

APPLICATION REPORT – 18/00963/FUL

Validation Date: 22 October 2018

Ward: Heath Charnock And Rivington

Type of Application: Full Planning

Proposal: Construction of landing structure to replace existing forming part of the Go Ape Ropes course.

Location: Go Ape Rivington Lane Rivington Bolton BL6 7RZ

Case Officer: Mr Iain Crossland

Applicant: Mr Ben Davies

Consultation expiry: 20 February 2019

Decision due by: 15 November 2019

RECOMMENDATION

1. It is recommended that planning permission is granted subject to conditions.

SITE DESCRIPTION

2. The Go Ape course is situated at Rivington, close to the Great House Barn and is accessed from Rivington Lane. The site is located in the Green Belt and forms part of a designated Historic Park and Garden. The area of the site to which this application relates comprises an existing zip wire and landing area close to the shore of Lower Rivington Reservoir and adjacent to a permissive footpath. The area comprises numerous mature trees.

DESCRIPTION OF PROPOSED DEVELOPMENT

3. This application seeks planning permission for the construction of a landing structure to replace an existing landing structure that forms part of the Go Ape Ropes course. The proposed landing structure would measure approximately 12m by 4m and would have a maximum height of up to approximately 3.4m to the top of the safety rail. The landing structure would be constructed of timber.
4. The proposed development originally included the diversion of a permissive right of way, however, this has since been removed from the proposal.

REPRESENTATIONS

5. Representations in objection to the proposed development have been received from 3 addresses. These raise the following issues:
 - Concern about the introduction of further landing zones and further restrictions to public access.
 - Impact on the special character of the area.
 - Impact on the Green Belt

- The Go Ape course is expanding incrementally.
- Parking issues and increased parking demand.
- The re-routing of the permissive footpath is unnecessary and Go Ape do not have the authority to do so.
- There is no need to extend the landing area, and the reduced operating costs Go Ape do not justify the proposal.
- The details regarding the position of the zip line are erroneous
- It is unclear which trees will be affected.
- The zip line should not be allowed to change anchor point.
- Damage to trees.
- The existing landing zone does not have planning permission.

CONSULTATIONS

6. Rivington Parish Council: No comments received.
7. The Gardens Trust: We have considered the information provided in support of the application and on the basis of this confirm we do not wish to comment on the proposals at this stage. We would however emphasise that this does not in any way signify either our approval or disapproval of the proposals.
8. Friends of Lever Park: Two letters of objection have been received on the basis of the following:
 - The re-routing of the permissive footpath is unnecessary and Go Ape do not have the authority to do so.
 - There is no need to extend the landing area, and the reduced operating costs Go Ape do not justify the proposal.
 - The details regarding the position of the zip line are erroneous.
 - The zip line should not be allowed to change anchor point.
 - Damage to trees.
9. Lancashire County Council Public Rights Of Way: No comments received.

PLANNING CONSIDERATIONS

Applicants case

10. The only change proposed to the Go Ape course affects Site 3, the zip wire landing zone of which is situated adjacent to Site 4, the furthest from the car park and cabin. Currently, due to its location the landing zone is set at such a gradient that it is necessary that customers are manually 'braked' by a member of staff as they come into land. Other woodland users are required to halt on the pathway by means of gates, and direction from the same member of staff, whilst a Go Ape customer is coming into land; they can only continue when they are told by the staff member that it is safe to do so.
11. The reasons Go Ape wish to amend the landing site are:
 - To remove the need for a manual braking system thus enhancing the safety for users.
 - To improve the visitor experience.
 - To improve the aesthetic appearance of the landing site.
12. To achieve this, the landing site would be rebuilt, extending a metre or so further back towards the anchor tree, and shortening it at the front to sit just behind the tree that is currently within the landing zone, such that it can be approached at a gradient that does not require additional mechanical braking, so operating as the other sites currently do. Go Ape would retain control measures for the safe passage of other woodland users on the existing permissive right of way.

Principle of development

13. The site is located in the Green Belt. The National Planning Policy Framework (the Framework) states that there is a general presumption against inappropriate development in the Green Belt and the Framework advises that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.
14. National guidance on Green Belt is contained in Chapter 13 of the Framework which states:
- 133. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.*
- 134. Green Belt serves five purposes:*
- *to check the unrestricted sprawl of large built-up areas;*
 - *to prevent neighbouring towns merging into one another;*
 - *to assist in safeguarding the countryside from encroachment;*
 - *to preserve the setting and special character of historic towns; and*
 - *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*
15. Paragraph 145 of the Framework states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. There are a number of exceptions to inappropriate development. One exception at paragraph 125.b) is: *the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
16. The Go Ape climbing course and its associated facilities fall to be considered outdoor recreation, in accordance with the definition in the Framework, which is an exception to inappropriate development. This exception states that such facilities are not inappropriate only where they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. As the landing structure replaces an existing landing structure in a similar position it is considered to preserve openness being an open structure that is only slightly larger than the existing one. It is therefore considered that the proposal would not represent inappropriate development in the Green Belt.

Historic Park and Garden and Impact on Listed Buildings

17. The application site is within the designated boundary of the registered park and garden. However, the site of the proposed development is not in the 'designed' element of Lever Park. It is not, therefore, considered that the change to the course has a detrimental impact on the Historic Park and Garden and is viewed in the context of the existing Go Ape course and its associated development.
18. Great House Barn, Great House Cottage and the adjacent Information Centre are all Grade II listed buildings. There is over 350m between the site and the Great Barn and it is not visible as it is within the woodland.
19. It is not, therefore, considered that the proposal has any detrimental impact on the setting of the listed buildings or the significance of the Historic Park and Garden. The application is, therefore, considered acceptable in terms of Core Strategy policy 16 and Local Plan policy BNE8.

Impact on trees and the character of the area

20. The replacement landing structure would be a timber ramp supported by timber posts, with a timber safety rail atop. The structure would measure approximately 4m wide by 12m long with a maximum height of approximately 3.4m. It would have a similar appearance and character to other existing structures around the site, and would not be harmful to the

character of the wider area, given that it would be sited in the context of an existing well established Go Ape ropes course and would replace an existing landing structure in the same position.

21. The zip line that is associated with the landing structure is attached to existing trees and this arrangement would not change. There would, however, be a requirement to remove one limb from a tree on the southern side of the existing pathway. The tree itself is not protected and the removal of the limb from this tree would not be harmful to the health of the tree and would not result in any adverse impact on the character of the landscape in the context of this woodland location.
22. It is noted that the landing structure would be constructed in close proximity to a number of trees. The applicant has confirmed that the method of construction that would be used seeks to minimise the impact to the health of surrounding trees. The landing platform would be supported on several upright posts resulting in low ground impact. No support pole holes would be dug within 1m of the base of any trees over a DBH of 20cm (the posts closest to the trees would stand on a wooden base and not enter the ground). Any holes within 4m of a tree would be hand dug ensuring any roots over 2.5cm in diameter are not damaged. Roots under 2.5cm may be cleanly cut back to the edge of the hole. If roots over 2.5cm are found the location of the hole, it would be repositioned to avoid the root. It is recommended that this specific method of construction is secured by condition.

Other matters

23. Concern about the introduction of further landing zones and further restrictions to public access: The application is for a replacement landing zone and would not justify further landing zones. No restricted access is proposed to enable the development.
24. The Go Ape course is expanding incrementally: The proposed development would not expand the scope of the course.
25. Parking issues and increased parking demand: It is recognised that there are parking difficulties at peak times in area of the application site, however, the current applicant does not seek to expand the capacity of the course to the extent that this would result in greater demand for parking in the area.
26. The re-routing of the permissive footpath is unnecessary and Go Ape do not have the authority to do so: The re-routing of the permissive footpath that was originally proposed has been removed from the proposal.
27. There is no need to extend the landing area, and the reduced operating costs Go Ape do not justify the proposal: Go Ape are seeking to provide a new landing structure to improve the facility and the application has been assessed on the planning merits of the development.
28. The details regarding the position of the zip line are erroneous: It was identified that the position of the zip line shown on the original block plan was incorrect. A revised block plan was subsequently received and letters of re-notification were sent out on this basis.
29. It is unclear which trees will be affected: The block plan, design and access statement and associated documents make clear which tree would be affected by the proposal.
30. The existing landing zone does not have planning permission: The existing landing structure is lawful.

CONCLUSION

31. The proposed development is not considered to be detrimentally harmful to the openness of the Green Belt or landscape character. Nor would there be any harm to designated heritage assets. It is, therefore, recommended that the application is approved.

RELEVANT HISTORY OF THE SITE

Ref: 08/00553/FUL **Decision:** PERFPP **Decision Date:** 24 July 2008
Description: Proposed high wire adventure course with associated equipment, cabin and shelter, and extension to existing carpark

Ref: 11/00466/FUL **Decision:** PERFPP **Decision Date:** 7 September 2011
Description: Retrospective application for the building up (raising) and enlargement of two zipwire landing sites at Go Ape course (landing area for site 2 located near site 3, and landing area for site 3 located near site 4).

Ref: 11/00938/FUL **Decision:** PERFPP **Decision Date:** 10 May 2012
Description: Extension of car park to Go Ape (enlargement of car park as built)

Ref: 12/00506/DIS **Decision:** PEDISZ **Decision Date:** 10 July 2012
Description: Application to discharge conditions 5 (boundary treatment and surfacing), 6 (parking bay details) and 7 (travel plan) of permission 11/00938/FUL (for enlargement of car park)

Ref: 13/01042/FUL **Decision:** PERFPP **Decision Date:** 14 March 2014
Description: Proposed changes to site 4 of existing Go Ape course including a new zip line, removal of course infrastructure from trees 414 and 416, new path from site 4 and relocation of forest shelter (change to position of shelter approved under planning permission ref: 08/00553/FUL). Also, retrospective application for paths/surfacing around the pre-brief site (adjacent to the cabin) and linking paths to site 1, 2 and 3.

Ref: 13/01149/ADV **Decision:** PERADV **Decision Date:** 14 March 2014
Description: Application for Advertising Consent for signs: additions to three existing ladder board signs and one 'gallows' style sign (please see application for full details).

Ref: 17/00932/FUL **Decision:** PERFPP **Decision Date:** 8 November 2017
Description: Application to vary the conditions (Section 73 application) on permission ref: 13/01042/FUL (which related to the Go Ape course) to amend the design of how the zip line ending at tree 0042 is terminated, so it alternatively ends at a pole located in front of the tree 0042 supported by back-stays to the existing concrete ground anchors.

RELEVANT POLICIES: In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposal has had regard to guidance contained within the National Planning Policy Framework (the Framework) and the development plan. The specific policies/guidance considerations are contained within the body of the report.

Suggested Conditions

No.	Condition									
1.	The proposed development must be begun not later than three years from the date of this permission. <i>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004</i>									
2.	The development hereby permitted for one dwelling shall be carried out in accordance with the following approved plans: <table border="1" data-bbox="316 1877 1353 2027"> <thead> <tr> <th>Title</th> <th>Reference</th> <th>Received date</th> </tr> </thead> <tbody> <tr> <td>Location plan</td> <td>N/A</td> <td>07 October 2019</td> </tr> <tr> <td>Redesigned Site 3 Landing Zone Block Plan</td> <td>N/A</td> <td>07 October 2019</td> </tr> </tbody> </table>	Title	Reference	Received date	Location plan	N/A	07 October 2019	Redesigned Site 3 Landing Zone Block Plan	N/A	07 October 2019
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	Site 3 zip wire landing zone elevation and plan	N/A	16 October 2018
	<i>Reason: For the avoidance of doubt and in the interests of proper planning.</i>		
3.	<p>No support pole holes shall be dug within 1m of the base of any trees over a DBH of 20cm, and any posts within this area shall stand on a wooden base and not enter the ground. Any holes to be dug within 4m of a tree shall be hand dug to ensure that any roots over 2.5cm in diameter are not damaged. Roots under 2.5cm may be cleanly cut back to the edge of the hole. If roots over 2.5cm are found in the location of a hole, the hole shall be relocated to avoid the affected roots.</p> <p><i>Reason: To safeguard the trees to be retained.</i></p>		
4.	<p>During the construction period, all trees to be retained shall be protected in accordance with British Standard BS 5837:2012 or any subsequent amendment to the British Standards.</p> <p><i>Reason: To safeguard the trees to be retained.</i></p>		