

Development Control Committee
Meeting to be held on 2 March 2022

Electoral Division affected: Chorley Rural West
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Chorley Borough: Application No. LCC/2022/0002
Variation of condition 2 of planning permission LCC/2019/0054 to allow the golf course re-contouring operations and restoration operations to continue until 23 March 2023. The Laurels at Charnock, Preston Road, Charnock Richard.

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Executive Summary

Application – Variation of condition 2 of planning permission LCC/2019/0054 to allow the golf course re-contouring operations and restoration operations to continue until 23 March 2023. The Laurels at Charnock, 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

This application seeks consent to vary condition 2 of planning permission ref. LCC/2019/0054 (Remodelling of Charnock Richard Golf course incorporating the reconfiguration of 9 holes and localised raising of levels using imported inert materials) to allow the golf course re-contouring operations to continue until March 2023.

Under permission LCC/2019/0054 the re-contouring operations must be completed and restored in accordance with the approved plans within one year of the date of commencement of the development. The development commenced on 23 of March 2021.

Description and Location of Site

The application site is located on part of Charnock Richard Golf course, approximately 2km to the south west of Charnock Richard in Chorley. The golf course is located to the east of the A6 (Preston Road). 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 site is in the green belt and there are a number of properties which are located adjacent to the golf course boundaries on Preston Road to the south and east. The application site (9ha in area) comprises approximately half of the whole 18 hole golf course and is currently not in active use. The site consists of a flat area of land laid out with greens and fairways, small areas of woodland, scattered scrub and trees together with nine ponds around the site. The surrounding area comprises of agricultural land with ponds, hedgerows and small areas of woodland. Overall the site is relatively flat, but with localised undulating features consistent with its former use, and with an overall gentle slope towards the north-east with ground levels varying between approximately 70.8 to 74.5m AOD.

Background

Planning permission was granted in January 2020 for the remodelling of the southern part of the golf course. The approval comprises reconfiguring the course and localised raising of land levels within the site via the importation of 26,742 cubic meters of inert waste to create more undulating contours through the creation of 19 mound areas, two greens and three bunkers.

The proposed mound areas would be between 30m and 80m long on their maximum dimensions and have heights between 1m and 3m. The development also includes a temporary access track off the existing access into the site from Preston Road. The track measures a linear distance of 60m and is 10m wide.

Planning Policy

National Planning Policy Framework (NPPF)

Paragraphs 7 - 12, 51 - 53, 55 - 57, 147 - 151, 159 - 169, 174, 179 - 182, 183 - 189 are relevant with regards to achieving sustainable development, tailoring planning controls to local circumstances, planning conditions and obligations, proposals affecting the greenbelt, planning and flood risk, conserving and enhancing the natural environment, habitats and biodiversity and ground conditions / pollution and heritage impacts.

Joint Lancashire Mineral and Waste Development Framework (JLMWDF) Core Strategy Development Plan Document (DPD) -Managing our Waste and Natural Resources

Policy CS7 Managing our Waste as a Resource

Policy CS8 Identifying Capacity for Managing our Waste

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

Policy NPPF1 Presumption in Favour of Sustainable Development
Policy DM1 Management of Waste and Extraction of Minerals
Policy DM2 Development Management

Chorley Local Plan 2012-2016

Policy V1 - Model Policy
Policy BNE1 - Design Criteria for New Development
Policy BNE5 - Redevelopment of Previously Developed sites in the Green Belt
Policy BNE9 - Biodiversity and Nature Conservation

Consultations

Chorley Council – Object to the proposal. The council objected to the original application on the following grounds and the council maintains its position that:

- The proposed development is inappropriate in the Green Belt and no very special circumstances exist to outweigh the harm.
- Further, the applicant has not demonstrated that the amenity of neighbouring residents would be protected throughout the construction period.

The Borough Council consider that the variation of condition 2 is not acceptable as it would prolong the period during which impact upon the Green Belt and neighbouring residents is experienced. The proposal would more than double the applicant's originally anticipated time period for the works. No justification appears to have been submitted in support of the application for the extension of time.

Charnock Richard Parish Council - have no objection to the extension to continue until March 2023 for re-contouring operations and restoration. The Council ask that provisions be put in place to ensure that the site remains clean and tidy, that the development remains in accordance with the initial planning permission and that the amount of inert materials brought onto the site is only what was permitted (ie 26,742 cubic metres) and no more.

Lancashire County Council (LCC) Ecology service – It is unlikely that extending the time frame for completion of the works, as proposed, would have any significant ecological implications.

Lancashire County Council (LCC) Highways Development Control – No objection. The proposed development will not have a significant impact on highway safety, capacity or amenity within the immediate vicinity of the site.

Lead Local Flood Authority - confirm that they have no comments to make on the application.

The Coal Authority – no comments to make as the condition sought to be varied and none of the other conditions are coal mining related.

Environment Agency (EA) – No objection. Any development using waste or other material may require an environmental permit unless it is exempt from the need for a permit. If a permit is required, it must be obtained prior to commencing the activity and the applicant should allow three months for the determination of a standard rules permit and four months for the determination of a bespoke permit. Waste transported to and from the development must only be carried by a registered waste carrier. If planning permission is granted, the applicant should arrange a meeting with the Environment Agency (EA) to discuss the permitting implications.

County Landscape Service - No observations received.

Representations – The application has been advertised by site notice and neighbouring residents informed by individual letter. Three objections have been received making the following comments:

- The development started in February 2020, with delivery of hardcore, wheel wash equipment and preparation of the temporary road way, and re-started after Covid 19 in approx. September/October 2020.
- The traffic island was completed on 5 March 2021.
- There has been no noticeable break in development since September/October 2020 and wagon deliveries and excavator working as been evident in all weather conditions.
- Any 'restriction on type of materials and the scarcity of materials ' would have been taken into consideration before work commenced.
- The wheel wash facility appears to be too close to the exit.
- The mud depots result in a slippery road surface for vehicles and pavement for pedestrians for at least 200m.
- The mud deposits and wagon movements result in a dangerous crossing at the entrance for pedestrians.
- It is unreasonable for the users of the A49 (vehicular and pedestrian) to continue to experience the mud for a further 12 months.
- The environment around the area has been destroyed, and there has been dirt and noise for 18 months.
- The mountains of waste that have appeared all over the place are far in excess of what was stated in the original plans.
- The application to extend this tipping operation seems purely for financial reasons and not in any way to improve the golf course.
- The number of wagons entering the site has already exceed what was originally stated.
- Impact on wildlife in the area.
- The site is an eyesore.

Advice

The application seeks to vary condition 2 of the extant planning consent LCC/2019/0054 in order to extend the time period over which the approved works can continue to be undertaken. The applicant seeks to extend operations until the 23 March 2023 (ie to allow an additional one year period for the completion of the development). The applicant has stated that a number of issues have caused delays

on site: adverse weather conditions, restrictions on the type of materials, and scarcity of materials.

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 hole course in 2018. The objective of the development is to remodel the southern part of the facility to create a course with a more undulating nature, the existing course being quite flat which is not particularly challenging for experienced golfers.

It is understood that around half the materials to complete the works has been brought on site to date. None of the 19 approved mounds have been fully completed and restored to date, and there are some areas of topsoil that are being stored temporarily within the site to be used once the restoration work is underway (this is existing material from the site that is to be re-utilised, rather than importing additional topsoil).

Green Belt

The site is located within the Green Belt. When the previous application was determined it was concluded that the proposed development would not harm the openness of the Green Belt, due to its scale, the short construction time, the fact that no new built development was proposed and lack of impact on the character of the site. The proposal was therefore considered to be acceptable in relation to paragraph 146 of the National Planning Policy Framework (NPPF), which states that certain forms of development are not inappropriate in the Green Belt provided that they preserve its openness and do not conflict with the purposes of including land within it. No changes to the scale or appearance of the development are proposed as part of the current application. Although the applicant is proposing to undertake the works over an additional time period, it is considered that the development remains appropriate in terms of Green Belt policy due to the relative minor scale of the works and the progressive restoration.

Neighbour Amenity

The National Planning Policy Framework (NPPF) and the Joint Minerals and Waste Local Plan recognise that waste developments have the potential to give rise to adverse impacts on the quality of life of people for a variety of reasons including noise and dust. 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 that would cause demonstrable harm can be eliminated or reduced to acceptable levels.

It was considered that when the original consent was granted, that given the separation distances between the application site and the nearest residential properties (a minimum of 100m), and the relatively small scale of each mounded area, that there would be no unacceptable impacts on neighbouring amenity as a result of the proposals. Conditions were attached to control noise, dust and hours of operation.

The present appearance of the site reflects that the site is still under construction, and that works are ongoing. This will be for a limited period of time. Plans are approved for the final appearance of the site and condition 15 of the existing permission requires that within three months of any of the mound areas being completed to their final levels, restoration should be undertaken in accordance with the details specified therein.

The duration of the time extension proposed is relatively short (an additional 12 months) and work on the development has commenced. It is considered unlikely that the development could be completed in accordance with the approved timescales (ie by 21 March 2022), and that to refuse an extension of time would not accord with the aims of the development plan. The continuation of the operation over an additional period of one year would not result in unacceptable amenity impacts for local residents due to its relatively small scale and due to the works being spread over a number of locations around the golf course area. It is important for the applicant to achieve a high standard of restoration given the intended use of the site and therefore it is likely that the majority of the further operations to import materials and restore the mound areas would be completed in summer 2022.

Highways

Access to the site is from the A49 to the west. The temporary access road and wheel washing facility have been installed as required by conditions 10 and 12 of permission LCC/2019/0054. The wheel wash is in accordance with the approved plans. The highway improvement works approved under condition 11 (a traffic island) have also been constructed. The comments of the neighbouring residents are noted. However Lancashire County Council (LCC) Highways have not raised any concerns with the current proposals 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 concerns raised by the residents regarding the mud and dust deposits on the road are noted. However, as Lancashire County Council (LCC) Highways have not expressed any concerns in this regard, it is considered that it would be unreasonable to refuse the application on this basis. Monitoring of the site will continue on an ongoing basis to ensure that the wheel cleaning measures are being used and are effective.

In conclusion, the proposal to extend the time period for operations is for a moderately short period of time. The development involves the importation of a relatively small amount of inert materials, and whilst the continuation of vehicle movements and deliveries to the site would result in some noise and disturbance for neighbouring residents for longer than previously envisaged it is not considered that the loss of amenity for the duration of the extension would be so great as to warrant refusal of the proposals. The proposal is therefore considered acceptable in terms of the policies of the National Planning Policy Framework (NPPF) and the Development Plan.

Human Rights

The Human Rights Act 1998 requires the County Council to take into account the rights of the public under the European Convention on Human Rights and not to act

in a manner incompatible with those rights. Article 1 of the 1st Protocol states that an individual's peaceful enjoyment of their property shall not be interfered with except as is necessary, in accordance with law and as is proportionate.

Given the distance from the site and neighbouring properties, this application was it to be approved would be unlikely to generate such an impact on those neighbouring properties which would breach those rights. The conditions proposed will also ensure the protection of the amenity of those properties.

Recommendation

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

Time Limits

1. The golf course re-contouring operations hereby permitted shall be completed and restored in accordance with condition 12 to this permission by 23 March 2023.

Within a further period of three months all temporary site access roads shall be restored and the site access at its junction with the A49 reinstated in accordance with condition 9 to this permission.

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

Working Programme

2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the following documents:
 - a) The Planning Application dated 23 September 2019
 - 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/P01 Rev A - Proposed Site Overview
Drawing No - 19/078/P02 / Proposed Site Plan - Sheet 1 of 2
Drawing No - 19/078/P03 / Proposed Site Plan - Sheet 2 of 2

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 of the Lancashire Minerals and Waste Local Plan and policy BNE1of the Chorley Local Plan.

3. 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 Rev A. No

materials deposited within those areas shall exceed the heights and contours shown on drawing 19/078/PO1Rev A.

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

Hours of Working

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

This condition shall not however operate so as 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 Plan.

Landscaping

5. 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

6. All plant, equipment and machinery used in connection with the 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.

7. 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

8. The approved wheel cleaning facilities as shown on plan ref. SCP/200103/SK03, titled 'Revised Haul Road Routing' received 27 May 2020 shall be maintained in working order and shall be used by all Heavy Goods Vehicles (HGVs) leaving the site during the development so as to ensure that no mud, dust or other deleterious materials are deposited on the public highway by vehicles leaving the site.

Reason: In the interest of highway safety and 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 Site Allocations and Development Management Policies Development Plan Document.

9. 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

10. The development should be carried out in accordance with the Reasonable Avoidance Measures as detailed in the Great Crested Newt Mitigation Strategy - Version 2 - July 2020.

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.

11. The scheme of habitat enhancement included in the Ecological Management Plan July 2020 shall be implemented as set out in that plan. The bat and bird boxes erected prior to the commencement of the development should be retained thereafter. The tree planting works shall be implemented in the first planting season following completion of the development.

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

Restoration

12. Within three months of any of the mound areas shown as a dashed red on drawing 04/078/PO1 being completed to their final levels, restoration shall be undertaken 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.

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.

13. 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 reseeded works, weed control and works to repair and install drainage.

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 Rivers Trust letter dated 3 June 2019.

Any removal of hedgerow and felling of trees shall take only place outside of the period between 1 March and 31 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

Paper	Date	Contact/Directorate/Ext
LCC/2022/002	21/12/2021	Helen Ashworth, Planning and Environment 01772 530084

Reason for Inclusion in Part II, if appropriate

N/A