

APPLICATION REPORT – 16/00036/FUL

Validation Date: 1 June 2016

Ward: Heath Charnock And Rivington

Type of Application: Full Planning

Proposal: Application for temporary erection of a marquee from mid-April to 13th September 2016 (marquee already erected) on the former playground area at the site, to be used for wedding receptions on Fridays and Saturdays only (with a maximum capacity of 80 guests), as well as for the continued use of the cafe/gallery already permitted on other days of the week.

Location: Spring Cottage Rivington Lane Rivington Bolton BL6 7SB

Case Officer: Caron Taylor

Applicant: Mr David Jones

Agent: N/A

Consultation expiry: 13 July 2016

Decision due by: 19 August 2016

RECOMMENDATION

1. That the application is refused.

SITE DESCRIPTION

2. The application site is a two-storey building and its grounds and is situated approximately 200m outside the village of Rivington within the Green Belt and within the boundaries of Lever Park. It is accessed via a private track off Rivington Lane. There is limited visibility of the building from the road as it is surrounded by trees with a small car park to the front.
3. The application is part retrospective as a marquee has already been erected on a raised area of hard surfacing (formerly a playground) to the rear of the property and is being used to hold a limited number of wedding receptions until 13th September this year. Some of these have already taken place, with others booked. The applicant advises they did not realise that permission was needed.

DESCRIPTION OF PROPOSED DEVELOPMENT

4. Application for temporary erection of a marquee from mid-April to 13th September 2016 (marquee already erected) on the former playground area at the site, to be used for wedding receptions on Fridays and Saturdays only (with a maximum capacity of 80 guests), as well as for the continued use of the cafe/gallery already permitted on other days of the week.

RELEVANT HISTORY OF THE SITE

5. In 2010 (re: 10/00487/FUL) permission was granted to use the building as part living accommodation and part café/gallery. Prior to this the building was used as a nursery school since 1990, with various planning applications relating to this use. Before this it was a dwelling.

6. REPRESENTATIONS

Five letters of support on the following grounds:

- We live on 300yds away and have found the business to be respectful to the area;
- Spring Cottage is private and therefore not overlooked by houses or visitors;
- Enterprises of this nature should be encouraged;
- The marquee is positioned on a tarmacked area that does not damage the land;
- The residents of Spring Cottage have assured us that there will be no impact on the environment and minimal noise;
- We have visited the property and viewed the marquee which lies within woodland and invisible to the visiting public;
- Previous weddings have taken place without local impact;
- The owners intend to employ local people (including our daughter) which will be positive for the village;
- Spring Cottage and the grounds have been renovated and hugely improved by the current tenants;
- We believe that such a property needs a function to prevent it returning to a state of unsightly decay;
- The marquee is sympathetic to its green surroundings;
- It is a canvas structure that could be removed at a moment's notice;
- It won't have any impact on Lever Park;
- The site should be required to sign post their access to prevent vehicles slowing on the road trying to work out where to turn off or travelling up other private drives by mistake.

7. Councillor Kim Snape has written in support of the application:

'I took the pleasure of visiting this business and the setting is far enough away from any properties to not be overlooked and thus unlikely to cause any problems to neighbours. In addition to that the family running the business are local residents of Rivington and care for the area and their neighbours in this vicinity and have much demonstrated the controls they have in place should any problems occur.'

Furthermore, previous to the family working on this property it was in an unworthy condition and as the council is strongly pushing an agenda of decreasing the number of long term empty and derelict properties this property fits into this agenda and is a great example of what can be done and I hope the council supports that.'

In terms of the operations of the business I understand that the family have taken the liberty to pro-actively invite all stakeholders in the area, neighbours and local businesses to meet with them. Also they are working closely with the council's business support team. As a council and personally as a local Councillor this is the sort of business we should be encouraging and it's great to see a small family run local enterprise doing so well and eager to do more to support the community they are in.'

From a highway perspective as parking is an issue in the village I also note they have parking provision so again this wouldn't impact on the village.'

CONSULTATIONS

8. Environmental Health

See body of report.

9. Lancashire Highway Services

See body of report.

PLANNING CONSIDERATIONS

Principle of the Development

10. The site is in the Green Belt outside Rivington village.
11. As stated above a marquee has been erected on an area of hard standing to the rear of the building and a bar is available within the building itself (it is separated from the main building). The change of use of a building of permanent and substantial construction in the Green Belt is not inappropriate providing it preserves the openness of the Green Belt and does not conflict with the purposes of including land in the Green Belt. The use of the existing building associated with weddings is considered acceptable in principle.
12. Turning to the marquee that has been erected this is positioned on an area of hardstanding elevated approximately 2m above the level of the building on a former playground. The marquee will have been erected for approximately five months once the weddings finish in September.
13. Marquees can be considered a building operation in planning terms. Each case needs to be considered on its own merits considering its size, permanence and physical attachment as to whether a building operation has occurred or it is merely the placing of a 'chattel' on land.
14. The marquee measures 12m by 8m and 4.4m high so is of substantial size. Cases of marquees that have been found to be development demonstrate that a marquee does not have to be on site all year round when considering its permanence. The marquee will have been erected for approximately five months once the weddings finish in September. The marquee is fixed to the ground via a metal pad that is screwed into the ground that holds the uprights for the marquee. In addition it has an internal wooden interlocking floor laid over the existing tarmac. Considering these factors together it is considered the marquee does not have a fleeting character but falls to be considered as a building.
15. In accordance with the National Planning Policy Framework (the Framework) new buildings are inappropriate in the Green Belt unless they fall within one of the exceptions listed, which this would not. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 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.
16. It is accepted that the proposal is a new business, the marquee has already been erected and some wedding receptions have already taken place. The Council always try to support new businesses where possible, both in planning terms and through its economic development team. The proposal would bring some economic benefits to the area. Approximately ten members of staff are employed over the summer on top of family members as well as supporting other local businesses who will be suppliers. This is given weight in the planning balance but it is not considered that they outweigh the harm to the Green Belt.

Design and Layout

17. The marquee is of a standard rectangular design with dual-pitched roof, constructed of white PVC type material and larger windows. The design is considered acceptable and the marquee is not readily visible from outside the site.

Layout and Neighbour Amenity

18. A number of wedding receptions have already been held in the marquee and grounds of the building. Chorley Council's Environmental Health Officer advises they have visited the premises several times while they business has been operating and have seen the location and size of the marquee. There have not been any noise complaints to date.

19. The site is set within woodland approximately 200m outside the village of Rivington, which is considered likely to have low background noise levels particularly in the evening when weddings receptions are taking place.
20. The applicant advises that they would ensure that any music systems are plugged into their private system with a sound limiting device and nearby neighbours are supportive of the business. The applicant also states that they are aware that noise is not only measured by music and that they also need to make sure guests are respectful to neighbours when exiting each event. Music will be toned down from 11pm onwards to encourage guests to start getting ready to leave. As advised above, guests will be recommended to use taxis to leave Spring Cottage and they are more than happy to ring up taxi services to arrange this. Guests will be asked to leave quietly and will be reminded to be respectful to neighbours in the village should they pass through.
21. The site has a premises licence which is inclusive of recorded and live music. Although it is possible to limit the level of recorded music through a limiting device, live instruments such as drums cannot be as easily controlled and the nature of the marquee means that sound insulation measures are much less easily implemented.
22. Noise is also likely from people leaving the venue and the number of vehicles leaving together late in the evening, including the coming and going of taxis and mini-buses. It is considered this could cause a degree of harm to the peaceful character of the area.
23. Without any noise assessment having been submitted with the application it is not possible to fully assess that the proposal will not cause unacceptable harm to surrounding properties and the character of the area or whether appropriate mitigation measures can be put in place or not and the proposal is therefore contrary to Policies EP3 and BNE1 of the Chorley Local Plan 2012-2026 which seeks, amongst other things, to ensure that proposals do not cause an unacceptable degree of noise disturbance to surrounding land uses.
24. This view is endorsed by the Council's Environmental Health Officer who states that the events may vary greatly in the type of entertainment provided, it would be therefore difficult to state whether an excessive disturbance would arise at nearby noise sensitive properties. They would therefore require an acoustic report to demonstrate whether the proposed activities would cause an excessive disturbance at nearby sensitive properties. The report should demonstrate the existing background noise levels, the nearest noise sensitive properties, the effect of the topography of the land and the mitigation measures that they intend to put in place to ensure it doesn't cause an excessive disturbance.

Highways

25. Lancashire County Council Highways advise that the existing site access is a Bridleway (BW7), which seems narrow but with good visibility and given its short distance from Rivington Lane, they advise that additional traffic due the proposal is of no major highway concern. They also advise, taking the current level of traffic flows on Rivington Lane and the surrounding highway network into account, it is not considered the proposal would negatively impact the highway network in terms of capacity and traffic generation.
26. The site has a small car park in front of the existing building. Policy ST4 of the Local Plan sets out the Council's parking standards, however the proposed use does not fall within any of the categories set out in the policy.
27. The application applies for use of the venue for up to 80 guests. The site allows parking for approximately 20 cars. Although it is noted that the applicant advises that they take measures to encourage car sharing and the use of minibuses, and it is accepted that some guests will use taxis to and from the venue as they will be drinking, the Council cannot control or enforce this through conditions and it is likely that many guests will use private vehicles to attend the venue. The applicants cannot prevent people attending the

venue arriving in their own vehicle. Parking in the immediate area of the venue is at a premium as the area is very popular with walkers and other visitors, throughout the week, but particularly at weekends. It is considered that the amount of parking available to the venue in relation to the capacity applied for leads to a risk of visitors parking on surrounding roads and tracks outside the application site where parking is already at a premium. In addition many of the tracks around the site are owned by United Utilities (as is the application site), rather than being adopted highway (though Rivington Lane is an adopted C-road), so the use of the surrounding tracks for parking could be prevented by the landowner.

28. Therefore although it is noted that LCC Highways do not object to the proposal it is not considered that the use of taxis as the main form of transport can be controlled by conditions or be required by the applicant of visitors and the Council are not therefore satisfied that there is sufficient off-road parking for the venue within the boundaries of the application site and the proposal is therefore contrary to Policy EP3 and BNE1 of the Local Plan 2012-2026.

CONCLUSION

29. Although some weight is given in favour of the application in relation to the economic benefits of the proposal, it is not considered that this is sufficient to outweigh the harm to the Green Belt caused by the inappropriateness of the marquee.
30. In addition the Council are not satisfied, without an appropriate noise assessment being undertaken that sound from the venue will not have an unacceptable impact on the residential properties or the character of the area.
31. In terms of parking the venue has limited parking for the number of guests expected to attend and the Council cannot control through conditions (or the applicant cannot prevent) that guests do not visit the venue in private cars, or must car share. The Council are not therefore satisfied that there is sufficient off-road parking for the venue within the boundaries of the application site and this may lead to parking on surrounding roads, where parking is already at a premium, especially at weekends or on surrounding tracks not within the control of the applicant.

- 32. RELEVANT POLICIES: In accordance with S.38 (6) Planning and Compulsory Purchase Act (2004), the application has been determined in accordance with the development plan [the Central Lancashire Core Strategy (2012) and the Chorley Local Plan 2012-2026 unless material considerations indicate otherwise. Consideration of the proposals has also had regard to guidance contained with the National Planning Policy Framework (the Framework). The specific policies/guidance considerations are contained within the body of the report.**

Reasons for Refusal

33. Although some weight is given in favour of the application in relation to the economic benefits of the proposal, it is not considered that there are very special circumstances sufficient to outweigh the harm to the Green Belt caused by the inappropriateness of the marquee. The proposal is therefore contrary to the National Planning Policy Framework.
34. In addition the Council are not satisfied, without an appropriate noise assessment being undertaken that sound from the venue will not have an unacceptable impact on residential properties or the character of the area. The proposal is therefore considered contrary to Policy EP3 and BNE1 of the Chorley Local Plan 2012-2026.
35. The Council are not satisfied that there is sufficient off-road parking for the venue within the boundaries of the application site for the number of guests proposed and this may lead to parking on surrounding roads where parking is already at a premium, especially at weekends, or on surrounding tracks not within the control of the applicant. The proposal is therefore considered contrary to Policy EP3 and BNE1 of the Chorley Local Plan 2012-2026.