

APPLICATION REPORT – 22/00853/FUL

Validation Date: 4 August 2022

Ward: Adlington And Anderton

Type of Application: Full Planning

Proposal: Re-routing of existing zip wire and extension of landing zone

Location: Go Ape Rivington Lane Rivington Bolton BL6 7RZ

Case Officer: Mr Iain Crossland

Applicant: Mr Daniel Stafford, Adventure Forest Ltd

Agent: N/A

Consultation expiry: 8 September 2022

Decision due by: 11 November 2022 (Extension of time agreed)

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 tree T428, which forms the launch point for the final zip wire (Site 5) on the Tree Top Challenge high ropes course close to the eastern bank of Lower Rivington Reservoir. There are numerous mature trees in the area, none of which are protected by Tree Preservation Orders, and are not within a conservation area.

DESCRIPTION OF PROPOSED DEVELOPMENT

3. This application seeks planning permission for the re-routing of the existing zip wire and extension of the landing zone. Tree T428, which forms the launch point for the final zip wire (Site 5) on the Tree Top Challenge high ropes course has been identified as being in poor health and is required to be felled.
4. It is proposed that another course tree (T0196), which is already in use as a support tree to elements of the high ropes course and is in line with the landing site, would be used as an alternate starting point to the zip wire. A platform would be installed on this tree at approximately 6.7m, with an additional crossing (from T0817 to T0196) to allow participants to reach the new tree with the safety cable attached at approximately 8.1m. This would require some minor alignment changes to the landing area to accommodate the change in angle of the zip wire, and would consist of moving the existing fence approximately 2m to the east.

REPRESENTATIONS

5. Representations have been received from 4no. individuals citing the following grounds of objection:

- Loss of trees.
- Safety impact due to the health of trees.
- Poor management of the course and woodland.
- The development of the course is killing trees.
- More trees have been identified for felling on site than in the tree report.
- The course is growing at the expense of public access.
- Ruining the character of the area.

CONSULTATIONS

6. The Gardens Trust: No comments have been received.
7. Friends of Lever Park have raised the following issues:
 - Identified that the tree (T0196) to which the launch point would be moved has been classed as being in poor health in the tree report. This is a danger to public health.
 - Concerns regarding the credibility of the tree report.
 - The tree report identifies three trees for removal, when in fact six are recommended for removal.
 - Concerns regarding the lack of any response from the Council's tree officer.
 - The developer originally stated that the development wouldn't affect wildlife yet the tree report now confirms that there are no signs of wildlife.
 - The condition of the site is a concern and that no one appears to be showing any interest in its maintenance.
8. Rivington Parish Council: No comments have been received.

9. PLANNING CONSIDERATIONS

Principle of development

10. The application site is located in the Green Belt. National guidance on Green Belt is contained in Chapter 13 of the National Planning Policy Framework (the Framework) which states:

137. 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.

138. Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;*
- b) to prevent neighbouring towns merging into one another;*
- c) to assist in safeguarding the countryside from encroachment;*
- d) to preserve the setting and special character of historic towns; and*
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

147. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

148. 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, is clearly outweighed by other considerations.

11. Paragraph 149 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 149.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.

12. 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. The proposal amounts to an alteration of what already exists on the site through moving the launch point and associated fixtures from one tree to another that is in close proximity.
13. This would effectively preserve openness being open structures of the same type as the existing one. The landing area would be increased in size through the repositioning of an existing fence. Again, the fence is an open structure that allows intervisibility and already exists. It is, therefore, considered that there would be no greater impact on openness than that which already exists, whilst there would be no additional harm to any of the purposes of including land within the Green Belt. As such the proposal would not represent inappropriate development in the Green Belt.

Historic Park and Garden and impact on listed buildings

14. The application site is located within the designated boundary of Lever Park, which is a registered park and garden, whilst Great House Barn, Great House Cottage and the adjacent Information Centre are all grade II listed buildings.
15. The principal statutory duty under the P(LBCA) Act 1990 is to preserve the special character of heritage assets, which includes their setting. Local Planning Authorities (LPAs) should in coming to decisions consider the principal act which states the following;

Listed Buildings - Section 66(1) in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
16. In this instance the key heritage issue for the LPA to consider, in relation to proposed development is the impact of the proposal on the significance of the setting to the nearby designated heritage assets.
17. In determining planning applications LPAs should take account of;
 - a. The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b. The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c. The desirability of new development making a positive contribution to local character and distinctiveness.
18. P.199 states that when considering the impact of proposals on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be applied. This is irrespective of whether any harm is identified as being substantial, total loss or less than substantial harm to its significance.
19. P.200 states that any harm or loss of significance to a designated heritage asset (from alteration or destruction or from development within its setting) should require clear and convincing justification.
20. P.202 states that where a development will lead to less than substantial harm to the significance of the heritage asset, this harm should be weighed against the public benefits of the proposal.

21. The Central Lancashire Core Strategy policy 16 and Chorley Local Plan 2012-2026 policy BNE8 reflect this approach and support the protection of designated heritage assets.
22. The site of the proposed development is not in the 'designed' element of Lever Park, and forms part of an existing Go Ape high ropes course. The development is small scale and involves altering the course from one tree to another due to the poor health of a tree. As such the changes would be of limited visual difference or impact. It is not, therefore, considered that the change to the course has any detrimental impact on the Historic Park and Garden and is viewed in the context of the existing Go Ape course and its associated development. For these reasons the scheme causes no harm to the setting of the registered park and garden.
23. Great House Barn, Great House Cottage and the adjacent Information Centre are located over 350m from the site and are not visible from the site, which is situated within the woodland. For these reasons the scheme causes no harm to the setting of any listed buildings.
24. In this regard the proposed scheme meets the duty to 'preserve' as laid down by s.66 of the P(LBCA) Act 1990 and meets the objectives of Chapter 16 of the Framework, policy 16 of the Lancashire Core Strategy and policy BNE8 of the Chorley Local Plan 2012 - 2022.

Impact on trees and the character of the area

25. The proposed development would involve the launch point to the final zip wire (site 5) being changed from tree T428 to another course tree (T0196) at approximately 8.13m. The tree to be used (T0196) is already in use as a support tree to elements of the high ropes course. A platform would be installed on this tree at approximately 6.7m, with an additional crossing (from T0817 to T0196) to allow participants to reach the new tree with the safety cable attached at approximately 8.1m. This would require some minor alignment changes to the landing area to accommodate the change in angle of the zip wire, and would consist of moving the existing fence approximately 2m to the east.
26. There are 2no. trees approximately 4m in front of the proposed launch tree that would also need to be felled to make room for the zip wire as they would pose a collision hazard to participants. It is proposed to replace these trees (and T428) with 4no. replacement trees to offset the loss and provide a net gain.
27. The development would result in the fixtures and equipment that are already attached to a tree being moved to another tree, with the course of the zip wire altering slightly. Visually this impact would be very limited as the development is modest in scale and reflects an existing situation at height within the trees. This would have no discernible impact on the appearance and character of the area in the context of the existing development.
28. The alteration to the angle and course of the zip wire would require an extension to the landing zone, through moving the existing fence approximately 2m to the east with wood chippings spread across the landing area. This would have a minor impact on the appearance of the site such that it would not alter the character of the area to any discernible extent given that it would be sited in the context of an existing well established Go Ape ropes course.
29. The changes would necessitate the felling of two beech trees to the south east of the launch tree. The loss of these two trees in addition to the loss of the diseased tree would reduce the density of the woodland very slightly. The trees themselves are not prominent ones in relation to the character of the area being located within the woodland and are not ancient trees. The trees are not protected and would not result in any adverse impact on the character of the landscape in the context of this woodland location. Given that 4no. replacement trees would be planted it is considered that the felling of the trees is acceptable. It is recommended that a tree planting scheme is secured by condition.

30. The Council's tree officer has visited the site and reviewed the tree reports. The tree officer has verified that the tree supporting the current launch point is diseased and that the two trees identified for removal would make room for the changes to the zip wire.
31. The proposed development is considered to comply with policy BNE1 of the Chorley Local Plan 2012 – 2026, whilst the loss of the trees is acceptable in line with policy BNE10 in consideration of their lack of prominence and replacement planting.

Other matters

32. Safety impact due to the health of trees: It is noted that concerns have been raised in relation to the health of tree (T0196) that would become the new launch point. This relates to the Arboricultural Inspection Report dated 25/11/2021, which identifies the health of this tree as being poor, as a small area of decay was identified. This was followed up by a Pre-construction Inspection Report dated 30/09/2022, which carried out a more detailed inspection of tree (T0196) and found that while decay has been found in the proposed new zip wire tree it is not significant to increase the risk of whole tree failure to an unacceptable level of risk.
33. Poor management of the course and woodland: This is a matter for the developer and landowner. Good woodland management practices should involve regular tree inspections, management of ground conditions and works to trees where necessary.
34. The development of the course is killing trees: There is no evidence that the development of the course has led to a decline in the health of trees and the woodland. The Pre-construction Inspection Report dated 30/09/2022 does note that the surrounding conditions are not ideal for beech trees as they dislike wet soils. The report identifies that a large area of ground around the last half of site 5 and below is retaining water that is creating unsuitable conditions for beech trees. The report confirms that this has led to the decline or death of several non-course trees and course trees in the area over the last four years. It is, therefore, in the interests of the developer and landowner to improve the drainage in the area to make the soil conditions dryer and more suitable for beech trees.
35. More trees have been identified for felling on site than in the tree report: The trees within the woodland are not protected and it is a matter for the landowner to carry out good woodland management practices, which should involve regular tree inspections. Works to trees and felling may be necessary, particularly where public access takes place, in the interests of public safety. The applicant is not required to disclose any works to trees that are not necessary in association with the proposed development, and so it may be that wider felling works are required beyond those identified to facilitate the development.
36. The course is growing at the expense of public access: There would be no loss of public access as a result of the proposal.

CONCLUSION

37. The proposed development is not be inappropriate in the Green Belt, and there would be no adverse harm to landscape character. Nor would there be any harm to designated heritage assets. It is, therefore, recommended that the application is approved subject to conditions.

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

Ref: 18/00963/FUL **Decision:** PERFPP **Decision Date:** 15 November 2019
Description: Construction of landing structure to replace existing forming part of the Go Ape Ropes course

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.	<p>The proposed development must be begun not later than three years from the date of this permission.</p> <p><i>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004</i></p>									
2.	<p>The development hereby permitted for one dwelling shall be carried out in accordance with the following approved plans:</p> <table border="1" data-bbox="316 1691 1353 1803"> <thead> <tr> <th>Title</th> <th>Reference</th> <th>Received date</th> </tr> </thead> <tbody> <tr> <td>Location Plan</td> <td>BW1-1240485-14915-020822</td> <td>04 August 2022</td> </tr> <tr> <td>Block Plan</td> <td>BW1-1240485-14915-020822</td> <td>04 August 2022</td> </tr> </tbody> </table> <p><i>Reason: For the avoidance of doubt and in the interests of proper planning.</i></p>	Title	Reference	Received date	Location Plan	BW1-1240485-14915-020822	04 August 2022	Block Plan	BW1-1240485-14915-020822	04 August 2022
Title	Reference	Received date								
Location Plan	BW1-1240485-14915-020822	04 August 2022								
Block Plan	BW1-1240485-14915-020822	04 August 2022								
3.	<p>Before any tree felling is carried out full details (including species, number, stature and location) of a replacement tree planting shall have been submitted to and approved in writing by the Local Planning Authority. The replacement tree planting shall be carried out in accordance with the approved details within nine months of the tree felling.</p>									

	<p><i>Reason: To safeguard the visual amenity of the area.</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>