

APPLICATION REPORT – 16/00660/FUL

Validation Date: 29 July 2016

Ward: Chorley South West

Type of Application: Full Planning

Proposal: The proposal includes the reconfiguration of the circulation, access and egress to the car park, the resurfacing of the extended car park area with a combination of traditional tarmac and permeable surfacing construction methods and the installation of a new footpath connection.

Location: Visitors Centre Yarrow Valley Country Park Birkacre Road Chorley PR7 3RN

Case Officer: Andrew Williams

Applicant: Simon Forster, Chorley Council

Consultation expiry: 5 September 2016

Decision due by: 23 September 2016

RECOMMENDATION

Permit Full Planning Permission

SITE DESCRIPTION

This application is being reported to committee as it is an application made by the council.

The application site forms part of 21 hectares of ancient woodlands following the banks of The Yarrow which is positioned amongst a Biological Heritage Site bordering the settlement boundary of Chorley.

The main car parking area is accessed from Birkacre Brow and is positioned on relatively level ground with a subtle slope from 25.75m to the eastern aspect to 24.82 to the west. The River Yarrow runs parallel to the western boundary of the site with Big Lodge Reservoir and small fishing ponds lying the east and south-east of the car park.

The un-marked car park has a capacity of 90 spaces and is configured around existing shrubbery and tree coverage (no Tree Preservation Orders) which has been engineered with a stone chipping surface.

DESCRIPTION OF PROPOSED DEVELOPMENT

The proposed development seeks to enlarge the existing car park to create a total of 128 spaces including 7 disabled spaces and associated landscaping improvements. The car park proposed is to be surfaced with a combination of tarmacadam (to the circulation routes) and a porous gravel filled plastic confinement system (to the car parking spaces). The car park running lanes will be constructed from impermeable bituminous material with surface water drainage through the permeable parking bays.

A total of 25 trees are to be removed (21 grade 'C' and 4 grade 'U' – using the British Standard Tree Classification) with 21 additional native trees replanted around the boundaries of the car park to mitigate the loss.

RELEVANT HISTORY OF THE SITE

Ref: 13/00072/FUL Decision: PERFPP Decision Date: 24 April 2013
Description: Change of use from Visitors Centre (sui generis) to a mixed use of Visitors Centre (sui generis) and A3 cafe, erection of a canopy to front entrance (4m x 2.5m) and additional flagged area to south and west elevations with drainage to perimeter to be connected to existing surface water system

Ref: 00/00838/CB3 Decision: PERRG3 Decision Date: 13 December 2000
Description: Regulation 3 application for the construction of new visitor centre,

Ref: 94/00889/CB3 Decision: PERRG3 Decision Date: 13 March 1995
Description: Reclamation of derelict settlement tanks for nature conservation purposes,

Ref: 96/00697/CB3 Decision: PERRG3 Decision Date: 5 March 1997
Description: Regulation 3 Application for the construction of Visitor Centre and provision of disabled parking spaces,

Ref: 5/1/03186 Decision: PERFPP Decision Date: 23 May 1969
Description: Residential development site.

REPRESENTATIONS

No representations received during the course of the consultation period.

CONSULTATIONS

Lancashire Highway Services – No objection subject to the attachment of a condition.
Greater Manchester Ecology Unit – No objection subject to the attachment of conditions.
Lancashire County Council Public Rights Of Way – No response received.
Environment Agency – No objection subject to the attachment of an informative.
Lead Local Flood Authority – No response received.
Lancashire County Council Archaeology Service – No objection.
Parish Council – No response received.
Trees – No objection.

PLANNING CONSIDERATIONS

It is considered that the main issues in the determination of this application are:

- Principle of development:
 - o Harm to the openness of the Green Belt;
 - Safeguarding the countryside from encroachment.
 - o Impact upon Biological Heritage Site and Valley Park.
- Siting, scale and design;
- Highways implications;
- Flooding; and
- Archaeology.

Principle of Development

Harm to the openness of the Green Belt

At a national level the NPPF (2012) attaches great importance to the fundamental aim of preserving the openness and permanence of the Green Belt. In this regard, para.90 of the NPPF confirms that other forms of development i.e. engineering operations are not inappropriate

provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt

As indicated in para.80 of the NPPF the five purposes of the Green Belt include:

- 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.

For the purposes of this application the extension of the car park is considered to be an engineering operation thereby representing appropriate development in the Green Belt subject to the developments compliance with the main purposes of including land within it.

In line with para.80 the proposal would have no impact upon the unrestricted sprawl of built up areas, cause the amalgamation of neighbouring towns, have an impact upon the special character of historic towns or assist in urban regeneration. However, the impact of development upon encroachment into the countryside requires further consideration.

Safeguarding the countryside from encroachment

The application site is located within a heavily wooded area where it has been confirmed by the applicant that there will be no further encroachment into undeveloped land on the peripheries of the car park, merely the removal and reconfiguration of internal landscape features to facilitate the proposed increase in car park provision. To this end it is considered that whilst there being an increase in car parking provision the development assists in safeguarding the countryside from encroachment and negates the need for further enlargement in future in accordance with paras.80 and 90 of the NPPF.

Impact upon Biological Heritage Site and Valley Park

Policy HW3 of the Chorley Local Plan 2012 – 2026 states that proposals to enhance the recreational value of the Valley Parks at Yarrow Valley, Cuerden and Chapel Brook will be permitted if it can be demonstrated that they would not detract from the amenity, recreational and wildlife value of the Valley Parks'

Policy BNE10 of the Chorley Local Plan 2012 – 2026 indicates that planning permission will not be granted for development which would have an adverse effect on a protected species unless the benefits of the development outweigh the need to maintain the population of the species in situ.

In the determination of this application the Greater Manchester Ecology Unit (GMEU). The Council's ecology advisor has confirmed that the site lies adjacent to a Biological Heritage Site (BHS) and therefore to prevent accidental damage to the BHS the applicant is requested to submit a Construction Environmental Management Plan by way of condition. This is considered reasonably necessary for the purposes of protecting the historic designation.

In respect to roosting bats the GMEU has confirmed that the trees to be removed are unlikely to support roosting bats however nesting birds may be present and therefore the GMEU recommend the attachment of a condition for the protection of nesting birds between 1st March and 31st July. Additionally, a condition requesting that all tree and scrub species used to compensate the loss of the trees shall be native species of local provenance unless otherwise first agreed in writing with the local planning authority.

There is no objection to the removal of the trees which are considered to be of low significance.

It is therefore considered that subject to appropriately worded conditions the proposal would comply with policies HW3 and BNE10 of the Chorley Local Plan.

Siting, scale and design

Policy BNE1 of the adopted Chorley Local Plan 2012 – 2026 considers that planning permission should be granted for proposals which do not have a significantly detrimental impact on the surrounding area by virtue of its density, layout, height, scale, massing, design, orientation and use of materials.

The proposal seeks to utilise a mixture of durable materials which are unlikely to have any significant detrimental impact upon the aesthetics of the area. Whilst it is acknowledged that the existing stone chippings assimilate with the rural characteristics of the area, the concealment of the site from public vantage points in addition to the incorporation of supplementary landscaping and the selection of different surface materials help to break up the expanse of hardstanding and filter views from the surrounding area.

In line with policy BNE1 of the Chorley Local Plan the proposed development is considered to be appropriately designed to not cause any considerable adverse impact upon the character and appearance of the Park or that of the adjoining area.

Highways Implications

Policy BNE1 of the Chorley Local Plan 2012-2026 reiterates that development will only be permitted where the *'residual cumulative highways impact of the development is not severe and would not prejudice highway safety, pedestrian safety, the free flow of traffic, and would not reduce the number of on-site parking spaces below the standards stated with the Site Allocations Policy – Parking Standards, unless there are other material considerations which justify the reduction.'*

In the determination of this application Lancashire Highways have raised no objection to the proposed development which is considered to improve car parking provision in line with the Appendix D - Parking Standards. Notwithstanding this, it has been requested that a condition be attached to any grant of approval for the submission of a construction management plan to help maintain the operation of local streets and through routes in the area during the construction phase.

It is also advised that given a Public Right of Way (44) passes through the site planning permission does not entitle a developer to obstruct the public right of way with any proposed stopping up or diversion subject to an Order under the associated Act. An informative note will be placed on any permission to this effect.

It is therefore considered that the proposed development complies with policy BNE1 of the Chorley Local Plan (2012-2026).

Flooding

Further to review it has been established that the application site is located within Flood Zone 2 and 3 and therefore the Environment Agency has been consulted to ascertain the likely impact of development upon the River Yarrow and the overall risk of flooding.

In this regard the Environment Agency makes no objection to the proposed development subject to the following comments being taken into consideration:

'The River Yarrow watercourse adjoining the site is designated a Main River and is therefore subject to Byelaws. In particular, no trees or shrubs may be planted, fences, buildings, pipelines or any other structure erected within 8 metres of the top of the bank of the watercourses without a prior written Environmental Permit of this Agency. Full details of such works, together with details of any proposed new surface water outfalls, which should be constructed entirely within the bank profile, must be submitted to the Environment Agency for consideration.'

To this end it is considered that the proposed development complies with the stipulations of Section 10 of the NPPF.

Archaeology

Para.135 of the NPPF states that *'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'*

Policy BNE8 of the Chorley Local Plan 2012 – 2026 indicates that applications will be granted where they *'sustain, conserve and, where appropriate, enhance the significance, appearance, character and setting of the heritage asset itself and the surrounding historic environment.'*

During the determination of this application the Lancashire Archaeological Advisory Service was consulted given the sites historic association with as an iron forge and slitting mill which dated back to 1727 and has since been demolished.

In this regard the Advisory Service has identified that whilst it is possible some of the historic remains could be disturbed by the development, given the depth of the disturbance it is unlikely that this would cause any significant damage. In any event, it is considered that if remains are encountered, it is probable that these would be from a later rather than earlier structure and thus are of limited significance.

It is considered that the proposed development is unlikely to have any impact upon the significance of the undesignated heritage asset and is therefore compliant with policy BNE8 of the Local Plan and para.135 of the NPPF.

Community Infrastructure Levy

Not applicable to this application.

CONCLUSION

The proposed development does not represent inappropriate development in the Green Belt and through appropriate design is considered to preserve the character and appearance of the designation and its wildlife potential in accordance with the development plan and wider guidance contained within the NPPF.

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:
Location Plan	YVCP_001	18 th July 2016
Parking Layout	WL_925_007	18 th July 2016

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

- 3) Prior to construction, a construction plan shall be submitted to and approved in writing by the Local planning Authority. The plan to include method and details of construction including vehicle routing to the site, construction traffic parking and any proposed temporary closing of roads or streets. No construction traffic or deliveries to enter/exit during traffic peak periods or to wait on the public highway. Such construction plan to be implemented and adhered to during the construction of the development.

Reason: To maintain the operation of local streets and through routes in the area during construction, particularly during peak periods.

- 4) No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.
- a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard the impact of development upon protected species.

- 5) No removal of or works to any hedgerows, trees or shrubs shall take place during the main bird breeding season 1st March and 31st July inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: To safeguard the impact of development upon protected species.

- 6) Prior to the completion of the proposed works hereby approved full details (including species, number, stature and location) of the replacement tree planting shall be 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. All tree and scrub species used in the planting proposals shall be locally native species of local provenance unless otherwise agreed in writing with the local planning authority.

Reason: To safeguard the visual amenity of the area.

Informatives

- 1) The applicant is advised that a Public Right of Way (PROW) (Footpath 44) passes through the site and that the grant of planning permission does not entitle a developer to obstruct a public right of way. Any proposed stopping-up or diversion of a right of way should be the subject of an Order under the appropriate Act.
- 2) The River Yarrow watercourse adjoining the site is designated a Main River and is therefore subject to Byelaws. In particular, no trees or shrubs may be planted, fences, buildings, pipelines or any other structure erected within 8 metres of the top of the bank

of the watercourses without a prior written Environmental Permit of this Agency. Full details of such works, together with details of any proposed new surface water outfalls, which should be constructed entirely within the bank profile, must be submitted to the Environment Agency for consideration.