

## Development Control Committee

Meeting to be held 3<sup>rd</sup> June 2020

Electoral Division affected: Chorley Rural West
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### Chorley Borough: Application Number. LCC/2020/0023

**Application for remodelling of Charnock Richard Golf Course incorporating the reconfiguration of 9 holes and localised raising of levels using imported inert waste without complying with condition 11 of permission LCC/2019/0054. The Laurels Golf Course, Charnock Richard, Preston Road, Charnock Richard.**

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#### Executive Summary

**Application** - Application for remodelling of Charnock Richard Golf Course incorporating the reconfiguration of 9 holes and localised raising of levels using imported inert waste without complying with condition 11 of permission LCC/2019/0054. The Laurels Golf Course, Charnock Richard, Preston Road, Charnock Richard.

#### Recommendation - Summary

That planning permission be **granted** subject to conditions controlling time limits, working programme, hours of working, landscaping, noise, highway, ecology, drainage, restoration and aftercare.

#### Applicant's Proposal

Planning permission was granted in January 2020 (LCC/2019/0054) for the importation of 26,742 cubic meters of inert waste to an existing golf course at The Laurels Golf Course, Preston Road, Charnock Richard. The applicant proposes to use the material to create some undulating contours at the site through the creation of 19 mound areas, two greens and three bunkers. These mound areas would measure between approximately 30m and 80m long and have heights between 1m and 3m.

Condition 11 of planning permission LCC/2019/0054 states:

*No development shall commence until a scheme and programme of highway improvements has been submitted to and approved in writing by the County Planning Authority. The scheme and programme shall contain details of the following:*

- a) *Details for the location and design of a traffic island in the carriageway of the A49 adjacent to the site access*

*b) Details for the widening of the site access supported by a swept path analysis to demonstrate that the widening proposals are sufficient to allow two Heavy Goods Vehicles to pass on the site access road.*

The current application is to remove the requirements of condition 11.

The introduction of a traffic island was requested by the Highways Authority as concerns were raised that additional turning movements on Preston Road may increase the chance of vehicles attempting overtaking manoeuvres adjacent to the site access and the introduction of a traffic island would help reduce this from occurring during the construction period. The Highways Authority also requested that the site access road be widened sufficiently to allow two HGVs to pass.

### **Description and Location of Site**

The application site is located on part of Charnock Richard Golf Course, 2km to the south west of Charnock Richard Village in Chorley. The golf course is located to the east of the A49 (Preston Road). Close to the site, the A49 meets Mill Lane at a mini roundabout with Mill Lane leading west. The M6 motorway is located 450m to the west of the proposed site. The application site is bounded to the north by the other areas of the golf course with a club house / restaurant complex and car park close to the existing access off Preston Road. The whole site is located within the Green Belt.

The existing site access is off the A49. On the A49 to the south of the access is a ghost island right turning lane and this section of road is subject to the national speed limit which for a single carriageway road is 60 mph. The site access then passes through a gated entrance which is around 5.8m wide between the site gate posts located approximately 11m back from the carriageway edge.

### **Background**

Planning permission was approved in January 2020 for the remodelling of Charnock Richard Golf Course incorporating the reconfiguration of 9 holes and localised raising of levels using imported inert materials. The Laurels at Charnock, Charnock Richard Golf Course, Preston Road, Charnock Richard. (LCC/2019/0054)

Planning permission was refused by Chorley Borough Council in August 2019 for a change of use from a golf course to a touring caravan site, to include six camping pods, the erection of an amenity block and a reception/shop building, landscaping mounds and associated infrastructure. (19/00094/FULMAJ)

Planning permission was approved in October 2014 for the development of a new football training facility for academy and professionals including the erection of a new detached building to accommodate the junior academy and indoor pitch, erection of a new building for the professionals (linked to the existing club house by a covered walkway), part change of use of (restaurant within) golf clubhouse to Class D2, car parking, artificial pitch, floodlighting of two pitches, fencing and use of land as football training centre. (14/00641/FULMAJ)

Planning permission was approved in February 1994 for the formation of an 18 hole golf course practise ground and 80 space car park, improvements to the A49 and access via the existing farm entrance. (92/00936/FUL)

## **Planning Policy**

National Planning Policy Framework

Paragraphs 7 - 12, 54 - 55, 108 – 111 are relevant in regards to achieving sustainable development, tailoring planning controls to local circumstances and highway impacts.

Joint Lancashire Minerals and Waste Local Plan - Site Allocations and Development Management Policies - Part One (JLMWLP)

Policy NPPF1 Presumption in Favour of Sustainable Development  
Policy DM2 Development Management

Chorley Local Plan

Policy V1 - Model Policy  
Policy BNE1 - Design Criteria for New Development

## **Consultations**

Chorley Borough Council - No observations received.

Charnock Richard Parish Council - Object to the application as there has been no material changes which would justify the removal of this condition. The submitted information shows Heavy Good Vehicles entering and exiting the site can pass between the existing gates posts provided they do so singularly. Nowhere in the planning statement accompanying the original application, nor in the documentation supporting the application to vary condition 11, does it say that vehicle movements are limited to 1 entering and 1 exiting the site each hour. No guarantees have been made that there will never be an occasion where 2 vehicles will approach the site, one to enter and one to exit, at the same time.

The drawings indicate that Heavy Good Vehicles entering the site will be required to cross the centre point of the current access to enter the site, whilst Heavy Good Vehicles exiting the site will not only cross the centre point of the access to the site, but will also cross into the filter lane for vehicles turning right into the site. This would compromise highway safety for the Heavy Good Vehicle drivers and other motorists waiting to enter the site from the filter lane. Removing the need to construct the traffic island and widen the access will compromise the safety of motorists and pedestrians.

Environment Agency - No observations received.

LCC Highways Development Control - LCC Highways does not have any objection and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site. The direction of the movements from the site in Standish on the A49 has been confirmed.

One inbound and one outbound movement per hour would not have a severe impact on the A49 or on the junction at The Laurels and it is expected the one vehicle an hour movement will be the same vehicle. If there is one Heavy Goods Vehicle waiting in the right hand turn lane on the A49, there is sufficient room for this vehicle to wait for an existing vehicle to turn left and exit. This is proven in the swept path analysis. The previously requested widening of the site access is not required.

Although there is an element of risk when introducing large vehicles to a site, this risk is seen as low and minimal and can be mitigated with the proposed warning signs. With the low impact of the small amount of movements, the previously requested traffic island is not required. There are many right hand turn lanes which operate safely without a central refuge. The access for The Laurels has good visibility and acceptable sightline provisions in both directions. Within the golf course site itself, the location of the temporary road on the outside of the bend affords visibility for Heavy Goods Vehicles exiting onto the internal road for vehicles exiting the car park for The Laurels and the golf course and Heavy Goods Vehicle drivers leaving the site would be able to see vehicles entering from Preston Road.

Representations - The application has been advertised by newspaper advert and letters to the nearest properties. Three objections have been received from local residents raising concerns that the removal the requirements will cause a safety issue on the A49 which will impact residents. One resident has stated that preparatory works have commenced on the site with the depositing of waste hardcore adjacent to the golf club buildings, the removal of a number of trees and the construction of access road. Also a comment was raised that the proposed warning signs that the applicant proposes are inadequate and should not replace proper highway improvements that would reduce the danger caused by the Heavy Goods Vehicles turning into / out of the site.

## **Advice**

Planning permission was granted in January 2020 (LCC/2019/0054) for the importation of 26,742 cubic meters of inert waste to an existing golf course at The Laurels Golf Course, Preston Road, Charnock Richard. The golf course was previously an 18 hole course which opened in 1994 but closed in 2013. The northern section of the course reopened as a 9 whole course in 2018. The objective of the development is to remodel the southern part of the facility to create a course of a more undulating nature, the existing course being flat which is not particularly challenging for experienced golfers.

The National Planning Policy Framework seeks to ensure that the planning system helps businesses to invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. It also states that development should only be prevented or refused on highway safety grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Policy DM2 of the Joint Minerals and Waste Local Plan supports development for waste management operations where it can be demonstrated that all material, social,

economic or environmental impacts including highway safety that would cause demonstrable harm can be eliminated or reduced to acceptable levels. In assessing proposals, account should be taken of the proposal's setting, baseline environmental conditions and neighbouring land uses, together with the extent to which its impacts could be controlled in accordance with current best practice and recognised standards.

When planning permission was granted for the importation of material at the site it was subject to condition 11 which required highway improvements being undertaken on Preston Road and to the site access road. Condition 11 was imposed due to the comments from Highways who advised that although the A49 adjacent to the site access had a good safety record, the proposed development would result in slow moving Heavy Goods Vehicle movements on a single carriageway road and measures would be required to decrease the likelihood of overtaking manoeuvres on the A49. This was through the construction of a traffic island in the carriageway of the A49 and for the widening of the site access so that Heavy Goods Vehicles could enter the site and pull clear of the A49 if a vehicle was leaving at the same time. These measures were the subject of condition 11.

Since planning permission has been granted the applicant has confirmed the material is to be sourced from a development site in Standish currently operated by Persimmon Homes located approximately 6km south of the proposed site. The material would be imported using a 4 Axle Tipper Heavy Goods Vehicle approaching the golf course access from the south along the A49. The applicant has stated that they proposed to limit HGV movements to 1 inbound and 1 outbound movement per hour during the permitted hours of working which are 0800 to 1800 hours Monday to Friday and 0800 to 1200 hours on Saturday. The applicant has also confirmed deliveries would be coming from the south taking a right turn into the site which has a ghost island right turning lane in place in this section of the road. The site access then passes through a gated entrance which is around 5.8m wide between the site gate posts located approximately 11m back from the carriageway edge. The applicant has also argued that the addition of a traffic island would not be able to assist pedestrian movement as there is no footway along the western side of the A49.

The applicant has submitted a swept path diagram which demonstrates that Heavy Goods Vehicles can safely pass through the gate posts into the site. However it is noted that the left turn out from the site would slightly encroach into the right turning lane. However, due to the limited frequency of movements resulting from the development, the applicant is of the view that it would not warrant the need to alter the existing kerb radius or to install the traffic island. As an alternative highway safety measure, the applicant is proposing to erect signs during the duration of the works to warn drivers of 'Heavy Goods Vehicles' turning ahead'.

The application has received objections from Charnock Richard Parish Council and local residents stating that as there have been no material change in circumstances which would justify the removal of condition 11, the application should be refused. They acknowledge that the submitted information shows that Heavy Good Vehicles entering and exiting the site can pass between the existing gate posts provided they do so singularly but nowhere in the planning application, does it say that vehicle movements would be limited to 1 entering and 1 exiting the site each hour.

Lancashire County Council Highways participated in a site visit to assess the impacts of Heavy Good Vehicles entering and exiting the site and confirm the access into the site has good visibility and acceptable sightline provisions in both directions. They also confirm that provided that there is only one inbound and one outbound movement per hour then the proposal would not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site. They also confirm that the swept path analysis demonstrates that if a Heavy Goods Vehicle is waiting in the right hand turn lane to enter the site, there is sufficient room for a vehicle exiting the site to turn left. Therefore the previously requested widening of the site access is not required.

The original application determined in January 2020 did not propose a limitation on the number of Heavy Goods Vehicles movements per day. Therefore it would have been entirely possible for HGVs to arrive and leave the site at the same time resulting in a greater potential for conflicts and safety issues on the A49 and hence the need for some improvements to mitigate these risks. The applicant now proposes to limit HGV movements to 1 per hour. Whilst it would not be possible to control the source of the waste material thereby influencing the direction from which HGVs approach the site, a planning condition can be imposed to restrict the level of HGV movements. Highways conclude that the previously requested highway improvements are not required if HGV movements can be restricted to one per hour as this would limit the potential for conflict on the A49. With such a condition, the impact on the highway network would not be severe and therefore it is acceptable to amend condition 11 to remove the requirement for the traffic island and widening of the access road provided that there is a requirement for warning signage.

An application to vary conditions to an existing permission if approved would result in a new permission being granted. All the conditions that were attached to permission LCC/2019/0054 are therefore recommended to be attached to any new permission and to take into account for the changes in circumstances since the original permission was issued. A planning condition should be added to ensure HGVs leaving the site are limited to one every hour and that warning signage is erected maintained by the applicant during the construction period. Overall due to the support from Lancashire Highways and subject to the addition of a condition relating to warning signage it is considered that proposal complies with the policies of the development plan and the National Planning Policy Framework.

In view of the nature, location and purpose of the development it is considered that no Convention Rights set out in the Human Rights Act 1998 would be affected.

## **Recommendation**

That planning permission be **Granted** subject to the following conditions:

### **Time Limits**

1. The development shall commence not later than 3 years from the date of this permission.

*Reason: Imposed pursuant to Section 91 (1)(a) of the Town and Country Planning Act 1990.*

2. The golf course recontouring operations hereby permitted shall be completed and restored in accordance with condition 16 to this permission within one year of the date of commencement notified to the County planning Authority under the provisions of condition 3 below.

Within a further period of three months all temporary site access roads shall be restored.

*Reason: In order to ensure the proper restoration of the site in the interests of visual amenity and to conform with policy DM2 of the Lancashire Minerals and Waste Local Plan.*

3. Notification in writing shall be provided to the County Planning Authority of the commencement of development within 7 days of such commencement.

Reason: In order to ensure the proper restoration of the site in the interests of visual amenity and to conform with policy DM2 of the Lancashire Minerals and Waste Local Plan.

### **Working Programme**

4. The development shall be carried out in accordance with the following documents:

a) The planning applications dated 23rd September 2019 (LCC/2019/0054) as modified 20th April 2020 (LCC/2020/0023).

b) Submitted Plans and documents:

Drawing No - 19/078/L01 / Proposed Location Plan

Drawing No - 19/078/VR01 / Vehicle Routes for Mound Construction

Drawing No - 19/078/P02 / Proposed Site Plan - Sheet 1 of 2

Drawing No - 19/078/P03 / Proposed Site Plan - Sheet 2 of 2

Drawing No - SCP/200103/SK01 / Access Arrangement

Drawing No - SCP/200103/ATR01 / Swept Path Analysis - Large Tipper

Drawing No - SCP/200103/ ATR02 / Swept Path Analysis - Large Tipper

Drawing No - SCP/200103 / SK01 / Access Arrangement

Drawing No - SCP/200103/ SK02 / Proposed Sign Arrangement

c) All schemes and programmes approved in accordance with this permission.

*Reason: For the avoidance of doubt, to enable the County Planning Authority to adequately control the development and to minimise the impact of the development on the amenities of the local area, and to conform with policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and policy BNE1 of the Chorley Local Plan.*

5. The deposit of soil materials hereby permitted shall be restricted to those areas edged with a dashed red line on drawing ref 19/078/PO1. No materials

deposited within those areas shall exceed the heights and contours shown on drawing 19/078/PO1.

*Reason: In the interests of visual amenity and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.*

### **Hours of Working**

6. No construction development, delivery of materials and land restoration operations shall take place outside the hours of:

08.00 to 18.00 hours Monday to Friday (except Public Holidays)

08.00 to 12.00 hours on Saturday (except Public Holidays)

No construction development, delivery or removal of materials and land restoration works shall take place at any time on Sundays or Public Holidays.

This condition shall not however operate to prevent essential repairs to plant and machinery used on the site.

*Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Development Framework.*

### **Landscaping**

7. No trees or hedgerows other than the removal of a single hawthorn tree identified as 'G6' for removal in the submitted Arboricultural Impact Assessment shall be removed as part of site construction works. All other trees and hedges within the site shall be protected from damage throughout the period of construction works. Any trees and hedges which are damaged, become diseased or which die at any time during the development, restoration and the aftercare period as provided for in this permission shall be replaced during the first available planting season, as defined in this permission, after which such condition is discovered with trees of a similar type, number and species so affected.

*Reason: In the interests of visual and local amenity and the local environment and to conform with Policy BNE9 of the Chorley Local Plan.*

### **Control of Noise**

8. All plant, equipment and machinery used in connection with the construction, operation and maintenance of the site shall be equipped with effective silencing equipment or sound proofing equipment to the standard of design set out in the manufacturer's specification and shall be maintained in accordance with that specification at all times throughout the development.

*Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the*



*Lancashire Minerals and Waste Local Plan.*

9. Measures shall be taken at all times during the development to minimise the generation of dust including the watering of all haul roads and suspension of activities in dry windy weather conditions.

*Reason: In the interests of local amenity and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.*

## **Highway Matters**

10. No development shall commence until a scheme and programme of wheel cleaning measures has been submitted to and approved in writing by the County Planning Authority. The scheme and programme shall contain details for the location and design of wheel cleaning measures to be installed.

The wheel cleaning measures contained in the approved scheme and programme shall be installed prior to any waste materials being imported to the site and used by all Heavy Goods Vehicles leaving the site to ensure that no mud, dust or other deleterious materials are deposited on the public highway by vehicles leaving the site.

*Reason: In the interests of highway safety and local amenity and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Development Framework Site Allocations and Development Management Policies DPD.*

11. During the construction period Heavy Goods Vehicles leaving the site in connection with the importation of waste material shall be restricted to one movement per hour.

*Reason: In the interests of highway safety and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.*

12. The warning signs as shown on Drawing No - SCP/200103/ SK02 / Proposed Sign Arrangement shall be erected prior to any waste materials being imported to the site and shall be maintained in position until completion of the development.

*Reason: In the interests of highway safety and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.*

13. No development shall commence until details for the construction of the temporary access road have been submitted to and approved in writing by the County Planning Authority. The details shall contain information on the dimensions and form of construction of the access road which shall be constructed from hardcore or other suitable materials. All soils shall be stripped from the area of the access road before any surfacing materials are laid and stored for use in restoration.

The access road shall be constructed in accordance with the approved details prior to any waste materials commencing on the site.

Within three months of the completion of the development the temporary access road shall be restored including removal of all surfacing materials and restoration of the land by respreading of stripped soils.

*Reason: In the interests of highway safety and visual amenity and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.*

## **Ecology**

14. No development shall commence until an updated scheme of reasonable avoidance measures for great crested newts has been submitted to and approved in writing by the County Planning Authority. The scheme shall be based up the details of reasonable avoidance measures listed in sections 4 and 5 of the submitted Ecological Impact Assessment and shall contain details of the following:-

- a) Details of flotation excavators to minimise ground disturbance during the construction period
- b) Details for the removal of potential amphibian habitats including any vegetation required to create the access and temporary haul roads
- c) Details of any amphibian exclusion fencing.

The reasonable avoidance measures contained in the approved scheme shall be implemented at all times during the development.

*Reason: In the interests of ecology and to conform with Policy BNE9 of the Chorley Local Plan.*

15. Within three months of the date of this planning permission, a scheme of habitat enhancement works shall be submitted to the County Planning Authority for approval in writing.

The habitat enhancement scheme should provide details of the following:

- a) Details for the erection of bat and bird boxes on the site including location and design.
- b) Details for landscaping including tree and hedge planting including details of areas to be planted, layout and sizes of species to be planted, planting techniques, and protection measures.

The habitat enhancement measures contained in the approved scheme shall be implemented in the first planting season following the completion of the development.

*Reason: In the interests of ecology and to conform with Policy BNE9 of the Chorley Local Plan.*

## Restoration

16. Within 15 months of the date of commencement, all areas within the dashed red lines on drawing 04/078/PO1 shall be restored in accordance with the following:
- a) The surface of the mound shall be treated including removal of any stone, brick, concrete or other deleterious material that would prejudice the final use of the land.
  - b) Respreading of any stripped soil materials over the surface of the mound.
  - c) The soil materials shall be cultivated to provide a smooth even surface suitable for seeding.
  - d) The surface of the mound shall then be seeded with a grass seed mix suitable for the final use as a golf course.

Notwithstanding the general requirements of this condition, any area of the site that is filled to the approved final contours shown on drawing 19/078/PO1 shall be restored in accordance with the approved scheme and programme within three months of completion.

*Reason: In order to ensure the proper restoration of the site in the interests of the visual amenities of the area and to conform with policy DM2 of the Lancashire Minerals and Waste Local Plan.*

17. Upon certification in writing by the County Planning Authority of the completion of restoration, as defined in this permission, aftercare of the site to promote the amenity afteruse of the site shall be carried out for a period of five years. Such aftercare works shall include reseedling works, weed control, works to repair and install drainage and management of tree and hedge planting.

*Reason: To secure the proper aftercare of the site and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.*

## Notes

The grant of planning permission does not remove the need to obtain the relevant statutory consents/licences from the Environment Agency.

The applicant's attention is drawn to the observations of the Canal and River Trust letter dated 3rd June 2019.

Any removal of hedgerow and felling of trees shall take only place outside of the period between 1st March and 31st July. Where such works cannot be undertaken outside this period, no vegetation removal shall take place until the vegetation to be removed has been checked for the presence of nesting birds. If nesting birds are detected, no works shall be undertaken until an exclusion zone around any nests has been established in accordance with Natural England guidance. Such an exclusion zone

shall be maintained until it has been confirmed that any dependant young have left the nest.

### **Definitions**

Planting Season: The period between 1 October in any one year and 31 March in the following year.

### **Local Government (Access to Information) Act 1985 List of Background Papers**

None

Reason for Inclusion in Part II, if appropriate  
N/A