

Recommendation Report for Planning Permission

REF NO: A/4/18/PL

LOCATION: Ham Manor Golf Club Ltd
West Drive
Angmering
BN16 4JE

PROPOSAL: Re-organisation of Hole 9 to incorporate the provision of a pond

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. This application seeks revised layout for Hole 9 of the Golf Course in order to accommodate a proposed pond. The purpose of the revised hole and the upgrading of this area of the golf course which is to include a short game academy and pond (irrigation system) is to make the club more attractive and to increase membership. The revision of the layout to Hole 9 will also address current safety concerns which will involve the 9th Tee and green moving forward.
SITE AREA	3 hectares
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Open
SITE CHARACTERISTICS	The hole is lined with trees at either side and is approximately 350metres in length from the main tee to the green.
CHARACTER OF LOCALITY	The site comprises an existing golf course which is generally flat, but with some raised areas. The southern and south-east boundaries are enclosed by residential dwellings along Ham Manor Way. To the west and north of the site are further playing areas and holes associated with the remainder of the golf course.

RELEVANT SITE HISTORY

A/18/04/	Proposed extension to existing pond within a copse bounded by the 10th & 18th fairways of Ham Manor Golf Club. (Resubmission of A/87/03)	ApproveConditionally 16-08-04
A/87/03/	Proposed extension of existing pond within a copse bounded by the 10th & 18th Fairways of Ham Manor Golf Club.	Refused 26-09-03

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Angmering Parish Council

No Objection

One Support - The pond will enhance and improve the appearance of the 9th hole when viewed not only from the fairway approaching the green but also from the Clubhouse and surrounding area. As a result, the enjoyment of our members and visitors playing the golf course and for those visiting the Clubhouse for a social occasion will be enhanced which, in turn, will increase the future marketing potential of the golf club both on and off the golf course.

2 Objections - It is noted that Ham Manor Golf Club support designated Green Space and state the policies which support that. However, Ham Manor Golf Club did not support designated Green Space with the planning application on the 9th Tee area A/176/17/PL (which was refused on the 09/11/2017). I would like to bring to your attention that Ham Manor Golf Club have stated they have recently sold (STC) land near the 7th tee for development and also plots of land for garden extensions. All this land is within the same designated Green Space, therefore contradicting Ham Manor Golf Clubs statements for this planning application.

Both positions can not co-exist but the latest application by Ham Manor Golf Club is in open support of protecting Local Green Space, this supports the decision taken to refuse A/176/17/PL and adds support to making a decision to refusing A/212/17/CLP. I assume that planning applications for the recently sold land for development will also be refused and any land sold for garden extensions will not be allowed to cultivate or fence off the area of Local Green Space.

I would also like to submit a comment (A/4/18/PL) that the started (but stopped) works on the lake/Pond is located approximately 10 metres away from the Grade 2 Listed Building, Ham Manor Club house. Is Listed Building permission required and are Building Control involved in the construction of a Lake/Pond to ensure the Lake/Pond doesn't leak and cause subsidence or flood damage (cellars) to the club house?

1 Observation - Concerned by the approach of Ham Manor Golf Club HMGC with this application, in relation to planning submissions A/176/17 and A/212/17.

Under A/4/18/PL, HMGC has sought to justify this application on the grounds that the improvements to the course and subsequent improvements in irrigation will attract new members and therefore ensure the future status of HMGC as a "designated green space" as included within the Angmering Neighbourhood Plan. It is the wish of all members and residents of Ham Manor to safeguard the special status of this historic parkland.

However HMGC has openly supported A/176/17 and A/212/17, which undermine the status of the golf course as a "designated green space" and contradicts HMGC's justification for A/4/18/PL.

HMGC has recently sold off land all of which conflict with Arun District Council's development policy for Angmering, and with HMGC's grounds for supporting A/4/18/PL.

Approval of A/4/18/PL, on the facts submitted by HMGC, negate entirely the support given by HMGC to A/176/17 and A/212/17 which are both in contravention of the "designated green space", and the original policy grounds for the refusal of A/176/17.

COMMENTS ON REPRESENTATIONS RECEIVED:

The other applications referred to have been determined. The considerations in relation to those applications differ from those associated with this proposal. One was for a Certificate of Lawfulness which does not take into account the merits of the case or material planning considerations. The other application for housing was subject to different policy considerations.

The proposal does not require Listed Building Consent. Building Regulations legislation is separate. Given the distance from the Club House and the design of the pond, the creation of the pond will not have an unacceptable adverse impact on the setting of the Listed Building.

CONSULTATIONS

Parks and Landscapes

Archaeology Advisor

Environmental Health

Conservation Officer

Ecology Advisor

CONSULTATION RESPONSES RECEIVED:

Ecology Officer - No Objection.

The lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.

Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March - 1st October. If works are required within this time an ecologist will need to check the site before any works take place (with 24 hours of any work).

COMMENTS ON CONSULTATION RESPONSES:

- comments noted and included as informatives.

POLICY CONTEXT

Designation applicable to site:

Outside built-up area boundary

Adjacent to Public Right of Way

DEVELOPMENT PLAN POLICES

[Arun District Local Plan \(2003\):](#)

GEN2	Built-up Area Boundary
GEN3	Protection of the Countryside
GEN7	The Form of New Development
GEN9	Foul and Surface Water Drainage
GEN28	Trees and Woodlands
GEN29	Nature and Conservation Across the District
AREA5	Protection of Open Space

[Publication Version of the Local Plan \(October 2014\):](#)

OSR DM1	Open Space, Sport & Recreation
ENV DM5	Development and Biodiversity

W SP1 Water

T DM1 Sustainable Travel and Public Rights of Way

ENV SP1 Natural Environment

[Angmering Neighbourhood Plan 2014 POLICY EH3](#) Flood Prevention

Angmering Neighbourhood Plan 2014 POLICY CLW2 Protection of Local Green Spaces

Angmering Neighbourhood Plan 2014 POLICY HD1 Built-up Area Boundary

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Policy HD1 Built Up Area Boundary, EH3 Flood Prevention and CLW2 Protection of Local Green Spaces of Angmering Neighbourhood Plan are considered relevant to this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

Ham Manor Golf Course is located within an area of designated Green Space within the Angmering Neighbourhood Plan. Ham Manor Golf Club has been operating for over 80 years as a private member club and until now has met its financial needs for the operation and maintenance through membership fees. More recently, there has been significant financial pressure on the club due to national decline, competition from other leisure and sporting attractions and competition for membership.

Ham Manor Golf Course has suffered financial difficulties over recent years and as a result the necessary investment, replacement and maintenance of infrastructure as well as necessary improvements has not been delivered.

The purpose of the revised 9th Hole is to incorporate a new pond to act as a new reservoir for the new irrigation system. The existing system has been declared unfit for purpose. The pond will not be connected to the Black Ditch running through the course or the existing watercourse. Additional ornamental planting has been proposed on the eastern and western boundaries of the proposed pond. As a result of reorganisation of the hole a short game academy (practice) area will be incorporated into the scheme and the new green will move closer to the club house.

The site is located outside the Built Up Area Boundary and the recreational use is compliant with policy GEN3 of the Arun Local Plan (2003). Draft Policy C CP1 of the emerging Local Plan (Publication Version). In addition, policy AREA 5 states that development other than associated recreational development will not be allowed. Exceptions to this include development which materially enhances the existing facility or satisfies an essential social need that is unable to be provided elsewhere in the locality. The proposed revision of Hole 9 to incorporate a new pond is associated with the wider sport and leisure use and will materially enhance the existing provision offered and will not result in the loss of playing area. Further benefits provided as a result of the pond include the proposed short game academy area which will further increase and enhance both the quality and attractiveness of the course and the provision of playing area being offered. The proposal therefore accords with policy AREA5 and OSR DM1 of the Emerging Plan. Policy OSR DM1 states that Development which results in the better provision of open space or outdoor sport and recreational uses would be supported.

The relocation of the green closer to the club house will facilitate views by spectators in the club house of the playing area and will potentially make the course much more attractive. The existing irrigation system

has been deemed unfit for purpose and the proposed pond is essential for future irrigation.

Modifying the 9th Hole will also improve safety. When using the existing 9th Tee there have been many instances of balls landing in the gardens of properties along the northern side of Ham Manor Way, especially the nearest 2 properties, including hitting people in their gardens. HMGC has a duty of care to take action to mitigate this. Moving the Tees forward eliminates this risk, but means that the Green has to move forward, towards the House, by the same distance to maintain the Hole yardage and the course handicap index.

The proposals would not be contrary to Policy CLW2 of the Angmering Neighbourhood Plan. The design of the proposals will not adversely affect the character, setting or accessibility of the course and would improve the quality, appearance and habitat opportunities of the existing open space. In this case there will be no loss of open space as a result.

The proposed pond will act as a reservoir for a new irrigation system in which £500k is being invested. This will involve the use of a bore hole. The need for a new system is in response to the quality of the existing system which is unfit for purpose. The location of the pond does not lie within the indicative floodplain as illustrated on the Environment Agency's Flood Maps and therefore would not impact on or result in a loss of flood storage or increase flood risk elsewhere. The proposals would therefore not conflict with Policies GEN11 (Inland Flooding) or Policy GEN9 (Foul Water Drainage) of the Arun District Local Plan and policy EH3 of the Angmering Neighbourhood Plan. Discussions between the applicant and the Environment Agency took place prior to the submission of the application and no concerns were raised.

The proposal will improve wildlife opportunities and the range of habitats on the golf course. It will therefore result in a net gain in biodiversity in accordance with policy GEN29 of the Local Plan and policy ENV DM3 of the emerging local plan

Conclusion

The golf club has been struggling to retain membership and gain the investment needed to undertake the required improvements and much needed enhancements. The revision of Hole 9 to incorporate a pond and irrigation system will result in a number of wider benefits for the course increasing the quality of the planting area, making the course more attractive and therefore more competitive against other sport and leisure uses in the locality. In turn, it is hoped the proposed improvements will increase the club membership and green fees.

The proposal accords with the policies of the Development Plan and is recommended for approval subject to the following conditions

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to

be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

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

- Site Location Plans (1:1250 & 1:2500)
- New 9th Hole Overview Document
- H9 Detailed Design Reference Plan Ref. HAMM/2-07
- H9 DD/Green 9 & Lake Feature Design Ref. HAMM/2-08
- H9 DD/Short Game Academy Design Ref. HAMM/2-09
- H9 DD/Old Green Re-design Ref. HAMM/2-10
- H9 DD/Fairway Bunker Design Ref. HAMM/2-11
- H9 DD/Tees Design Ref. HAMM/2-12

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 3 Prior to completion of the construction of the pond there shall be submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the completion of the pond and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.'

Reason: In the interests of amenity and of the environment of the development in accordance with policy GEN7 of the Arun District Local Plan.

- 4 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest

between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act. If works are required within this time an ecologist will need to check the site before any works take place (with 24 hours of any work).

- 5 INFORMATIVE: The lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.
- 6 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.