

Item 3H **14/00149/FUL**

Case Officer **Mr Ian Heywood**

Ward **Pennine**

Proposal **Retrospective application for the removal of part of the dam wall at Heapey Reservoir No. 8**

Location **Land 35M North-East Of Rose Cottage White Coppice Heapey**

Applicant **White Coppice Cricket Club**

Consultation expiry: 24 June 2014

Application expiry: 27 June 2014

Proposal

1. This is a retrospective application for the removal of part of the dam wall at Heapey Reservoir No. 8.

Site Description and history

2. The site incorporates the remains of Heapey Reservoir No.8 which is situated at the north eastern extremity of the White Coppice Conservation Area. The hamlet of White Coppice itself sits to the south west of the site and to all other directions open countryside is to be found, the former reservoir itself being within the Goit Mire Biological Heritage Site. The application site is within the Chorley Council defined area of open countryside. The site is adjacent to a number of public footpaths.
3. This former reservoir was constructed around 150 years ago, in part, as a cascade that originally provided a mill dam for the supply of water power to White Coppice Mill. The mill was largely the raison d'être for the settlement at White Coppice and was demolished in the 1960s. Since the closure and demolition of the mill this series of reservoirs has been utilised by anglers. Anecdotal evidence suggests that no.8 was previously used as a hatchery by Wigan District Angling Association.
4. The reservoir itself was drained in February 2011 by its former owners, Wigan District Angling Association prior to the land formerly occupied by the reservoir being sold to the applicant and current owner of Rose Cottage, White Coppice in October 2012. This property is immediately adjacent to the former reservoir. The reservoir was drained by Wigan District Angling Association following an inspection by a suitably qualified engineer in 2009 and a subsequent report in 2011. This report made a number of recommendations, amongst these was the decommissioning of the reservoir, which is achieved by draining it and permanently opening the outflow gate valve.
5. The current owner, the applicant, acquired the land upon which the former reservoir was located in October 2012. He was passed copies of the engineer's report commissioned by Wigan and District Angling Association and based upon the suggested actions contained therein took it upon himself to remove part of the dam wall to the former reservoir.
6. A certificate of discontinuance for the reservoir was issued on 31 March 2013 and the discontinuance has been further confirmed by the Environment Agency.
7. The applicant was misinformed by the consulting reservoirs engineer who advised him that removal of part of the dam wall did not require planning permission. A section of the dam wall was removed by contractors acting on behalf of both the applicant and White Coppice Cricket Club, the joint owner of the dam wall, in late 2012/early 2013. The removed material was distributed across the site by the contractor – i.e. it was not removed from the site. At the same time, the applicant created a parking area/hardstanding on land that had previously been part

of the area covered by the dam wall. This action was considered by the Council to constitute an engineering operation that requires the benefit of planning permission. Enforcement action by Chorley Council ensued in 2013 with the result that a retrospective application for planning permission was submitted in October 2013.

8. White Coppice Cricket Club has submitted and received approval (subject to conditions) for a near identical application – 14/00132/FUL on an adjacent piece of land –for which consent was granted earlier in 2014.
9. The now empty reservoir has, since February 2011, developed new vegetation and a whole new series of ecosystems. Water still drains through the area and outflows at the original outflow pipe at the western end of the dam wall where an approximately 800mm pipe connects it to reservoir no.7, situated further ‘downstream’ within White Coppice Village.

Recommendation

10. It is recommended that full planning permission is granted.

Main Issues

11. The main issues for consideration in respect of this planning application are:
 - The visual appearance of the area and the impact upon the character of the White Coppice Conservation Area.
 - Ecology
 - Flood Risk

Representations

12. A petition with 10 signatures and a further 26 letters of objection have been received. These cite two reasons for objection in the following numbers. Harm to the visual amenity - 35, harm to ecology/wildlife – 1, Increased incidence of flooding – 10.

Consultations

13. **Heapey Parish Council** objects on the basis of the harm caused to the visual amenity of the area.
14. **Councillor Marie Gray** objects to the application on the grounds of the harm to the visual amenity of the area, harm to wildlife, increased chance of flooding and harm to the setting of White Coppice Cricket Club.
15. **Lancashire County Council (Ecology)** no comments have been received.
16. **The Environment Agency** reiterates its comments from the previous application, namely that the works have not increased the incidence of flooding.
17. **Lancashire County Council (Lead Flood Authority)** – No comments have been received,

Assessment

Visual Appearance of the Area – Character of White Coppice Conservation Area

18. As stated above it is considered that the removal of part of the dam wall to the former reservoir has had no material impact on the character of the area. Whilst the works have undoubtedly changed the appearance of the area it is considered that the overall character of the area, post draining of the reservoir, has not changed. Views from within the conservation area across the site formerly looked at a green dam wall with rusting steel railings running across the top to trees and open countryside beyond. Views to the south from the northern side of the dam wall were limited to some extent by the dam wall, however as the footpaths in the area are situated on an elevated embankment it was still possible to see the cricket club and the village beyond to some extent.
19. The views now are unrestricted across the whole of the area and to a certain extent these have been improved as a consequence. The principal change to views within this area took place with the draining of the reservoir, not with the subsequent removal of part of the dam wall.

20. White Coppice Conservation Area is a designated heritage asset as defined by Annex 2 to the Framework (National Planning Policy Framework). The site is located at the north east edge of the conservation area. Part of the character of any conservation area can be derived by views not only within but also out with that area. In this case it is considered that the views out of the conservation area across the site have not changed sufficiently to materially affect the character or significance of the White Coppice Conservation Area. It is considered that the most significant change occurred with the draining of the reservoir, however even that change (which is not under consideration here) is considered to be not significant enough to materially affect the character or significance of the White Coppice Conservation Area.

Ecology

21. There is no evidence to suggest that the action of removing part of the dam wall to the former reservoir has had any material impact upon the ecology present in the area. As with the visual appearance of the area changes to the ecology took place with the draining of the reservoir. Anecdotal evidence suggests that this action served to increase biodiversity. As the application has been made retrospectively it is impossible to make a definitive assessment in the absence of empirical evidence.

Flood Risk

22. The Environment Agency previously confirmed that they have no objection to the works. Lancashire County Council Lead Flood Authority has made no comments.

Overall Conclusion

23. It is considered that the works have not materially altered the essential character of the area and have not increased the likelihood of flooding in the area. As such the application is recommended for approval.

24. Together with application 14/00132/FUL the retrospective works at the former Heapey No. 8 reservoir can now be regularised.

Planning Policies

National Planning Policy Framework (The Framework): Section 12

Adopted Chorley Borough Local Plan Review 2003: Policies HT7 and HT8

Emerging Chorley Local Plan 2012 - 2026: Policy BNE8

Adopted Central Lancashire Joint Core Strategy: Policy 16

Planning History

13/01015/FUL Rose Cottage, White Coppice, Heapey, PR6 9DE

Retrospective application for the removal of the dam wall and embankment to Heapey no. 8 reservoir and the extension of the existing parking area adjacent to Rose Cottage in the area formerly occupied by the dam wall and embankment.

Application Withdrawn 27 November 2013.

14/00132/FUL Land 35m north-east of Rose Cottage, White Coppice, Heapey.

Retrospective application for the removal of part of the dam wall at Heapey Reservoir No.8

Granted permission subject to conditions at the Development Control Committee of 22 April 2014.

Recommendation: Permit Full Planning Permission

Suggested Conditions:

none