters of support have been received, and one neutral response raising the following comments:

- A golf course within walking distance of Hertford town and Hertford Heath would be a welcome benefit
- Will bring job opportunities

8.0 Consideration of Issues

Principle of development in the Green Belt

8.1 The site lies within the Green Belt, in accordance with Local Plan Policy GBC1 and the NPPF, inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless it can be demonstrated that the harm to the Green Belt by reason of inappropriateness and any other harm is clearly

outweighed by other considerations. Policy GBC1 states that engineering operations will be inappropriate unless they maintain openness and do not conflict with the purposes of including land in the Green Belt. This is in accordance with the NPPF at Paragraph 90.

- 8.2 The initial issue therefore, is whether the creation of the golf course is an engineering operation. This was a matter that the County Council previously considered on the last two applications submitted to them for very similar proposals. It was the conclusion of the County Council that the proposal did not fall to be an engineering operation but was rather a change of use for waste disposal due to the significant amount of waste material proposed to be imported.
- 8.3 On this application, the LPA have sought advice from the legal section and have again applied the relevant test within Reg. 2 of the Town and Country Planning (Prescription of County Matters) (England) Regulations 2003, in terms of whether the operation the subject of the application, is for the carrying out of engineering operations "wholly or mainly for the purposes of... depositing waste". Following consideration of the application submission, and in the view of Officers, the evidence is such that it is considered that the whole or main purpose is otherwise than for the disposal of waste. The proposal would therefore fall to be an engineering operation.
- 8.4 Officers conclude therefore that the proposal does fall to be an engineering operation and so long as it 'preserve openness' and does 'not conflict with the purposes of including land in the Green Belt', would be appropriate.
- 8.5 The essential characteristics of Green Belts are their openness and their permanence. It is considered that the proposed importation of such an amount of waste material to the application site would result in a temporary effect on openness from plant and machinery which would be viewed from various points outside the site. However, when the waste importation has been completed the golf course would be constructed and the final use of the land as a golf

course would commence. There are changes in level but these are not considered significant in terms of their effect on openness. The engineering operation alone would not conflict with any of the purposes of including land within the Green Belt as outlined. The proposed engineering operation would therefore fall to be appropriate development in accordance with Local Plan Policy GBC1 and the NPPF, and is supported within Policy LRC6, golf courses.

- 8.6 The application also proposes the erection of buildings in the form of practice bays and the club house. The NPPF at Paragraph 89 states that the provision of appropriate facilities for outdoor sport and recreation will not be inappropriate, so long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. Both of these structures by reason of their size will inevitably fail to preserve the openness of the Green Belt. They would therefore fall to be inappropriate development in the Green Belt.
- 8.7 Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 8.8 The built form of the development will have other harm in terms of its impact upon openness. Further, the proposed golf club house building, by reason of its size, scale, siting and design will have an adverse impact upon the visual amenity of the Green Belt. Further harm is attributed to these elements.
- 8.9 In terms of other considerations and any benefits of the proposal, this falls mainly to the weight to be given to the extant permission. The changes to the extant proposal that this application proposes relate to enabling the course to become fully self-sufficient in the use of water, thus greatly improving its sustainability credentials

and avoiding any need to call on scarce local water resources, with improvements in the biodiversity and ecological value of the site. However these changes are in relation to the golf course layout itself and the engineering works are not considered in-appropriate.

- 8.10 The general overall scale, form and design of the clubhouse does not differ from the extant permission. Although some further use is made of the lower ground floor, (stated to provide an enhanced facility in line with modern requirements to assist with the success of the course as a "Pay and Play Facility"), this takes into account the land level changes and externally would not result in a larger sized building. Overall the impact of this proposed clubhouse compared to the extant permission is comparable and would provide a reasonable fall-back position of weight.

Visual amenity impacts and landscape

- 8.11 The principle of a golf course in this location is already established under the extant permission. The application has been submitted with a Landscape and Visual Statement and following concerns with the initial submission with regards to the impact of the construction stage and the adverse impact of the proposed landform within the more sensitive open and elevated areas and towards the site boundaries, amended landscaping plans with additional cross sections have been submitted. This resulted in a reduction of material by 8762 m³.
- 8.12 To the eastern area of this site, the existing golf course landform is more open and elevated than the western area, and characterised by a more complex series of hummocks and hollows. The removals of the previously proposed mounding (and as now shown within the submitted cross sections) would assist in reducing the contrived nature of the land form. With reference to the site boundaries, the previously proposed noise screening mound alongside the highway has been omitted. Overall, a more sensitive approach to the gradients and slopes has been adopted within this area.

- 8.13 There are highly sensitive views into the eastern area from the users of the public rights of way network, including the footpaths that pass to the south between Hertford Heath and Swallow Grove Farm (as illustrated in submitted viewpoints 14 and 5). The reduction in the steep banks around the 12th fairway would now have an acceptable impact upon the amenity of the footpath and reduce the overbearing impact upon the neighbouring allotments.
- 8.14 In the western area, the existing golf course landform is predominantly flat and gently slopes to the north, with some scattered incidental hummocks and hollows as a result of localised ground remodelling. The relative flatness of the existing landform is consistent with the surrounding farmland and helps assimilate the site with the wider landscape setting. It is proposed to import and spread material to create a raised 'rainwater harvesting zone.' The raised land levels will have the impact of a more varied and contrived landform, but the amendments with an overall height reduction by holes 3 and 16 to that initially proposed will result in a lower, broader and flatter crest which is welcomed.
- 8.15 There are sensitive views in the western area from the public rights of way network, including a footpath that passes to the south between Hertford Heath and Swallow Grove Farm, and alongside Little Stock Wood. The most significant views are from the footpath adjacent to Little Stock Wood (as illustrated in submitted viewpoints 7 and 8). However, from here the existing golf course and its associated features are likely to foreshorten and filter views of the proposed raised area in the middle ground that is viewed against the backdrop of existing woodland associated with Balls Park in the distance. Overall, the raised and more varied landform at this distance is not deemed inappropriate in the context of the existing golf course. With regards other views from the west (viewpoints 9-12), it is anticipated that the effects of the proposed land raising and more complex landform are diminished by distance and the foreshortening and filtering effect of the existing golf course features.

- 8.16 The proposed practice bays due to their size and siting will have some prominence. However, taking into account the mitigating effect of the intervening sloping landform and the proposed tree planting, they are deemed on balance acceptable in landscape and visual terms.
- 8.17 Overall in landscape and visual amenity terms, the heights of the proposed land raising and mounds are consistent with those permitted under the extant permission, and the areas that previously raised concerns in landscaping and visual amenity terms, relating to the more sensitive elevated and open areas and particularly towards the site boundaries have been amended. The proposed amendments help mitigate the impact of the proposals, ensuring that the finished golf course sits more comfortably within its landscape setting and views, and does not have an unacceptable impact upon the amenity of the nearby residents, allotments, and public rights of way network.

Impact upon highway network

- 8.18 The site is accessed off the B1197 London Road between Hertford and Hertford Heath. In the vicinity of the site access the road layout is reasonable straight, with clear visibility and the speed limit is 40 mph. The site access itself was built in 2009 under the terms of the 2005 planning permission.
- 8.19 The main consideration in highway terms centres around the impact of the importation of material in terms of the increased volumes of HGV movements on the highway network and the extensive landscaping within the site with the potential to spread mud/debris onto the network.
- 8.20 The Transport Statement details that material will typically be imported in 14m³ loads, giving a total of 13,244 additional loads. The current application proposes 240 lorry movements per working day with 120 lorries in and 120 lorries out. This is the same level of importation which occurred for the 2005 permission. Whilst there will be inevitably fluctuations in daily flows, with some days possibly

having no movements at all because of weather and/or site conditions or the need to pause importation whilst levelling occurs within the site, it is considered (based on recent past evidence) that the highway network is adequate to cope with up to 120 loads (240 daily movements).

- 8.21 All HGV movements will be limited to a left turn out of the site to travel north along London Rd (B1197) connecting at the large Foxholes roundabout with the A414 and thence to the A10. Furthermore, a Construction Management Plan is recommended, which would set out the phasing for the importation of material and delivery timings such that the impacts may be managed to avoid any interaction with the main highway peak periods. Such a plan will include timings of deliveries, wheel washing, storage, welfare and internal and external access. (The latter is considered essential in order to prevent excessive numbers of HGV movements on the local highway network or to restrict the free movement of traffic).

Surface Water Drainage and Flooding

- 8.22 The site lies within Flood Zone 1 and is therefore not at risk of fluvial flooding. The application has been submitted with a Flood Risk Assessment and Surface Water Management Strategy, which are considered to demonstrate a feasible drainage scheme and raise no objections from the Local Lead Flood Authority or the Environment Agency.
- 8.23 The reasoning behind the changes to the land form is stated to be in relation to create a sustainable irrigation water supply and improve drainage. The scheme will collect water via a rainwater harvesting pond and transfer this to the irrigation pond, which is a standalone water features with no connection with underground strata and no formalised discharge into any watercourse. The rainwater harvesting pond will be supplied by surface run-off and direct rainfall which will be collected by dedicated channels. This is an acceptable approach.

- 8.24 The need for the applicant to obtain an Environmental Permit from the Environment Agency to ensure it poses an acceptable level of risk to the environment is a separate matter to be pursued outside of this application.

Heritage assets

- 8.25 The site lies within proximity to a number of heritage assets. Balls Park, a Grade II Registered Park and Garden with Grade I Listed dwelling and Jenningsbury Farm, a Grade II Listed property with historic moat, are situated to the north of the site and London Road is to the east.
- 8.26 Officers are content that given the scale of the development and changes from the extant permission, and the distances of the site with nearby heritage assets, that there would be no harm to their character, appearance or setting.

Neighbouring Amenity

- 8.27 There are a number of residential properties around the perimeter of the site, including properties on London Road in Hertford Heath to the east, those within Jenninsbury Farm and Court to the north and Balls Park to the north/north-west, with some more isolated residential properties to the south-west.
- 8.28 The main impact upon their amenity will be in terms of their outlook and any associated noise disturbance from the construction phase and from the end golf course use. In terms of their outlook, given the scale of changes to the land levels and the distances between those properties and the site, with the fact that the site already has permission as a golf course, it is not considered that there would be any unacceptable impact to their outlook.
- 8.29 In terms of the impact from the construction phase, it has been outlined that it is intended to phase the works, starting in the eastern area to ensure that all construction activity closest to the settlement edge and allotments is completed first. (The phasing will

be secured via condition). It is estimated that the overall construction stage will be two years. There will inevitably be some impact to neighbours from the delivery and depositing and internal spreading of material on the site. However, subject to restrictions in terms of number or deliveries a day, (and in turn a restriction on the volume of material deposited), together with hours of operation, it is not considered that the development would be so harmful to warrant the refusal of permission. Mechanisms to deal with environmental impacts from dust and associated air quality shall use best means practice and will be secured via condition.

Ecology

- 8.30 The western area of the site is predominately agricultural with two woodlands on the southern boundary, which are also Wildlife Sites. There are a number of protected species in the area including bats, badgers, great crested newts, grass snakes, little owl and barn owls. The application has been submitted with a full and detailed Ecology Report which details appropriate mitigation, precautionary approaches and enhancement measures, and subject to a condition to secure the detail outlined, will ensure that protected species will not be a significant constraint.

Other

- 8.31 The earlier County Council applications were refused on the reason that they would 'not drive waste up the waste hierarchy', contrary to the Hertfordshire Waste Core Strategy and the Minerals Local Plan. The County Council's adopted waste planning documents seek to promote the sustainable management of waste in the county and encourage Districts and Boroughs to have regard to the potential for minimising waste generated by development. The LPA have had regard to these documents and other Government publications, noting that this is not an allocated site for waste management, and concluding their being no conflict with Policy. A condition to monitor material brought onto site is considered necessary to ensure that the materials brought on are inert and traceable.

9.0 Planning Balance and Conclusion

- 9.1 The application seeks the further importation of material to undertake changes to the formation of the approved golf course. The engineering aspect of the proposal would fall to be appropriate development, and whilst the erection of the associated buildings are inappropriate, the fall-back position of the extant permission is assigned significant weight, and which would outweigh the harm.
- 9.2 The re-profiling would have limited impacts to the visual amenity of the Green Belt and no unacceptable harm to the local landscape character would occur.
- 9.3 County Highways are content that the highway network has the capacity to cope with additional loads and other detailing can be secured via a Construction Management Plan.
- 9.4 Matters in relation to neighbour impact, drainage matters and ecology are all acceptable.
- 9.5 It is therefore considered that the proposal is acceptable and the application is therefore recommended for approval subject to conditions.

RECOMMENDATION

That planning permission be **GRANTED** subject to the following conditions:

Conditions:

1. 3 year time limit (1T12)
2. Approved plans (2E10)
3. Archaeology (2E02)
4. Prior to the commencement of development hereby approved, detailed plans showing the existing and proposed ground levels of the site for the proposed golf club house, together with the slab levels and ridge heights of the proposed building, shall be submitted to, and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason: The details are required to be approved prior to the commencement of development to ensure that the development is properly related to the levels of adjoining development in the interests of good design in accordance with Policy ENV1 of the East Herts Local Plan Second Review April 2007

5. Materials of construction (2E11)
6. Lighting details (2E27)
7. Cycle parking facilities (2E29)
8. The development permitted shall be carried out in accordance with the Flood Risk Assessment and Surface Water Management Strategy, dated June 2017, provided by Envireau and the following mitigation measures detailed within the drainage strategy shall be implemented:

1. The provision of attenuation to ensure that there is no increase in surface water runoff volumes for all rainfall events up to and including the 1 in 100 year + climate change event.
2. The implementation of the proposed drainage strategy which is based on attenuation and discharge into the ordinary watercourses, this includes the implementation of SuDS features as indicated on drawing no. 820.60 Rev. A – Proposed Water Harvesting Plan.
3. An updated detailed drainage plan showing all of the SuDS features to be implemented and the detail of the final discharge point into the ordinary watercourse.
4. The limiting of surface water discharge from catchments A to E of eastern site to the ordinary watercourse at a rate equal to or less than 1 in 1 year Greenfield runoff rate.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent flooding by ensuring the satisfactory disposal and storage of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants.

9. No development shall take place until a detailed surface water drainage scheme for the site based on the approved drainage strategy and sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including 1 in 100 year + climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme to be submitted to the Local Planning Authority must as a minimum include the following details:
 1. Detailed engineered drawings of the proposed SuDS features including their, size, volume, depth and any inlet and outlet

features including any connecting pipe runs and discharging points and all corresponding calculations/modelling for the 1 in 1 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change rainfall events.

2. A site plan with the final topographical levels of the site.
3. Details of any changes to the current surface water flow routes arising from the changes to site levels and an assessment of their impact on the ordinary watercourse which arise within and adjacent to the development site.
4. Details of any exceedance flow paths for rainfall events in excess of the 1 in 100 year plus climate change rainfall event that are beyond the design capacity of the system

Reason: To prevent any increased risk of flooding, both on and off site.

10. Upon completion the applicant must provide infiltration tests for all areas where infiltration is being used as a mechanism to discharge surface water to demonstrate that these features will work as designed and that the imported material to modify site levels has had no detrimental impact on infiltration capacity. These tests must demonstrate that the current infiltration numbers have not been significantly affected. If tests do not confirm the predicted infiltration rates an alternative scheme or mitigation measures should be presented to the LPA for approval.

Reason: To ensure the satisfactory management of surface water.

11. The development shall be carried out in accordance with the mitigation, precautionary and enhancement measures outlined within the Phase 1 Habitat Survey (Environmental Business Solutions 23 September 2017), unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the habitats of protected species under the Wildlife and Access to the Countryside Act 1981, and in accordance with Policy ENV16 of the East Herts Local Plan Second Review April 2007.

12. Prior to the commencement of the development hereby permitted, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority, and thereafter the development shall be undertaken in accordance with the agreed Plan, unless otherwise agreed in writing by the Local Planning Authority. The Construction Management Plan shall include the following:

- Details of the phasing for the importation of material;
- Details of construction vehicle movements and construction access arrangements, including numbers, routing and timings;
- Details of a means to monitor, record and confirm the insert materials being imported;
- Location and details of wheel washing facilities and details of the measures to be taken to ensure that the public highway is kept clean of any material that is deposited upon it;
- Details of associated parking areas and storage of materials clear of the public highway;
- Hours of on-site working;
- Details of proposed hoarding;
- Details to undertake best management practices for the impacts of noise, dust and air quality

Reason: To ensure the development would create no adverse impact to highway safety and capacity and in the interests of neighbouring and environmental amenity.

13. Unless otherwise agreed in advance in writing by the Local Planning Authority, in consultation with the Highway Authority, there shall be no more than 120 lorry movements (120in/120out) entering/leaving the access/egress on to London Road on a working day. Written records of vehicles entering and leaving the site in connection with the lorry movements from the site complex shall be kept by the site operators and make available for inspection by the Local Planning Authority upon request.

Reason: In the interest of highway safety, amenity and free and safe flow of traffic.

14. All Lorries shall enter the site turning right from London Road and leave the site turning left on to London Road.
Reason: To minimise impact on London Road and to gain easy access to A414 Primary Route and to wider road network.
15. Prior to commencement of the development hereby approved, full details of both hard and soft landscape proposals shall be submitted to and approved in writing by the Local Planning Authority. These details shall include: (a) Hard surfacing materials (b) Hard boundary treatments and other means of enclosure (c) Retained historic landscape features and proposals for restoration, where relevant (d) Planting plans noting schedules of plants with planting sizes and proposed numbers/densities and (e) Implementation timescales. Thereafter the development shall proceed in accordance with the approved details. All hard and soft landscape works shall be carried out in accordance with the approved details. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure the provision of amenity afforded by appropriate landscape design, in accordance with policies ENV1, ENV2 and ENV11 of the East Herts Local Plan Second Review April 2007.

16. Prior to commencement of works for the construction of the clubhouse hereby approved, the works for the construction of the golf course shall have been substantially commenced under the terms of a contract for the construction of the complete golf course. The term 'substantially completed' shall mean that the earthworks for the 18 hole golf course shall have been completed.

Reason: The permission for the clubhouse is only granted in relation to its need in connection with the golf course. Any construction of

the clubhouse in advance of the provision of the golf course would be inappropriate.

17. The use of the bar and restaurant hereby granted shall be limited to persons playing golf that day and their guests and shall not be available for private functions or otherwise.

Reason: The proposed restaurant and bar are situated in the Metropolitan Green Belt where the Local Planning Authority would not normally grant permission for such development and this permission is granted solely in association with the Golf course hereby approved.

Informatives

1. Other legislation (010L)
2. Street name and numbering (19SN)
3. The applicant must clarify if they intend to cross over any existing ordinary watercourse. If that is the case, the applicant will also need to obtain written consent from the Hertfordshire County Council (HCC) under the Section 23 of the Land Drainage Act (LDA) 1991. This includes any permanent or temporary works regardless of any planning permission.