

Application No: 09/00553/F	Ward: Sibford	Date Valid: 24/04/09
Applicant:	Tadmarton Heath Golf Club	
Site Address:	Lower Tadmarton, Banbury, Oxon, OX15 5HL	

Proposal: Change of use of land to extend Golf Club Practice Area

1. Site Description and Proposal

- 1.1 The application seeks change of use of an area of agricultural land which is owned by the golf club but currently used for grazing cattle by a tenant farmer. The land in question lies to the east of the existing practice ground as a 'chipping area'. The existing practice area is not sufficient for longer shots, as a chipping area or for shorter shots to run simultaneously in safety.
- 1.2 The proposal will include the removal of a section of hedge at the eastern end of the practice ground, but the northern boundary is to be replanted with a traditional field hedge. The main part of the practice ground will remain as grass, as the existing area and not laid out in any formal manner as it will only be used for practice shots. The margins around the practice ground will remain mown to provide a wildlife habitat.

2. Application Publicity

- 2.1 The application has been advertised by way of a site notice and notice in the local press, together with notification letters to neighbours immediately adjacent to the site. The consultation period ended on 28 May 2009.
- 2.2 No comments have been received as a result of the above.

3. Consultations

- 3.1 Tadmarton Parish Council raise no objections, but note that the cattle will only have this Spring, they question if the land is suitable for 12 months of the year.
- 3.2 Oxfordshire County Council as Highway Authority raise no objections.
- 3.3 Cherwell District Council's Environmental Protection Officer advises a small section to the west of the proposed development area is underlain by the Northampton Sands formation which is likely to contain elevated concentrations of naturally occurring arsenic. Given the use of the site this is unlikely to pose a significant risk. A condition relating to contaminated land is therefore not necessary.
- 3.4 Oxfordshire County Council's Archaeology advise the building lies within an area of some archaeological interest, however from the details supplied it would seem unlikely that the small scale nature of the proposals would justify an archaeological

response. However, should any finds be made, the applicant is asked to notify the County Archaeologist in order that he may make a site visit or otherwise advise as necessary.

3.5 Cherwell District Council's Ecology advises as follows:-

1. Previous records on the site of grass snakes, common lizards and toads, in the vicinity of the pond, that the area of proposed land use change skirts. All are protected and depend on areas of rough grassland for much of the year. More regard should be given to this in the application.
2. Grass snakes and lizards are legally protected from killing and injury, therefore mowing of the area may cause death or injury, particularly if carried out at the wrong time of the year. A method statement should be submitted to ensure the reptile and amphibian interest in the area is protected.
3. Common toads are – UKBAP species. As they return to their ancestral ponds to breed each year, it is likely that they are still using the area. The current plans show the practice area extending right up to the pond edge at some points. A large buffer should be left around the pond in order to safeguard use by toads for breeding, this should be specified and agreed. Margins around the practice area should be specified and left un-mown to allow corridors for wildlife.
4. No objections to the proposed hedge removal as it is due to be replaced by a longer length of hedge. The new hedge should be of native species. Hedge removal should not take place during the bird breeding season (April to August) as all nesting birds are protected at this time.

4. Relevant Planning Policies

- 4.1 South East Plan – Policy TSR2 seeks to promote tourist and recreational facilities and Policy NRM5 seeks to conserve and improve the biodiversity of the area.
- 4.2 Adopted Cherwell Local Plan – Policies C1 and C2 requires the interest of Nature Conservation to be taken into account. Policy C7 seeks to conserve the character of the landscape. Policy C14 seeks to ensure that all important trees and hedgerows are retained and the ecological value of the site is retained.
- 4.3 Non-Statutory Cherwell Local Plan – Policy R13 advises that golf courses will generally be acceptable provided the quality of nature conservation and the landscape would not be materially prejudiced and there are no highway or agricultural objections. Policy EN22 seeks to ensure that areas of importance for nature conservation are not lost. Policy EN23 seeks the submission of ecological surveys and Policy EN24 seeks to protect sites and species.

5. Appraisal

5.1 Access

The site is accessed from the Tadmarton to Wigginton Road. Visibility at the access is good and there are no proposals to make any alterations to it. There are

two existing car parks serving the golf club and there are no proposals to increase car parking provision. The Highway Authority have not raised any objections to the proposal.

5.2 Landscape Impact

The existing golf club is formed on former heathland in an elevated position in open countryside. The site however is reasonably well screened from the adjacent public road network by existing trees and hedgerows and the form of the land. The proposed extension to the golf practice area relates to existing agricultural land which drops away from the existing practice area and down to an existing pond. This land is not readily visible from outside the site and landscape impact is therefore minimal. An existing public bridleway passes along the existing driveway and down past the club buildings. There will be no adverse impact on the amenity of this bridleway or views from it to the extended practice area. An area of native hedge is to be removed but this will not have any significant visual impact. Additional hedge planting along the northern boundary is welcomed.

5.3 Ecology

There is an existing pond adjacent to the application site and there are previous records of grass snakes, common lizards and common toads on the site. Grass snakes and lizards are legally protected from killing under the Wildlife and Countryside Act 1981, therefore care must be taken to ensure no damage is occurred when mowing etc. Common toads are also a UKBAP protected species. A larger buffer should therefore be retained around the pond in order to safeguard its use for breeding toads.

The applicant's agent has commissioned a reptile and amphibian assessment of the site and a mitigation plan for dealing with the issues of their protection and conservation. A walkover survey was carried out on 23 June 2009. Whilst the field boundaries were found to provide suitable habitat, no reptiles or amphibians were found at the time of the survey. The survey concluded therefore that the proposed change of use of the existing agricultural land to golf practice area was not expected to significantly affect existing reptile and amphibian populations.

The existing pond currently has a 12m buffer around it but it is suggested that an additional buffer of 10m should be located around the southern section of the short game practice area to include the area of marshy grassland. The buffer zone will be cut on a three year rotation at a height of at least 10cm. It also proposes buffer zones with a minimum width of 3m will be retained along additional field boundaries including proposed new hedgerows. These buffer zones will be mown once a year in August in warm conditions.

The Council's Ecology Officer is satisfied that the walkover survey is likely to be sufficient in this case as the proposed change of use is likely to be of relatively low disruption and the recommendations above are good practice to safeguard any reptile interest and enhance the habitat for them.

5.4 Land Use

The change of use of the land in question relates to the use of the land as additional practice area in conjunction with the existing golf club use. Policies contained within the adopted Cherwell Local Plan and the Council's Non-Statutory Cherwell Local Plan support such uses in open countryside provided there are no adverse

landscape or ecological impacts and that highway safety is not compromised. The proposed change of use of the agricultural land in question is therefore considered appropriate.

6. Recommendation

It is therefore recommended that the application be **APPROVED** subject to the imposition of the following conditions:

1. **1.4A Full Permission: Duration Limit (3 years)(RC2)**
2. **Prior to the commencement of any development an additional buffer zone (beyond the current buffer of around 12m) of 10 metres shall be located around the southern section of the short game practice area, which shall also include the area of marshy grassland (as shown on figure 2 of the Herpetofauna Assessment and Mitigation Plan dated June 2009). The buffer zone will be cut on a three year rotation at a height of at least 10cm with the cuttings placed in compost heaps within this area or closer to the pond in sunny locations. These buffer zones shall be properly maintained and retained as buffer zones at all times thereafter. Reason (RC86A)**
3. **Buffer zones with a minimum width of 3 metres shall be retained and maintained at all times along the additional field boundaries, including the proposed new hedgerows. These buffer zones shall be left undisturbed and mown only once a year in August with the cuttings placed in compost heaps spaced along these hedgerows in sunny locations. Reason (RC86A)**
4. **The removal of the existing hedgerow must be mitigated through the planting of a new 110 metre section of traditional hedgerow and enhancement of 190 metres of defunct hedgerow to the west. Prior to the commencement of any development on the site full details of the proposed new hedge shall be submitted to and agreed in writing by the Local Planning Authority and carried out in the first available planting season following the use of the land in question as approved. Any plant/tree within the hedgerow which may die within five years from the completion of the development shall be replaced and thereafter properly maintained in accordance with this condition.**

Reason – In the interests of the visual amenities of the area and to ensure the replacement of habitats for nature conservation in accordance with the requirements of PPS9 ‘Planning and Biodiversity’ Policy NRM5 of the South East Plan 2009 and Policy C2 of the adopted Cherwell Local Plan.

5. **The removal of the hedge in question shall be timed so as to avoid the bird nesting/breeding season from March to August inclusive. Reason (RC86A)**

Planning Notes

1. **01 - The County Archaeologist has indicated that the proposal does not appear to directly affect any presently known archaeological sites. However, the County Council's records do show the presence of known archaeological finds nearby and this should be borne in mind by the applicant. If**

archaeological finds do occur during development, the applicant is requested to notify the County Archaeologist in order that he may make a site visit or otherwise advise as necessary. Please contact : County Archaeologist, Department of Leisure and Arts, Oxfordshire County Council, Central Library, Westgate, Oxford, OX1 1DJ (Telephone 01865 815749).

2. S1 - The applicant is advised that all works to which this permission relates must be carried out strictly in accordance with the plans, drawings and other relevant supporting material submitted as part of this application and hereby approved. The Planning Department must be immediately advised of any proposed variation from the approved documents and the prior approval of this Council obtained before any works are carried out on the site. This may require the submission of a further application. Failure to comply with this advice may render those responsible liable to enforcement proceedings which may involve alterations and/or demolition of any unauthorised building or structures and may also subsequently lead to prosecution.
3. X1 - Your attention is drawn to the need to have regard to the requirements of UK and European legislation relating to the protection of certain wild plants and animals. Approval under that legislation will be required and a licence may be necessary if protected species or habitats are affected by the development. If protected species are discovered you must be aware that to proceed with the development without seeking advice from Natural England could result in prosecution. For further information or to obtain approval contact Natural England on 01635 268881.

SUMMARY OF REASONS FOR THE GRANT OF PLANNING PERMISSION AND RELEVANT DEVELOPMENT PLAN POLICIES

The Council, as local planning authority, has determined this application in accordance with the development plan unless material considerations indicated otherwise. The development is considered to be acceptable on its planning merits as the proposal seeks to compliment the existing golfing facilities and will have no adverse landscape or biodiversity impact. As such the proposal is in accordance with Policies TSR2 and NRM5 of the South East Plan 2009 and Policies C1, C2, C7 and C14 of the adopted Cherwell Local Plan. For the reasons given above and having regard to all other matters raised, the Council considers that the application should be approved and planning permission granted subject to appropriate conditions, as set out above.

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