

**DECISION DOCUMENT**  
**APPLICATION NUMBER: S/01392/07/FUL**  
**BIRMINGHAM CITY COUNCIL**  
**TOWN AND COUNTRY PLANNING ACT 1990**

**APPLICANT**

Moseley Golf Club  
Springfield Road  
Kings Heath  
Birmingham  
B14 7DX

**AGENT**

Turley Associates  
9 Colmore Row  
Birmingham  
B3 2BJ

**BIRMINGHAM CITY COUNCIL REFUSE PLANNING PERMISSION FOR THE FOLLOWING DEVELOPMENT IN ACCORDANCE WITH THE PLANS AND APPLICATION AS NUMBERED ABOVE:**

Change of use of vacant land for the formation of golf practice area  
at  
Springfield Road, Kings Heath, Birmingham - Moseley Golf Club, B14 7DX

**THE REASON FOR THE COUNCIL'S DECISION TO REFUSE PERMISSION FOR THE DEVELOPMENT IS AS FOLLOWS**

- 1 The proposal conflicts with Paragraph 3.62 and 3.62A of the Adopted Birmingham Unitary Development Plan 2005 which seeks to protect allotments unless it can be demonstrated that the demand for allotments has fallen. The proposal is also contrary to PPG17, which also seeks the retention of allotments and the Strategy for Allotment Provision in Birmingham 2001.

Date: 13th September 2007



**DIRECTOR OF PLANNING AND REGENERATION**

P.O. Box 28, Alpha Tower, Suffolk Street Queensway, Birmingham, B1 1TU

**PLEASE READ THE NOTES ENCLOSED WITH THIS DOCUMENT**



Committee Date: 13th September 2007  
Accepted: 7th March 2007  
Target Date: 2nd May 2007  
Ward : Moseley & K. Heath

Application Number: S/01392/07/FUL

Springfield Road, Kings Heath, Birmingham - Moseley Golf Club, B14 7DX

Change of use of vacant land for the formation of golf practice area

Applicant: Moseley Golf Club Springfield Road Kings Heath Birmingham B14 7DX

Agent: Turley Associates 9 Colmore Row Birmingham B3 2BJ

#### Recommendation

Refuse

#### Proposal

This detailed application seeks permission for the change of use of former allotments, now vacant land, for the formation of a golf practice area.

The application site is approximately 1 hectare in size. It is proposed to construct three driving tees and construct one green, with no putting or chipping practice area. The longest driving range would be 135m in length. All ranges would run from east to west and from north-east to south-west, away from residential properties in Southlands Road and culminating in the green, which will be located to the elevated south-western corner of the site.

The stream (Coldbath Brook) and two 'burnt mounds' would be retained in their current locations. Additional landscaping and woodland planting would be provided on boundaries of the site.

The Practice Area would not be floodlit.

A full Landscape Assessment and Supporting Planning Statement has been submitted with the proposals.

#### Site & Surroundings

A stream dissects the site from the eastern boundary to the northwestern boundary with the existing allotment area. The existing 18 hole golf course is located to the southern and western boundary, with residential properties to the northern boundary.

The boundaries comprise trees and hedging to all boundaries with the exception of the boundary with the existing allotment area, which contains a 1m high post and wire fence.

#### Consultation/PP Responses

Ward Councillors, MP's, Residents Associations and near neighbours notified and site notices posted. 38 letters of objection received, a letter of objection from Manor House Leisure Gardens Association and a petition of objection containing 10 names from Uffculme Leisure Gardens Association Committee. The grounds of objection are as follows:

- The loss of the allotments would destroy the community benefits associated with such uses;

- There would be negative health and social consequences should the allotments be lost;
- The vacated site should be put back to allotment use;
- The proposals are contrary to Planning Policy Guidance Note 17 - Planning for Open Space, Sport and Recreation;
- The proposal is not a sustainable land use;
- It is unlikely that the application will generate improvements to the nature and conservation agendas outlined in the UDP;
- The Council is in a difficult position with regard to determining this application as the land owners have yet to sign a lease with the Council regarding the Billesley Lane allotments;
- The proposals will have an effect on the amenities of adjoining residents by way of noise, nuisance and disturbance etc;
- There will be a disruption to wildlife;
- Rather than lose allotments, there is a need to secure new allotments within the City.

Billesley Lane Allotments Association has objected to the proposals on the following grounds:

- The allotments have been on this site since 1923 and possibly before and there is now a waiting list of 18 people, with new enquiries being discouraged given the long waiting list;
- The development of the land for a golf practice facility is contrary to both national and local Government planning policy;
- There has been a previous history of refusals on the site;
- There is strong local community support for allotments, the Golf Club has no responsibility to the local community and few links;
- The current application does not accurately depict the site and the supporting planning statement is misleading, and
- If the Golf Club will not return the land to the City on a long-term lease, the City should strongly consider a Compulsory Purchase Order on the whole of the allotment land and if it is the Council's decision to allow the planning application, then a Section 106 Agreement should be imposed to preserve the remaining allotment site for the use of the whole community.

Dr Lynne Jones MP - The relevant Unitary Development Plan policies require that this application should be refused. If despite this, the Council were minded to approve the application, given the demand for allotment land at this site, I feel an agreement should be reached with the applicants to secure an extension on the tenure of the remaining allotment land. I would suggest the land could either be gifted to the City in perpetuity or, at least, the lease could be extended to 99 years, securing the future use of the remaining land and satisfying some of the provisions within the UDP. Money should also be released under s106 arrangements to improve the remaining allotment site, including the provision of the long-awaited pavilion with suitable toilet and storage facilities.

A total of 8no. letters of support have been received for the proposal on the following grounds:

- The land will be used for the teaching of junior Golf Club members in safety;
- The land is Club land and no longer used as allotments and as such is better used as part of the club facilities;
- The proposed landscaping will enhance the area and provide a pleasant rear aspect for the houses in Southlands Road;
- The Golf Club is an integral part of the local community and is becoming more accessible to the general public;
- The Club has been in existence since 1892 and has provided healthy outdoor recreation to thousands of people over that period;

- If the application is refused, the land will lie unused, as there is no incentive for the Club to use it for anything else;
- There is a surplus of vacant allotments in the area;
- As allotments decline in popularity it is important to retain the green spaces in Moseley and Kings Heath, which makes the area so popular and unique;
- The allotment holders vacated the site in December 2005 and it makes no sense to leave the land lying idle;
- The additional planting/landscaping will encourage wildlife to the area, and
- The club has been endeavouring to recover this site since 1996 and has taken a large financial risk in the past to fight a compulsory purchase order. Now the site is empty, the Club should be allowed to start using it as outlined in the application.

The Worcestershire Union of Golf Clubs supports the proposals, confirming that the golf club is a widely respected club, having a very strong junior membership and high levels of achievement within the sport. However, the practice facilities no longer match modern standards. There is a requirement to provide a separate area where tuition can be carried out safely and where full-length shots can be undertaken. Moseley is located in an inner city area with no chance to expand its boundaries. If it is to carry out its plans to draw in juniors to the sport from nearby and provide a serious recreational service to the community of which it is part, then the development is essential.

Further letters of support have been received from The English Golf Union; The Professional Golfers Association; The English Ladies Golf Association and Worcestershire and Herefordshire Ladies County Golf Association.

A total of 2no. letters of general observation have been received. The comments are as follows:

- The Club's proposal implies that by changing the use of the land to practice facility for Club members it opens up the site for general use. In practice this is not the case as the Club is a membership organisation and therefore limited to those who pay subscription fees;
- There has never been a general invite to non-members into the Club, inviting Club members' children to get involved isn't widening access;
- The allotment provision is offered to all local residents - it's a shame more hasn't been done to make residents aware of its closure;
- It is imperative that if the scheme goes ahead, then the recommendations of the ecological and landscape surveyor are implemented and that the planting and landscape management are carefully monitored to ensure that they are carried out with due care and attention;
- Development and management should take account of the non-plant wildlife and the ecologists should be consulted and it is essential that any existing badger routes are properly identified and the law is followed with respect to their protection.

Local Services (Landscape Development) - No objections to the proposals.

Local Services (Allotments) - Confirmation that all Allotment Associations in Moseley and Kings Heath area have waiting lists.

Birmingham Open Spaces Forum - objecting to the proposals on the grounds that allotments form an important part of the open spaces of Birmingham and are protected in local planning guidance. At present, Billesley Lane Allotments are unable to satisfy the demand for allotments in the area, and their existence continues to be threatened given that the current lease expires in 2018. Ideally, the vacated site should be put back to

allotment use, too, but certainly unless Moseley Golf Club can guarantee the long-term survival of the remaining allotment site at Billesley Lane, the City Council is urged to refuse this application.

Sport England - no objections to the proposals.

Birmingham and Black Country Wildlife Trust - would expect that the City Council rejects the application as the landscape recommendations report accompanying the application is not dated; there is no date given for ecological survey work that may have informed the report; there is no indication of the last time this site benefited from ecological survey work undertaken by, or on behalf of the golf club; the report does not contain information about birds or invertebrates and there is no specialist management indicated for these; the comprehensive species listing only lists plant species and the time period covered by this listing is not indicated.

Birmingham Friends of The Earth - objecting to the proposals. The description should read 'change of use from allotment land' not 'vacant land, this is misleading; the club have provided no evidence that biodiversity will be preserved; the club undertook various work to the land at the wrong time of the year; there are other Clubs in the area that caters for golf practice needs; there is clear evidence of demand for allotment land in the area. However, should the Council grant permission then a planning condition should secure the remaining allotment area for permanent or long-term use.

#### Planning History

19.9.02 - S/03271/02/FUL - Formation of golf practice area. Refused for the following reasons;

1. The proposal conflicts with Paragraph 3.62 of the Unitary Development Plan and the Deposit Draft Unitary Development Plan respectively which seeks to protect allotments unless it can be demonstrated that the demand for allotments has fallen. This proposal is also contrary to the Council's adopted strategy for Allotment Provision in Birmingham and PPG17.

2. The site is part of a Site of Local Importance for Nature Conservation and a wildlife corridor and the proposals would adversely affect the nature conservation value of the site contrary to Paragraphs 3.37, 3.38, 3.39 and 3.40 of the Unitary Development Plan and Deposit Draft Unitary Development Plan respectively, the aims of the Adopted Nature Conservation Strategy for Birmingham and PPG9.

3. Insufficient information has been submitted to demonstrate that the proposal would not adversely affect the archaeology of the site, contrary to Paragraph 8.36 of the Unitary Development Plan and Deposit Draft Unitary Development Plan respectively and the provisions of PPG16.

18.6.98 - S/00382/98/FUL - Change of use to development of golf practice area. Refused for the following reasons:

1. The proposed development would result in the loss of trees to the detriment of the visual amenities of the area.

2. The proposal conflicts with the policy for the development of nature conservation adopted by the Local Planning Authority and included in the provisions of the Unitary Development Plan.

3. The proposal conflicts with the policy for allotments adopted by the Local Planning Authority and included within the provisions of the Unitary Development Plan.

### Policy Context

Adopted Birmingham Unitary Development Plan 2005.

A Strategy for Allotment Provision in Birmingham 2001.

Planning Policy Guidance Note 16 - Archaeology and Planning.

Planning Policy Guidance Note 17 - Planning for Open Space, Sport and Recreation.

Planning Policy Statement 1 - Delivering Sustainable Development.

Planning Policy Statement 9 - Biodiversity and Geological Conservation.

### Planning Considerations

By way of background, the applicants have confirmed that the application site together with the neighbouring land, which is continuing in allotment use, with vacant possession, was originally purchased in 1938. The intention at that time was to enable extension of the playing and practicing areas of the course. Because of the war, the Club allowed the Council to use the land as allotments. That use continued until recently, although in 1994, the Club gave notice of its intention not to renew the lease beyond its expiry date of September 2001, so that its aim of incorporating the land into the golf course could be achieved.

The Council served a Compulsory Purchase Order to retain the allotments and an Inquiry was undertaken in September 2002. Following the Inquiry when the CPO was refused, the Council accepted a compromise situation and the allotment holders vacated the application site in December 2005 and now continue to occupy an area situated between Southlands Road and the application site, with this area being leased to the Council until 2018.

In support of the proposals, the applicants have confirmed that at present there is no satisfactory practice/teaching area and the Club has to permit members to practice on the course itself. This is unsatisfactory as the Club is in frequent use. There is no other area of land that the Club can satisfactorily use as a practice area. Furthermore, the Club makes particular effort to attract junior golfers and these do not have to be related to existing club members and coaching is provided free of charge. This is partly funded by the Club and partly by the Golf Foundation and English Ladies' Golf Association. The Club also runs an annual Open Junior Tournament for both girls and boys. The Young Masters Golfers Scheme runs on Saturday mornings, which can involve up to 40no. young people, but with no area available for tuition. Finally, the Club wishes to continue to provide opportunities for members of all ages and skills to improve their abilities, which is in line with Government sports policy and The Golf Foundation has confirmed that the close proximity of the Club to Birmingham City Centre would provide an opportunity to promote the game to young people at local schools.

In the consideration of the application, policy 3.52A of the UDP states that proposals, which would result in the loss of open space, will only be permitted in exceptional circumstances. In determining whether exceptional circumstances exist, the City Council will take account of the availability of public open space nearby, its quality and how well it meets local needs. It is unlikely that developers will be able to demonstrate that exceptional circumstances exist where: a) existing public open space provision falls below the standard of 2.0 hectares per 1000 population and b) there would be a loss of land from the open space network.

Policy 3.62 states that allotments provide a much-needed facility especially in areas where private gardens are limited and they will continue to be protected. There is uneven

provision of allotments across the City. Redressing this inequality is important and every effort will be made to encourage the provision of new allotments in areas of deficiency, where opportunity arises.

Policy 3.62A states that planning permission will not be granted for the redevelopment of allotments simply because allotments have fallen out of use and become derelict. Where it can be demonstrated that the demand for allotments has fallen, consideration will be given to alternative uses for surplus allotments. Such uses will be alternative recreational, nature conservation or horticultural uses, subject to the policy set out in paragraph 3.52A. If in exceptional circumstances planning permission is granted for other forms of development on part of the site, this will be subject to the provision of an appropriate equivalent, long-term recreational community benefit.

PPG17 - Planning for Open Space, Sport and Recreation was published in July 2002 and is relevant to both allotments and golf courses. The key objectives of PPG17 outline that 'well planned and maintained open spaces and good quality sports and recreational facilities can play a major part in improving people's sense of well being in the place they live.. 'whilst' ..open spaces, sports and recreational facilities have a vital role to play in promoting healthy living and preventing illness, and in the social development of children of all ages through play, sporting activities and interaction with others'...

Furthermore, paragraph 1 in the section entitled ' National Planning Guidance' states that 'to ensure effective planning for open space, sport and recreation, it is essential that the needs of local communities are known'. Paragraph 11 states that 'open space and sports and recreational facilities that are of high quality or of particular value to a local community should be recognised and given protection by local authorities through the appropriate policies and plans'.

In 2001, the Council adopted a 'Strategy for Allotment Provision in Birmingham', which sought to secure the future use of surplus allotment land and continue improvement and marketing of existing, well tenanted sites to secure their long term future'.

The application site has not been used for allotment purposes since December 2005, following the outcome of the 2002 CPO Inquiry, which resulted in the site being taken back by the Golf Club.

Since the last refusal of planning permission in 2002, the applicants have undertaken surveys and have now been able to include information to satisfactorily demonstrate that the archaeology of the site will not now be affected and that the proposed development can be satisfactorily provided without any adverse affect on any of the existing species or habitats on site. As such, I consider that refusal reasons 2 and 3 of the last refusal of planning permission in 2002 have been overcome.

Whilst I have carefully noted the applicants submission in respect of the need for the facility and the sporting benefits for all (and particularly young people), I consider that the proposal is still unacceptable.

It is evident that there is still a proven need for allotment provision within the City Council boundaries and in particular within the Moseley and Kings Heath wards. The adjoining allotment area, which is leased to the City Council until 2018, has a waiting list of 18 people and the Allotments Association now discourages new applicants from applying, given the lengthy waiting list.

Sustainability

Negative impact on sustainability.

Conclusion

It is acknowledged that the Golf Club is an important recreational facility and the need for enhanced facilities is a material consideration.

However in this particular instance, I consider that the need for the golf practice area as proposed does not outweigh the UDP policy, which seeks to protect allotments (even though the land has not been used for that purpose since December 2005), unless it can be demonstrated that demand has fallen. The Billesley Lane allotments are an important local facility, which are well supported in demand and should be protected. It is recommended that the application be refused.

Recommendation

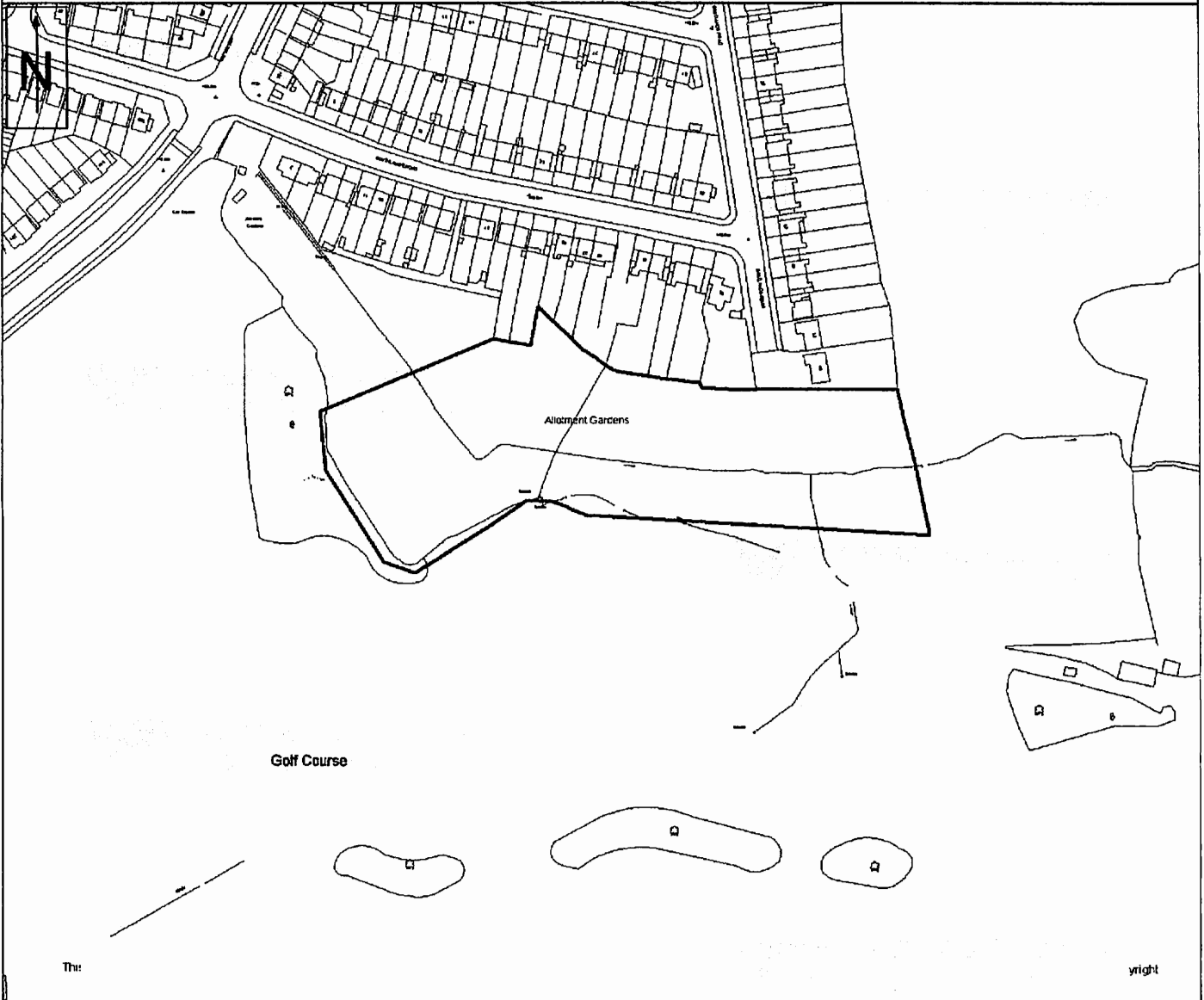
That Planning Permission be refused.

- 1            PLRR999            Non-Standard  
The proposal conflicts with Paragraph 3.62 and 3.62A of the Adopted Birmingham Unitary Development Plan 2005 which seeks to protect allotments unless it can be demonstrated that the demand for allotments has fallen. The proposal is also contrary to PPG17, which also seeks the retention of allotments and the Strategy for Allotment Provision in Birmingham 2001.

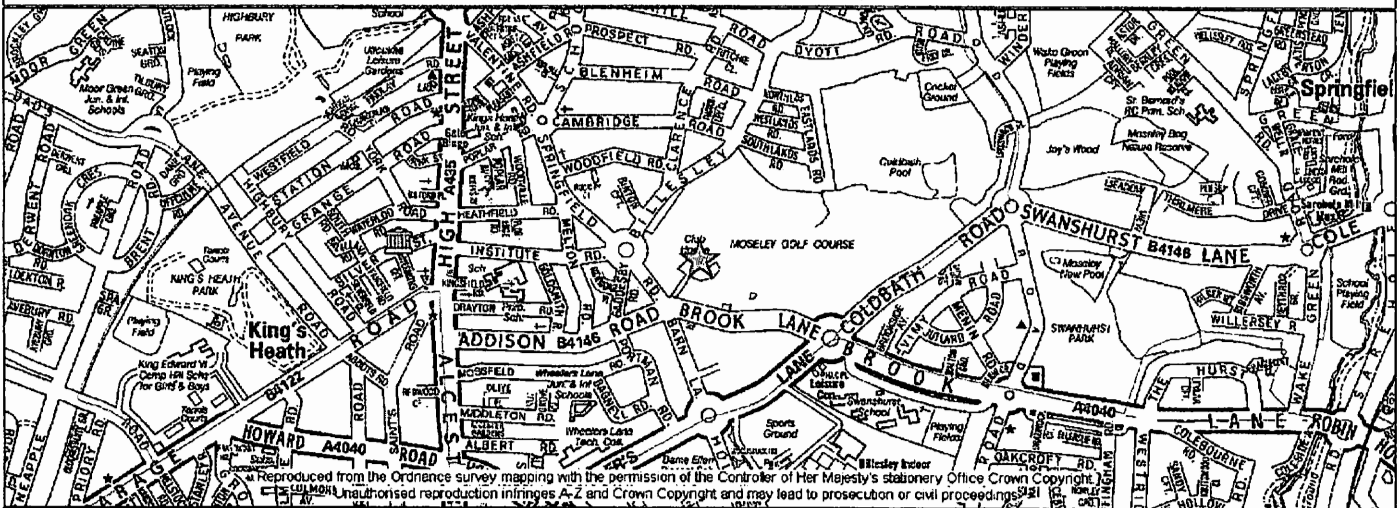
Case Officer: Stuart Morgans

Authorising Officer: Chris Cox





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**S/01392/07/FUL**  
**SPRINGFIELD ROAD, KINGS**  
**HEATH, BIRMINGHAM - MOSELEY**  
**GOLF CLUB, B14 7DX**

- Statutory Listed Building
- Locally Listed Building
- ▨ Conservation Area
- ⌘ Neighbourhood Offices
- Site Boundary
- ★ Site Location

**PLANNING**  
**P. O. BOX 28**  
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