

APPLICATION REPORT – 20/00920/FUL

Validation Date: 16 September 2020

Ward: Brindle And Hoghton

Type of Application: Full Planning

Proposal: Alterations to the existing hotel building in association with the proposed change of use from a hotel to eight residential units

Location: Oak Royal Golf And Country Club Hotel Bury Lane Withnell Chorley PR6 8SW

Case Officer: Mike Halsall

Applicant: C Downes, Hoghton Leisure Ltd

Agent: Mr Martin Parrish, The Planning Group Ltd

Consultation expiry: 25 November 2020

Decision due by: 15 January 2021 (extension of time agreed)

RECOMMENDATION

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

SITE DESCRIPTION

2. The application site is located in the Green Belt off Bury Lane, Withnell and comprises the Oak Royal Golf Course hotel and clubhouse building.

DESCRIPTION OF PROPOSED DEVELOPMENT

3. The application as originally submitted proposed the conversion of the existing clubhouse and hotel building to create nine residential units / apartments and the erection of a new building to house the golf clubhouse. Following discussions with the Council's case officer the scheme was amended by the applicant to remove the proposed new building. This was because it would be considered inappropriate development in the Green Belt and could not be supported.
4. The revised proposal includes the retention of the clubhouse within the existing building and a reduction in the number of proposed apartments, to eight. The proposed change of use, therefore, only relates to the hotel part of the building which would be replaced with eight apartments.
5. The Planning Statement submitted in support of the proposal explains that the reasons for the scheme are as follows:

Following the onset of the Covid 19 pandemic, the applicants were extremely concerned at the potential impact the pandemic would have on the financial viability of the hotel in the future.

The options for other commercial uses has been seriously considered but the continuous advancement in technology has seriously damaged the requirements for businesses,

organisations to hold face to face meetings/conferences/seminars etc and therefore the demand for such facilities has reduced significantly over the last few years and dramatically since the onset of the pandemic. Therefore, there is no requirement for persons to gather at a central location, potentially for overnight stays and this source of income was steadily declining for the hotel.

The unprecedented impact of the Covid-19 on the hospitality business basically has wiped out the potential for the hotel to operate as a traditional hotel, with current requirements for social distancing resulting in a massive reduction in the manner in which the business can operate, yet alone make a profit.

The uncertainty of how the future will be impacted upon by the pandemic is unknown and as clearly demonstrated, there have been and will continue to be, serious job losses everywhere but potentially none more so than in the hospitality section.

Regretfully, the applicant has decided that there is no alternative but to cease trading and seek a suitable alternative use and it is considered that the property readily lends itself to providing high quality residential accommodation.

Revenue from the sale of the units will support the continuing operation of golf business and it is likely that golf will see a boom in interest due to the nature of the activity, i.e. social distancing in the open area and providing regular exercise.

The size of the retained bar/community room reflects that this will be aimed at members and their guests.

Due to the number of businesses that are closing and premises that will become vacant and in danger of remaining empty for the foreseeable future, the property has not been marketed as a hotel as the current times are unprecedented in terms of properties becoming available and the need to find alternative uses as quickly as possible.

A Feasibility and Associated Costs of Recovery Statement of Oak Royal Hotel and Country Club prepared by Trimsum Accounting Services Ltd accompanies the application the conclusion of which states as follows: -

“Taking into account the cost of bringing the hotel backup to standard, the cost of repairing the loss of Goodwill by the past tenant and the costs and uncertainties in recovering business post Coronavirus, my conclusion is that at this point in time, the business at Oak Royal Hotel is rendered worthless. The size of investment needed to fund the recovery cannot be justified in looking at potential medium-term returns”

REPRESENTATIONS

6. Representations have been received from two individuals citing the following grounds of objection:
 - Potential overloading of the septic tank
 - Noise, disturbance and pollution during construction work
 - Highway safety and congestion
 - Potential for problem neighbours
 - Traffic may turn down private lane
 - Harm to wildlife
7. There is no reason to consider that the existing method for dealing with foul water at the site would be insufficient to handle that created by the proposed change in use of the building. It would be the applicant's responsibility to ensure the system can cope with any additional throughput and it is highly unlikely they would want to risk the system failing.
8. There is no evidence to suggest there would be any impact upon ecological receptors as a result of the proposed change of use.

9. Other issues identified above that fall to be considered material planning considerations are discussed in more detail below.

CONSULTATIONS

10. Lancashire County Council Highway Services (LCC Highways): Requested amendments be made to the layout of the car park which were then implemented by the applicant's agent and revised plans were submitted. LCC Highways consider the proposal is acceptable from a highway safety perspective and have recommended a condition be attached to any grant of planning permission relating to the provision of wheel cleaning equipment during the construction phase. They have also suggested an informative be attached to remind the applicant of their duties to keep rights of way unobstructed.
11. United Utilities: Have responded to state that surface water should be drained separately to foul water and that surface water should be managed sustainably in the following order of priority:
 1. into the ground (infiltration);
 2. to a surface water body;
 3. to a surface water sewer, highway drain, or another drainage system;
 4. to a combined sewer.

The applicant has confirmed that no changes are proposed to the existing situation which is that surface water is directed to a watercourse and foul water to a package treatment plant. United Utilities comments were received based upon the originally submitted proposal and so the comments will relate to the previously proposed new building, rather than the proposed change of use to the existing building.

12. Lead Local Flood Authority (LLFA): No comments have been received. This is not the type/size of proposal upon which the LLFA comment.
13. Withnell Parish Council: No comments have been received.

PLANNING CONSIDERATIONS

Principle of the development Green Belt

14. Paragraphs 143 and 144 of The National Planning Policy Framework (the Framework) state: Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
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 but lists a number of exceptions. Paragraph 146 of the Framework goes on to state that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. One of these exceptions is relevant to the current application, as follows:
 - the re-use of buildings provided that the buildings are of permanent and substantial construction
16. With regards to the above Framework exception, policy HS9 of the Chorley Local Plan 2012 – 2026 states that the re-use of existing buildings in the Green Belt, Safeguarded Land and Area of Other Open Countryside will be allowed providing all of the following criteria are met:
 - a. The proposal does not have a materially greater impact on the openness of the Green Belt and the purposes of including land in it;

- b. The proposal would not harm the character or quality of the countryside or landscape;
- c. The re-use of the building must not be likely to result in additional farm buildings which would have a harmful effect on the openness of the Green Belt;
- d. If an agricultural building, it is not one substantially completed within ten years of the date of the application;
- e. The building is of permanent and substantial construction and capable of conversion without more than 30% reconstruction;
- f. The building must be capable of conversion without the need for additions or alterations which would change its existing form and character. Particular attention will be given to curtilage formation which should be tightly drawn around the building footprint and the requirement for outbuildings, which should be minimal;
- g. The building must already have, or there exists the capability of creating, a reasonable vehicular access to a public highway that is available for use without creating traffic hazards and without the need for road improvements which would have an undue environmental impact;
- h. The development would not result in the loss or damage to any important wildlife habitat or protected species.

With regards to the change in use of the building to residential units / apartments:

- a. The majority of changes would be internal with exterior changes relating to window openings and creation of dormer windows. It is not considered in this instance that the proposal would have a materially greater impact on the openness of the Green Belt and the purposes of including land in it;
 - b. The building is no longer used for its intended purpose. The change in use of the building would have no impact upon its character, the countryside or landscape.
 - c. The building is not in agricultural use. The proposal would not, therefore, result in the need for more agricultural buildings.
 - d. Not applicable.
 - e. The building is capable of conversion without the need for more than 30% reconstruction.
 - f. The majority of changes would be internal with exterior changes relating to window openings and creation of dormer windows. The proposal would make little if any difference to the form and character of the building.
 - g. LCC Highways have confirmed that they have no objections to the proposed access arrangements.
 - h. The proposal would not result in the loss or damage to any important wildlife habitat or protected species.
17. It is also necessary to consider whether the proposed development conflicts with the purposes of including land in the Green Belt. Paragraph 134 of the Framework sets out the five Green Belt purposes, which the scheme is assessed against as below:

Purpose 1 (to check the unrestricted sprawl of large built-up areas).

The proposal does not relate to a large built up area. The area is rural in nature.

Purpose 2 (to prevent neighbouring towns merging into one another)

Development of the site would not lead to the coalescence of neighbouring towns. In respect of the neighbouring villages, the development would not lead to a coalescence of neighbouring villages. The land is already developed and there is a large gap between the nearest towns/villages/settlements.

Purpose 3 (to assist in safeguarding the countryside from encroachment);

The proposed changes to the building would not result in any harmful encroachment into the countryside. The land is previously developed and the change from a hotel to apartments would not result in encroachment.

Purpose 4 (to preserve the setting and special character of historic towns);

This does not apply as the site is not located near a historical town.

Purpose 5 (to assist in urban regeneration, by encouraging the recycling of derelict and other urban land).

It is not considered that the proposal conflicts with this purpose as the proposal seeks to re-use previously developed land.

18. The proposed building is considered to be of permanent and substantial construction and the change of use to apartments would not harm the openness of the Green Belt and would not conflict with any of its purposes. The proposed change of use, including the rear extension, is therefore considered to be acceptable in principle and complies with the Framework and policy HS9 of the Chorley Local Plan 2012 – 2026.

Sustainability

19. A key issue in the determination of this planning application is the sustainability of creating an isolated residential development which is primarily car orientated in an area designated as Green Belt. This raises the question as to whether this is an appropriate location for residential development. The Framework sets out the three dimensions to sustainable development including ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation and by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services.
20. Paragraph 79 of the Framework relates to rural housing and states that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of five criteria apply and criteria c) states that the development would reuse redundant or disused buildings and enhance its immediate setting.
21. Policy 1 of the Central Lancashire Core Strategy confirms that growth and investment will be focussed on well located brownfield sites and the Strategic Location of Central Preston, the Key Service Centres of Chorley and Leyland and the other main urban areas in South Ribble, whilst protecting the character of suburban and rural areas. Some greenfield development will be required on the fringes of the main urban areas. To promote vibrant local communities and support services, an appropriate scale of growth and investment will be encouraged in identified Local Service Centres, providing it is in keeping with their local character and setting, and at certain other key locations outside the main urban areas. The Policy confirms that growth and investment will be concentrated in Chorley Town (as a key service centre), some growth and investment at Adlington, Clayton Brook/Green, Clayton-le-Woods (Lancaster Lane), Coppull, Euxton and Whittle-le-Woods (as Urban Local Service Centres) and limited growth and investment at Brinscall / Withnell, Eccleston and Longton (as Rural Local Service Centres).
22. As noted, Withnell is defined as a Rural Local Service Centre however this site is outside the boundary of Withnell (600m to the north of the settlement boundary) and this site is not identified within Policy 1 as an area for growth. The Chorley Local Plan 2012 – 2026 identifies appropriate sites for development including residential development. This site is not identified and whilst this does not necessarily mean that residential development cannot be accommodated on unallocated sites it does bring into question the appropriateness of this site for residential development taking into account that this area is not identified for growth within Policy 1 of the Core Strategy. The Council has undertaken sustainability appraisals of all the sites suggested and chosen the most sustainable sites for allocation and this site cannot be considered sustainable being primarily car orientated isolated from local services.
23. In relation to the issue of the sustainability of the location, the applicant has provided the following justification:

Access onto Bury Lane from the site is to the west of the site with Bury Lane providing access to the north onto the A674 Chorley Road which in turn provides access to the M65 to the north.

There is a public pavement running alongside Bury Lane from the site to Withnell and there is a regular bus service along this road.

Withnell has the following services/facilities:

St Pauls Church
St Joseph's Primary School
Oak Royal Golf Club and Fishery
Café
Pharmacy
Donaldson Timber Merchants
Clearwater Music School
Walmsleys Textiles
Banks Wealth Management
X and P Civil Engineering
MD Plant and Trailer Services
Studio 19 Hairdressers
Quarry – Armstrong
Withnell Sensors – Hospital equipment
Brinscall Interiors

Brinscall has the following services/facilities:

Premier Inn
Swimming Pool
St Josephs Social Club
Post Office
The Cottage Tea Room
I and J Butchers
Oak Tree Public House
Cricketers Arms Public House
Matrix Dental Lab
Hillside Methodist Church
Nature Trail Nursery
Cricket Club
St Johns Primary School

There will be potential significant gains for the owners of commercial properties in the nearby villages of Withnell and Brinscall from the occupiers of the apartments using the shops, pubs etc in the villages rather than travelling further to Blackburn or Chorley.

Compared to the number of visits that would have been generated by guests at the hotel either staying in the accommodation or attending functions when fully operational, there will be a huge reduction in traffic movements to and from the site.

Not only will private vehicle movements be reduced but also delivery vehicles, including daily laundry collections and food deliveries but also taxis, and mini buses taking people to and away from functions.

24. In light of the above and considering that this proposal represents the reuse of an existing building that the applicant has stated is no longer economically viable to continue in its current use, it is considered the proposal is acceptable in principle.

Impact on character and appearance of locality

25. The Framework attaches considerable importance to achieving good design and a high-quality built environment. It states that planning policies and decisions should respond to local character and history and seek to reinforce local distinctiveness. The importance of high-quality design is reflected in the Central Lancashire Core Strategy (policy 17) and policy BNE1 of the Chorley Local Plan 2012 - 2026. A planning condition can be attached to any grant of planning permission to ensure that the external facing materials of the proposed new elements of the building match those of the existing building. The proposal would make little change to the design or appearance of the building. The proposal is in compliance with policy BNE1 of the Chorley Local Plan 2012 – 2026 in this regard.

Impact on neighbour amenity

26. Policy BNE1 of the Chorley Local Plan 2012 - 2026 states that new development must not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or by creating an overbearing impact.
27. The nearest dwelling to the application site is Hill Top Farm, located 30m to the south. The application site is substantially lower than the dwelling of Hill Top Farm and there are layers of well-established intervening vegetation between the two buildings. It is not considered that the proposal would result in any unacceptable harm to the amenity of the occupants of Hill Top Farm or any other dwellings. Any impacts during construction work would be temporary and limited. It is considered that a planning condition can be attached to any grant of planning permission requiring signage to be erected at the site entrance, directing construction vehicles to the application site to limit the potential for vehicles entering private driveways. The condition can also require the Chorley Council document "Code of Practice for Construction and Demolition" to be adhered to throughout the construction period.

Highway safety

28. The Council's parking standard set out at policy ST4 of the Chorley Local Plan 2012 – 2026 requires two off-road parking spaces for a three-bedroom apartment and three spaces for a four or more bed roomed apartment. The proposed development has 2no. four-bed apartments and 6no. three-bed apartments and so requires a total of 18no. parking spaces. The proposed site layout identifies 38no. spaces which includes 7no. visitor spaces and 7no. disabled bays. Sheltered cycle-parking is also to be provided. LCC Highways have raised no objection to the proposal and it is, therefore, considered that the proposal complies with policy ST4 of the Chorley Local Plan 2012 -2026.

Public open space (POS)

29. Policy HS4 of the Chorley Local Plan 2021-2026 requires public open space contributions for new dwellings to be provided in order to overcome the harm of developments being implemented without facilities being provided.
30. Until recently the National Planning Practice Guidance (NPPG) previously set out a threshold for tariff-style contributions, stating that planning obligations should not be sought from developments of 10 or less dwellings and which have a maximum combined floorspace of no more than 1000 square metres. This guidance has been removed from the latest NPPG and has been replaced with a requirement that planning obligations for affordable housing should only be sought for residential developments that are major developments.
31. Specifically the guidance was derived from the order of the Court of Appeal dated 13 May 2016, which gave legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014 which has not been withdrawn and which should, therefore, clearly still be taken into account as a material consideration in the assessment of planning applications.
32. To this end whilst it would normally be inappropriate to require any affordable housing or social infrastructure contributions on sites below the thresholds stated, local circumstances may justify lower (or no) thresholds as an exception to the national policy. It would then be a matter for the decision-maker to decide how much weight to give to lower thresholds justified by local circumstances.
33. Consequently, the Council must determine what lower thresholds are appropriate based on local circumstances as an exception to national policies and how much weight to give to the benefit of requiring a payment for 10, or fewer, dwellings. The Council has agreed to only seek contributions towards provision for children/young people on developments of 10 dwellings or less.
34. Local Plan Policy HS4A sets a standard of 0.08 hectares of public open space provision for children/young people per 1,000 population. There is currently a deficit of provision in Brindle and Hoghton in relation to this standard, a contribution towards new provision in the ward is, therefore, required from this development. However, a financial contribution for off-

site provision can only be requested if there is an identified scheme for new provision and none are currently identified. No contribution can, therefore, be requested for this scheme.

Community Infrastructure Levy

35. The Chorley CIL Infrastructure Charging Schedule provides a specific amount for development. The CIL Charging Schedule was adopted on 16 July 2013 and charging commenced on 1 September 2013. The proposed development would be a chargeable development and the charge is subject to indexation in accordance with the Council's Charging Schedule.

CONCLUSION

36. The proposal involves the re-use of an existing building of permanent and substantial construction, would retain the character of the building and would be appropriate development in the Green Belt. There would be no unacceptable impacts upon highway safety, ecological receptors or residential amenity from the proposal. It is, therefore, recommended that the application be approved.

RELEVANT HISTORY OF THE SITE

Ref: 06/01138/COU **Decision:** PRRRTF **Decision Date:** 8 February 2007
Description: Retrospective application for the change of use of land to form extension to approved golf course

Ref: 08/00238/FUL **Decision:** WDN **Decision Date:** 19 May 2008
Description: Erection of chalet building adjacent fishing lake and erection of fishermen's lodge building adjacent fishing lake nearest Bolton Road and formation of 20 space car park accessed from Bolton Road for use by fishermen

Ref: 08/00239/FUL **Decision:** REFFPP **Decision Date:** 1 May 2008
Description: Deletion of condition no.10 and variation of condition no.11 of planning permission 06/00205/FUL to allow the provision of illumination to car park and clubhouse and to allow clubhouse to be open to members of the general public

Ref: 08/01008/FUL **Decision:** PERFPP **Decision Date:** 17 November 2008
Description: Variation of condition 11 on 06/00205/FUL Variation of condition 10 on 06/00205/FUL

Ref: 08/01009/FUL **Decision:** PERFPP **Decision Date:** 19 December 2008
Description: Erection of ancillary buildings and car-park

Ref: 09/00228/FUL **Decision:** PERFPP **Decision Date:** 14 May 2009
Description: Extension to existing golf club house

Ref: 09/00646/FUL **Decision:** PERFPP **Decision Date:** 2 November 2009
Description: Alterations to site entrance off Bolton Road, extension to car park, landscaping, the parking of 5 caravans and hardstanding for such have been removed by condition 5 of planning permission, extensions to buildings for trout and coarse fishing lakes and creation of new children's pond

Ref: 10/00209/FUL **Decision:** PERFPP **Decision Date:** 27 May 2010
Description: Conversion of roof space to members bar and lounge and variation of condition no. 11 of planning permission no. 06/00205/FUL (the original permission for the clubhouse) to allow the restaurant to remain open until 10pm each evening to the general public

Ref: 11/00956/FUL **Decision:** PRRRTF **Decision Date:** 10 December 2012
Description: Retrospective application for the erection of a fishing lodge building associated with existing coarse fishing lake (amendments to building originally approved by 08/01009/FUL & 09/00646/FUL) and erection of WC building associated with trout fishing lake

Ref: 17/00673/FUL **Decision:** PERFPP **Decision Date:** 3 October 2017
Description: Ground floor extension of refreshment / buffet area to accommodate more sitting spaces

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

1. The proposed development must be begun not later than three years from the date of this permission.

Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the approved plans below:

Title	Plan Ref	Received On
8 no. units 11/11/2020 Amendments	N/A	11 November 2020
Proposed Site Plan - Roof Plan	ORC 8/8/20	11 November 2020
Proposed Ground Floor Layout	ORC 14/8/20	11 November 2020
Proposed First Floor Layout	ORC 15/8/20	11 November 2020
Proposed Second Floor Layout	ORC 16/8/20	11 November 2020
Proposed Elevations	ORC 12/8/20	28 August 2020

Reason: For the avoidance of doubt and in the interests of proper planning.

3. All external facing materials of the development hereby permitted shall match in colour, form and texture to those on the existing building and no others substituted unless alternatives are first submitted to and agreed in writing by the Local Planning Authority, when the development shall then be carried out in accordance with the alternatives approved.

Reason: In the interests of the visual amenity of the area in general and the existing building in particular.

4. Before the use of the site hereby permitted is brought into operation and for the full period of construction, facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site.

Reason: To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard to road users.

5. Prior to the commencement of development directional signage, details of which shall have been first agreed with the Local Planning Authority, shall be erected at the site entrance directing construction vehicles to the site of the approved development. The Chorley Council document "Code of Practice for Construction and Demolition" shall be adhered to throughout the construction period.

Reason: The interests of both amenity and public safety.

6. The approved covered cycle store shall be implemented in accordance with the approved details before first occupation/use of the development. The facilities shall be retained at all times thereafter.

Reason: To encourage sustainable transport modes.