

Planning Committee: 20 October 2020

Item Number: 4

Town/Parish Council: Kenilworth

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Application for Certificate of Appropriate Alternative Development

Land Compensation Act 1961, Section 17, as substituted by Section 63 of the Planning and Compensation Act 1991

Change of Use of land from agriculture to an extension to Kenilworth Golf Course.

This application has been made by Mr Jim McCarthy, Club President of Kenilworth Golf Club, where land is being compulsorily purchased by HS2 Ltd.

Recommendation

Planning Committee are recommended to authorise the issuing of a Certificate of Appropriate Alternative Development.

Background

The proposals the subject of this report arise from legislation which has been enacted to facilitate the delivery of the HS2 proposal and in particular are designed to assist homeowners and landowners in realising an appropriate financial return upon the compulsory purchase of a property by HS2 Limited.

A Certificate of Alternative Appropriate Development does not comprise a planning permission and does not permit development to be undertaken. Rather, it is intended to identify development which is considered to be acceptable and likely to obtain planning permission (were an application to be made) in order to assist in the valuation (for the purpose of compulsory purchase) of the property in question.

An application for a certificate can only be made by persons owning the land or property in question or the Authority making the compulsory purchase (in this case HS2). Where a Certificate is granted, it relates to the principle of a proposal only and for that reason the legislation does not require applicants to submit detailed plans.

Similarly, there is no requirement for the Local Planning Authority to undertake any consultation or publicity and the proposal should be considered under "normal" circumstances (i.e. without considering the HS2 proposal) taking into account the relevant material considerations.

The Site and its Location

The application site is agricultural land now owned by the Golf Club which previously formed part of New Kingswood Farm adjacent to the existing golf course on the south side of Dalehouse Lane in the Green Belt. The site currently consists of part of an arable field near to New Kingswood Farmhouse to the north-east. The site area is 3.14 hectares and is located 320m from the golf club buildings. The land adjoins the boundary of the golf course from which it is separated by a hedge and ditch. There is a public footpath (Centenary Way and Coventry Way) running along the northern boundary of the site. The land is within the Green Belt which leads from the existing golf course to the farm house. The land is being Compulsorily Purchased by HS2 Ltd for the construction of the high speed railway line.

Details of the Development

This is an application for a Certificate of Appropriate Alternative Development for

Change of Use of land from agriculture to an extension to Kenilworth Golf Course. The proposals were previously approved by the Council under planning permission nos. W/04/2014 and W13/0018. The application is submitted on the basis that these works would again be granted planning permission.

Relevant Policies

- National Planning Policy Framework.
- Kenilworth Neighbourhood Plan 2017-2029
- DS18 Green Belt
- HS4 Improvements to Open Space, Sports and Recreation Facilities
- HS5 Directing Open Space, Sport and Recreation Facilities.
- HS6 Creating Healthy Communities
- BE1 Layout and Design
- BE3 Amenity
- HE1 Designated Heritage Assets and their setting
- NE2 Protecting Designated Biodiversity and Geodiversity Assets
- TR1 Access and choice
- TR2 Traffic Generation
- TR3 Parking
- FW2 Sustainable drainage

Assessment

The main issues relevant to the consideration of this application are as follows:

Principle of development and visual impact

The use of the land as golf course would impact on the visual amenity of the rural area due to the regrading of the land and introduction of golfing features and planting. This would change the character of the land from agricultural to an extension to the golf course, but the visual impact will be contained by existing field boundaries. The course could broadly follow the contours of the land. It is not considered that the landscaping associated with a golf course would reduce the

openness of the Green Belt as no built structures would be needed. Therefore the proposed change of use would comply with the NPPF. This states that appropriate facilities for outdoor sport are not inappropriate development providing they preserve openness and do not conflict with the purposes in including land in the Green Belt. The proposal would also comply with Policy HS4 as a small scale development adjacent to an existing settlement which already meets the needs of the local community.

Impact on right of way

There is a public right of way running along the northern boundary of the site. The footpath would be separated from the golf course by a hedge but even if this were not proposed the use of land as a golf course should not cause hazard to the users of the footpath, which already runs through the course

Impact on drainage and ecology

The previous planning permissions dealt with matters of drainage and ecology via conditions. It is considered that these matters could be satisfactorily addressed by similar conditions now.

Impact on parking

The extension to the course by one hole would require another 3 parking spaces according to the Parking SPD. The site has in excess of 100 parking spaces which are more than required by the current 18 holes, therefore there is sufficient parking on site to deal with the small increased required. The proposal would therefore comply with Policy TR3.

Conclusion

The development does not prejudice the openness and rural character of this green belt area, adversely impact on public footpaths, and is considered to comply with the policies listed. It is therefore concluded that planning permission would be granted again for the development, as with the previous planning permissions. It therefore follows that a Certificate of Appropriate Alternative Development should be issued.