

## **DEVELOPMENT CONTROL COMMITTEE**

TUESDAY, 6TH MARCH 2018, 6.30 PM

COUNCIL CHAMBER, TOWN HALL, CHORLEY

With consent of the Chair the final item, 3h) 17/01032/FUL – Land West of 26 Pennine Road, Pennine Road, Chorley, has been agreed to be considered on the agenda at the meeting being held on 6 March 2018.

I am now able to enclose, for consideration at the above meeting of the Development Control Committee, the following reports that were unavailable when the agenda was published.

### **AGENDA**

- |          |  |                 |
|----------|--|-----------------|
| <b>C</b> | <b>17/00954/FULMAJ - NATURE TRAIL NURSERY, WHITTLE-LE-WOODS AND CLAYTON-LE-WOODS PARISH CLUB, 239 PRESTON ROAD, CLAYTON-LE-WOODS, CHORLEY, PR6 7PY</b> | (Pages 63 - 74) |
| <b>G</b> | <b>18/00054/FUL - GORTON'S FARM BURY LANE, WITHNELL, CHORLEY, PR6 8SL</b>  | (Pages 75 - 82) |
| <b>H</b> | <b>17/01032/FUL - LAND WEST OF 26 PENNINE ROAD, PENNINE ROAD, CHORLEY</b>  | (Pages 83 - 88) |

GARY HALL  
CHIEF EXECUTIVE

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**APPLICATION REPORT – 17/00954/FULMAJ**

**Validation Date: 28 September 2017**

**Ward: Clayton-le-Woods And Whittle-le-Woods**

**Type of Application: Major Full Planning**

**Proposal: Erection of part three storey, part two storey, part single storey GP surgery, pharmacy and community cafe with associated car parking, access and landscaping following demolition of existing building**

**Location: Nature Trail Nursery Whittle-Le-Woods And Clayton-Le-Woods Parish Club 239 Preston Road Clayton-Le-Woods Chorley PR6 7PY**

**Case Officer: Mr Iain Crossland**

**Applicant: Ms K Ollerton**

**Agent: Mr Neil Ainsworth**

**Consultation expiry: 23 October 2017**

**Decision due by: 28 December 2017**

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**RECOMMENDATION**

1. It is recommended that this application is approved subject to conditions.

**SITE DESCRIPTION**

2. The application site is located in the settlement area of Whittle le Woods and is in an established residential location on the A6 Preston Road. The site also comprises amenity grassland (front garden and lawn, rear grassland with scattered trees and shrubs), hardstanding areas (driveway and car park) and broadleaf woodland area. The existing building is a large building or traditional design style that was originally a parish hall but has evolved to include a children's nursery. The building also continues to be used by church groups and for other community based functions.

**DESCRIPTION OF PROPOSED DEVELOPMENT**

3. The proposed development involves the erection of a part three storey, part two storey, part single storey building comprising a GP surgery, pharmacy and community cafe with associated car parking, access and landscaping following the demolition of existing building.
4. Car parking would be located to the rear of the building, as it is currently, however the vehicular access would be relocated from the north side of the site to south side as part of the proposal.
5. The proposed scheme would allow Whittle-le-Woods GP Surgery (the applicant) to relocate their existing medical centre from 199 Preston Road, Whittle-Le-Woods, Chorley, PR6 7PS

to the site. This would enable the applicant to expand their practice in line with the growing needs of the surrounding community through the provision of consulting rooms, treatment rooms, office space, associated services and a pharmacy.

## REPRESENTATIONS

6. Representations have been received from the occupiers of 5 addresses in objection to the proposed development. These relate to the following issues, which are summarised below:
  - Impact on highway safety
  - Impact on neighbour amenity through noise and disturbance
  - Impact on privacy
  - Issues with surface water run-off
  - What boundary treatment would be included?
  - Would lighting be included to the car park?
  - What maintenance would take place
  - A community café would not be a success and may be redeveloped for something else
  - What are the plans for the electricity substation?
  - Security provisions need to be considered
  - What is the timescale to completion?
  - Access to the car park should be prevented out of hours.
  - Impact on wildlife.
7. Representations have been received from the occupiers of 2 addresses in support of the proposed development.
8. A representation has been received neither objecting to nor supporting the application but asking that adequate controls are put in place to deal with the current rat infestations.

## CONSULTATIONS

9. Greater Manchester Ecology Unit: Have no objection.
10. Regulatory Services - Environmental Health: Have no objection.
11. Waste & Contaminated Land: Have no objection
12. Lancashire Highway Services: Have no objection is raised to the proposal in principle. It is, however, considered that the cumulative impacts of the proposed development would be severe if the mitigation measures outlined are not implemented, in line with the NPPF.
13. Lead Local Flood Authority: Have no comments received.
14. United Utilities: Have no objection subject to condition.
15. Environmental Health Officer: Have no objection subject to condition.
16. Clayton le Woods Parish Council: Comment to Check the Charitable Trust Status of the current building and level of public consultation.

## PLANNING CONSIDERATIONS

### Principle of the development

17. The National Planning Policy Framework (The Framework) sets out the three dimensions of sustainable development having an economic, social and environmental role. Paragraph 14 further identifies the presumption in favour of sustainable development. For plan making, that means that the needs of the population are taken into account and for decision taking, where the Local Plan is absent or out of date that any adverse impacts should significantly outweigh the benefits for permission to be refused.

18. Paragraph 17 of the Framework sets out 12 'Core Planning Principles' that should underpin plan-making and decision-taking. One of these principles establishes that planning should: *"take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs."*
19. Policy 23 of the Central Lancashire Core Strategy is supportive of schemes that help to reduce health inequalities, and in particular to support health care infrastructure.
20. The application site is located in the settlement area of Clayton le Woods. The Chorley Local Plan 2012 - 2026 states that within the settlement areas excluded from the Green Belt, and identified on the Policies Map, there is a presumption in favour of appropriate sustainable development.
21. Policy HW6 of the Chorley Local Plan 2012 – 2026 seeks to protect community uses such as church halls, and states that planning permission will only be permitted where the criteria of the policy are met. In this instance, the proposed development is for a health centre, which also falls within the scope of policy HW6 and which this policy seeks to promote. As such an existing community facility would be replaced by a larger community facility, albeit of a different type, however, it is noted that the building also includes some ancillary community facilities, which would be more akin to those which would be lost. On this basis, it is not considered that the proposed development would be contrary to policy HW6 of the Local Plan as the quantum of community facilities provided on the site would be greater, which is of significant benefit to the community.
22. Policy BNE1 of the Chorley Local Plan 2012 – 2026 establishes the design criteria for new development. In relation to this particular proposal, the scheme must demonstrate how the proposed development would not prejudice highway safety, and that the highway impacts of the proposal would not be severe. New development must also comply with policy ST4 in relation to the Council's adopted parking standards policy.

#### Impact on neighbour amenity

23. The proposed building would be located approximately 9m to the north of the dwelling at 237 Preston Road. It is noted that the proposed development would replace an existing building that is taller and located closer to this dwelling. The proposed building would only include high level windows and windows to a stair well on the part of the building nearest to 237 Preston Road, which would not afford any unacceptable views over this neighbouring property. Although the proposed building would extend further beyond the rear elevation of the dwelling at 237 Preston Road, the scale and degree of separation are such that there would be no unacceptable impact on outlook, privacy or light when considering the existing situation.
24. It is noted that the proposed vehicular access would be created adjacent to 237 Preston Road. Although this would result in vehicles passing by the dwelling, these would pass at low speeds and the level of noise and disturbance would be negligible in relation to the noise and disturbance already generated by traffic using Preston Road itself. It is also noted that there is an existing car park to the rear of the existing building. The generation of noise from users of the proposed building is likely to be less than that of the children's nursery currently operating from the existing building and is not considered to present an unacceptable impact on the amenity of the occupiers of 237 Preston Road or any other neighbouring property.
25. The proposed building would be located approximately 15m to the south of the dwelling at 241 Preston Road and approximately 6m from the garden. Although this is closer than the existing building, it is noted that the proposed building is of a lower height, with the rear part of the building being single storey only. The windows that would face 241 Preston Road serve a stair well or are in the single storey element, which faces the boundary wall. As a result, it is not considered that there would be any unacceptable impact on privacy. It is noted that there are windows to habitable rooms in the south elevation of 241 Preston Road facing the application site. Given the scale, and split level design of the proposed building, it

is not considered that the impact on outlook or light would be so severe in relation to the existing situation that it would be unacceptably detrimental.

26. Overall, it is considered that any impact on neighbour amenity would be acceptable.

#### Impact on character and appearance of the locality

27. The proposed development is a health centre facility of a modern design style that would replace a parish hall building of more traditional design style. Although the existing building presents an imposing feature in this prominent location on Preston Road, it is not listed and is not of such special character that its retention can be justified. The proposed building is substantially lower in overall height than the existing hall building, whilst maintaining a visual prominence in the street scene by being taller than the surrounding residential properties, and fills the frontage to an adequate extent. This helps to reinforce the significance of the building for public uses, whilst respecting the scale of the buildings in the area.
28. The exterior of the building at lower ground floor level would be faced with buff coloured, textured split face architectural masonry blockwork. Above this the first floor and front-facing elevations of the ground floor would have a white rendered finish. The southern elevation would have areas of cladding above the windows in a horizontal timber-effect cladding. The building would have curving roof profiles, which would be finished in a zinc-effect, standing-seamed, sheet metal roofing material with aluminium soffits and fascias.
29. Overall, the appearance of the building would be of a contemporary design style that would be typical of a modern and functional health care facility. The scale and massing would be appropriate in the context of development that currently exists on site and can be accommodated without causing harm to the appearance of the site in the street scene. There are a range of property types and styles in the area that have been developed over different periods of time resulting in mix of designs styles across the locality. As such the proposed building would not be out of place when considering the mix of architectural styles prevalent in the surrounding area. In addition, the proposal would result in an increased architectural diversity in the area.
30. The development is, therefore, considered to be in accordance with policy BNE1 of the Chorley Local Plan 2012 – 2026.

#### Impact on highways safety

31. The site currently has an established vehicular access to the car park from Preston Road. This would be stopped up and access created to the south side of the site. Parking provision would be made to the rear of the site with capacity for 47 cars, and there would also be cycle storage. The application submission includes a Transport Statement (TS) setting out the transport issues relating to the proposal. The TS has been analysed with regard to the relevant highway policies in terms of the applicant's proposed access strategy, measures to reduce need to travel by car, promotion of sustainable modes of travel such as walking, cycling and public transport; impacts of trips associated with the proposed development on the highway network and the applicant's proposed measures towards managing and mitigating such impacts.

#### *Site access*

32. The site has an existing access along its north boundary. The existing access is to be permanently closed and a new 5.5m wide access with 6.0m corner radii provided along the south boundary. A separate new pedestrian access is to be provided central to the site frontage. The access is acceptable, however, there is concern the views of users of the disabled parking bays near the site entrance would be obscured by the proposed building when reversing out of the bays. As the pedestrian access is set behind the bus stop shelter, it should be ensured that wheel/pushchair users can safely transition from the public highway onto the pedestrian path leading to the building. The dropped crossing of the existing access should be reinstated to include new kerb realignments.

#### *Accidents*

33. An analysis of traffic accidents within the vicinity of the site is provided at section 2.0.9–2.0.11 of the TS. The applicant's observation that the two slight recorded traffic accidents that occurred outside and to the west of the site access in the past 5 years do not raise highway safety concerns is accepted and no accident mitigation measures are expected from the applicant.

*Accessibility by none car modes*

*Pedestrians and cyclists*

34. As required by the Framework developments that generate significant amounts of traffic should promote sustainable modes of travel, safe access and improvements to existing transport networks. Lancashire County and Chorley Councils have objectives to tackle emissions, congestion and poor air quality by encouraging walking, cycling and public transport use. It is acknowledged that accessibility of the site is good due to the site being within walking distance of local services/amenities, the presence of bus stops and cycle routes outside the site and the existing good quality footways in the area, however, crucially, there are currently no facilities outside the site to allow pedestrians to safely cross the road. The carriageway of this section of Preston Road is wide and given the increased pedestrian activity that the proposed development would potentially bring about and the need for patients and vulnerable pedestrians to cross the road, it is considered that for reasons of highway safety and sustainability, a developer funded surface level crossing would be required.

*Public transport*

35. New developments should essentially be accessible by public transport in order to meet the needs of people without access to private transport and to reduce reliance on car usage. The applicant has reviewed the public transport facilities in the area and identified the nearest bus stop outside the site and across the road to the south of the site. There are 7 bus stop locations within 500m distance of the site. However, of the ten different services that are operated from these stops, only one (service 125) is a public service as the rest are school bus services. The public bus service 125, however operates at 10 to 12 minute frequencies during day and evenings, Mondays to Fridays and half an hour services day and evenings on Saturdays, Sundays and Bank Holidays.
36. For public transport to serve as sustainable alternative to using cars, it must realistically be capable of delivering a shift away from the car by providing services that are more frequent than once an hour during the day, Monday to Saturday, with an evening and Sunday services. It appears the service currently provided by public bus service 125 is in line with this requirement. It is, therefore, considered that accessibility by public transport has been demonstrated. However, as the bus stops are vital component of the public transport system, it is necessary they are fully accessible, feel safe and secure to use and provide good quality information on services for improved patronage and sustainability. As the two nearest bus stops to the site are currently not compliant with the Equality Act 2010, in accordance with the Framework, which requires developers to maximise efforts in creating a modal shift towards more sustainable modes of travel, it is considered appropriate to require the applicant to upgrade these bus stops to assist those with mobility issues.

*Proposed internal layout and parking*

37. There are no major highway concerns with regard to the proposed layout. The applicant proposes 43 ordinary car parking spaces and 4 spaces for disabled people, a total of 47 spaces based on Lancashire County Council parking standard. The parking provision should however be based on the Local Authority (Chorley Council) parking standard. Therefore, using the Chorley Council parking standard, it has been calculated that the proposed development would require a total of 68 ordinary parking spaces and 4 spaces for disabled people. The applicant's proposed level of parking is, therefore, below the standard requirement.
38. Therefore, to reduce and avert the risks of any unsatisfactory highway conditions due to the proposed development, the applicant was advised to conduct a parking accumulation survey to demonstrate that the size of the car park and the proposed number of parking spaces can cater for the needs of the site in robust parking scenarios. The applicant carried out a

parking accumulation exercise, which indicates that there would be peak staff/patient parking demand of 40 spaces between 9am and 11am on a Tuesday, should the practice expand to the maximum of 15,000 patients. Outside these times, the exercise demonstrates that demand would be significantly lower. This is also based on a similar appointment profile to that at the existing practice at Whittle Surgery. Notwithstanding this, even adopting the worst case demand of 40 spaces, this is below the 47 spaces to be provided and consequently there should be little or no potential for over-spill parking as a result of the proposal.

39. In response to the applicant's parking accumulation exercise, LCC Highways carried out their own TRICS based exercise. This indicated a minimum demand of 50 car parking spaces would be required at peak times. This exceeds the 47 spaces that are proposed on site. Clearly there is some variation in the two modelling exercises, however, even in the worst case scenario of a demand for 50 spaces a difference of only 3 parking spaces could not be considered to result in queueing or displacement of vehicles that would result in a severe cumulative impact on highway safety.

*Traffic impact assessment - Trip generation*

40. The weekly appointments for the existing surgery at 199 Preston Road is approximately 800. Following relocation, it is proposed that with time, this would be increased to 1200. The new surgery would operate the existing times of 08:00-18:30 hours - 5 days a week, i.e. 52.5 hours a week. However, this would be extended to 08:00- 20:00 hours - 7 days a week i.e. 84 hours a week representing 60% increase in weekly appointment hours if patients and staff numbers grow as envisaged from 10,000 to 15,000 in ten years.
41. The applicant explained that notwithstanding the proposed increase in patients and staff numbers, given the 60% increase in weekly appointment hours which includes weekends, there would be little change to the hourly trip generation of the new development, especially during the AM and PM peaks as the increased staff would cover existing shifts each week, and where there are shift overlaps with more staff and patients on site, these would be outside traffic peak periods.
42. The applicant carried out a survey of travel patterns of patients of the existing site and their proposed mode of travel to the new facility. The result of the survey is shown on Table 2, paragraph 3.0.15 of the TS. The survey shows 72.1% of patients currently travel by car to the existing surgery with 50.9% saying they intend to travel to the new surgery by car. The applicant then applied these percentages to the existing and proposed number of appointments to derive the weekly trip distribution. The trip generation of the existing Nursery was not discounted and no separate estimates of trips for the pharmacy and the community café were made as these were considered ancillary to the surgery.
43. The methodology used in assessing the trip generation and distribution, including the figures obtained and the assumptions made are considered reasonable and as such accepted.

*Transport impact mitigation*

44. The proposed development requires adequate and necessary checks to be made by LCC Highways to ensure the non-car transport infrastructure can accommodate people's everyday movement needs. As indicated above, good quality footways of widths more than standard exist in the area and bus stops are within close proximity of the development, however, the existing bus stops do not meet current standard in layout terms to facilitate access for users, particularly those with mobility impairments. Site investigations have established that this section of Preston Road cannot be safely crossed without the introduction of additional measures to assist pedestrians. It is, therefore, considered that the developer should mitigate the adverse effects of the proposed development by carrying out the following improvements:
- Improve the bus stops outside the site and that opposite 229-231 Preston Road to the south of the site. The bus stop improvements should include raised boarding area to assist those with mobility issues, bay markings to delineate limits of the bus stops and clearway markings. The existing bus shelters should also be replaced with new.

- Provide a pedestrian refuge incorporating tactile pavings at a location to be agreed, preferably outside 231 Preston Road to assist safe crossing of the road.
45. The preliminary design of the pedestrian refuge and the bus stop markings should be subject to Stage 1 Road Safety Audit to identify potential road safety issues or problems that may affect road users and to recommend measures to eliminate or mitigate these problems. As the bus stop improvements, provision of the pedestrian refuge and works associated with the site access constitute highway works, these would be undertaken through the s278 agreement of the Highways Act 1980 with the full cost of the works borne by the applicant. As part of s278 agreement, the applicant would be required to provide a commuted sum for the maintenance of the bus shelters for an agreed period of time.
46. The above measures are considered directly related to the proposed development and are necessary to make the proposal acceptable in highway terms and seem fairly and reasonably related in scale and kind to the proposed development. The schemes are to be funded by the applicant and delivered through the Section 278 agreement of the Highways Act 1980. During the S278 process, the final location of the pedestrian refuge would be agreed on site.

#### *Construction*

47. Significant vehicle movements would take place during construction, therefore, to ensure that the movements can be facilitated safely, the applicant would be required to submit a Construction Management Plan (CMP) to include Construction Method Statement (CMS). It is also recommended that the site access is in place prior to construction taking place with the off-site highway works being in place prior to the development being occupied.
48. In conclusion the impact on highway safety as a result of the proposed development is considered to be acceptable on the basis that the necessary mitigation measures identified above are implemented. The applicant has confirmed that they have no objection to the imposition of conditions appropriate to secure the necessary highway mitigation measures. The conditions will be set out on the addendum prior to committee.

#### Ecology

49. An Ecology Assessment has been submitted in support of the application. The report identifies the presence of invasive plant species and several ponds that the Assessment considers to be connected to the site, and which have been assessed as having average and good potential to support great crested newts (GCN). Further clarification was sought from the applicant with regards to the possible presence of a newt corridor / territory across the application site. The applicant's ecologist confirms that the GCN habitat identified on site is approximately 180 metres from the nearest pond. This is towards the upper limit of which most GCN will travel (250 metres), and given the abundance of GCN habitat available in closer proximity to the ponds, it is considered unlikely that it would be an important part of the territory of any newts. It is also not well connected to land further south, and as such does not form part of any habitat corridor.
50. The existing boundary treatments between GCN habitat to the west of the site and further north would be retained, ensuring that the existing habitat connectivity is retained. As specified in the Ecological Assessment, a Great Crested Newt Method Statement needs to be implemented prior to the commencement of the works on site, which would serve to ensure that this connectivity is maintained. It is recommended that this is secured through a suitably worded planning condition.
51. The Council's ecology advisors accept the findings of the survey and recommend that conditions are attached in relation to the removal of trees and vegetation, invasive non-native species protocol, and biodiversity enhancement measures.

#### Other matters

52. Issues with surface water run-off: The level of hard surfacing on site would be similar to that which exists on site currently and therefore surface water run off would be similar. To

achieve some level of improvement it is recommended that a condition is attached requiring that any hard surfaced areas are permeable or drain to a soakaway.

53. What boundary treatment would be included?: It is recommended that details are sought by condition.
54. Would lighting be included to the car park?: It is recommended that details are sought by condition.
55. What maintenance would take place: This is a matter for the applicant to determine.
56. A community café would not be a success and may be redeveloped for something else: If this is the case then a further change of use application may be required.
57. What are the plans for the electricity substation?; This does not form part of the application.
58. Security provisions need to be considered: It is recommended that details are sought by condition.
59. What is the timescale to completion?: This is a matter for the applicant to determine.
60. Access to the car park should be prevented out of hours: It is recommended that details are sought by condition.

## CONCLUSION

61. The proposed development would result in the significant benefit of providing a modern health care facility in an area of the borough that has received substantial housing development. The proposal would have no unacceptable detrimental impact on the amenity of neighbouring occupiers and would result in no net harm to appearance of the site and character of the area. In addition, there would be no unacceptable impact on highway safety or ecology subject to the imposition and subsequent compliance with conditions. On the basis of the above, it is recommended that planning permission be granted.

## RELEVANT HISTORY OF THE SITE

**Ref:** 00/00895/FUL **Decision:** PERFPP **Decision Date:** 3 January 2001  
**Description:** Removal of hedge and construction of boundary wall.

**Ref:** 05/00366/INV **Decision:** APPVAL **Decision Date:**  
**Description:** Formation of new doorway in existing side window and formation of disabled access ramp,

**Ref:** 05/00895/FUL **Decision:** PERFPP **Decision Date:** 27 October 2005  
**Description:** Formation of new doorway in existing side window and formation of disabled access ramp,

**Ref:** 07/01072/FUL **Decision:** PERFPP **Decision Date:** 21 November 2007  
**Description:** Removal of existing timber fire escape and erection of new galvanised steel fire escape at rear,

**Ref:** 10/00905/FUL **Decision:** PERFPP **Decision Date:** 2 December 2010  
**Description:** Provision of outdoor play equipment including the erection of new fencing and surfacing materials

**Ref:** 90/01119/FUL **Decision:** REFFPP **Decision Date:** 12 March 1991  
**Description:** Erection of new parish hall and three blocks of offices

**Ref:** 90/00639/OUT **Decision:** PEROPP **Decision Date:** 6 November 1990

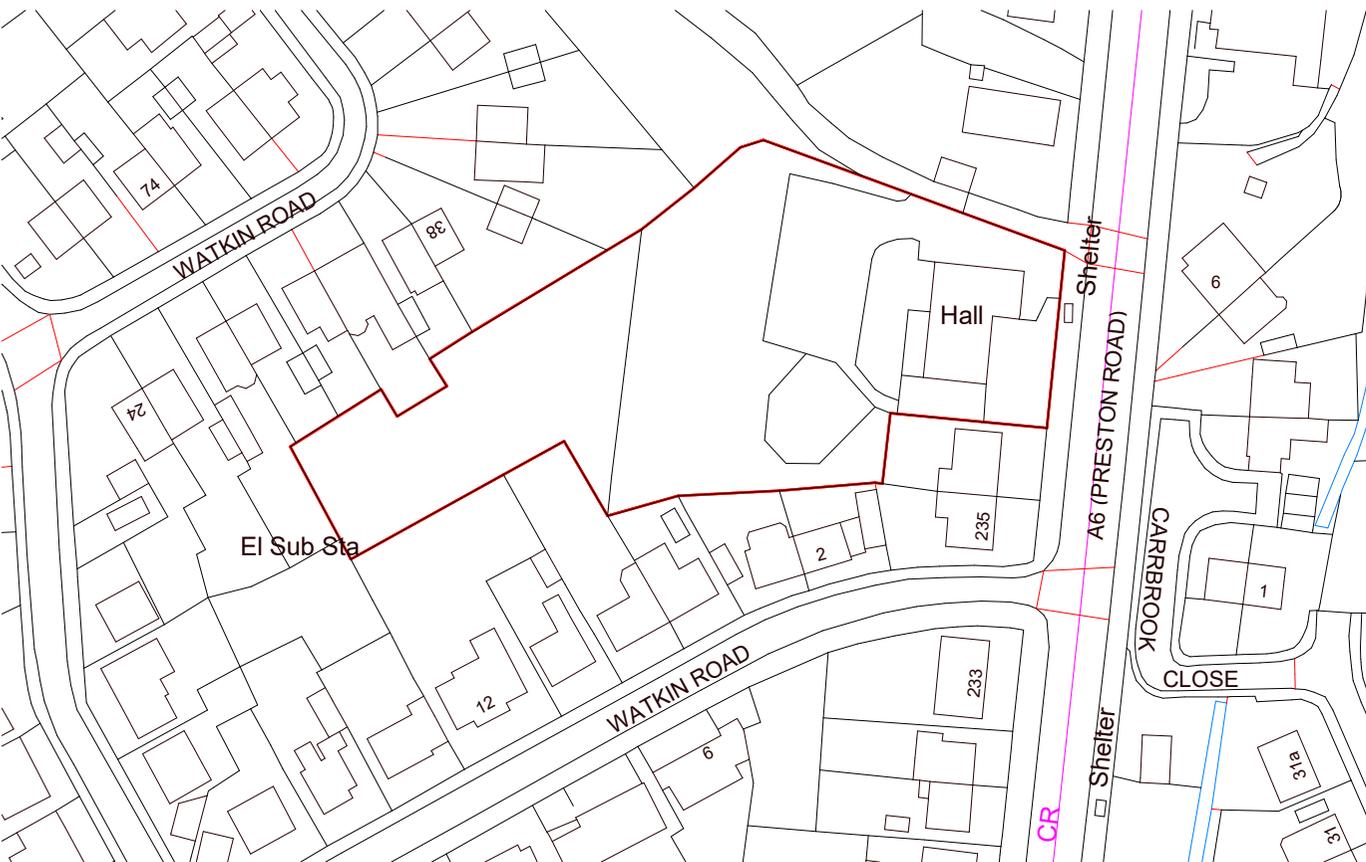
**Description:** Outline application for replacement community centre and erection of retirement housing

**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

To follow

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**SITE LOCATION PLAN 1 : 1250**

- > IMPORTANT
- > © This drawing is copyright and remains the property of this practice
- > Do not scale of this drawing
- > All dimensions to be checked on site
- > Positions of existing services to be confirmed prior to proceeding

- > REVISION STATUS
- S Information issued for feasibility or scheme design
- T Information issued for tender purposes only
- C Information issued for construction
- NB: Only those drawings containing a C revision to be used for construction

- > NOTES
- North to top of page.

REVISION	DATE	DESCRIPTION
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> CLIENT  
Whittle-Le-Woods GP Surgery

> PROJECT  
Proposed Relocation of Whittle-le-Woods GP Surgery

> DRAWING TITLE  
Location Plan

> STAGE  
Planning Submission

SCALE	DATE	DRAWN	CHECKED
1 : 1250	07/10/17	GL	NA

> DRG NO.  
**5567-FWP-L\_00**

> FWP  
6 & 7 RIBBLESDALE PLACE  
PRESTON PR1 3NA  
T (01772) 259824  
F (01772) 203375  
E mail@fwp.uk.com  
www.fwpgroup.co.uk

**Frank Whittle Partnership Group**



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**APPLICATION REPORT – 18/00054/FUL****Validation Date: 17 January 2018****Ward: Brindle And Hoghton****Type of Application: Full Planning****Proposal: Erection of three horse stables, tack room and hay store, sand paddock, access, car parking and concrete panel midden (re-submission of 17/00084/FUL)****Location: Gortons Farm Bury Lane Withnell Chorley PR6 8SL****Case Officer: Simon Forster****Applicant: Mr John Rossall****Agent: Mr David Marshall****Consultation expiry: 19 February 2018****Decision due by: 14 March 2018**

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**RECOMMENDATION**

1. Refuse full planning permission for the following reason:

The proposed stable building would be inappropriate development in the Green Belt and therefore harmful by definition. It is not considered that there are very special circumstances to overcome the definitional harm to the Green Belt. The proposal is therefore contrary to the National Planning Policy Framework.

**SITE DESCRIPTION**

2. The application site is located in the Green Belt at Withnell. The site is a broadly rectangular parcel of land located in the southern most extremity of the Gortons Farm farmstead. It is located where Bury Lane meets the private access road serving Gortons Farm, approximately 200m south of the farmstead buildings.
3. The site slopes slightly from west to east and has been used in the past for storing hay bales and other farming paraphernalia. The site benefits from full planning permission for three horse stables, tack room, hay store, access, car parking and concrete panel midden (REF: 17/00084/FUL). The site is currently under development but the building under construction is not being built in accordance with the previously approved plans.

**DESCRIPTION OF PROPOSED DEVELOPMENT**

4. Full planning permission is sought for the erection of a square stable block that would house 3no. stables, a hay room and a tack room. The entrance to the stables would be located to the northern elevation and parking spaces for two horse boxes would be provided immediately adjacent to the south of the stables. The proposed building would measure approximately 10.6m by 10.6m and would have eaves and ridge heights of 2.4m and 4.15m respectively.

5. A small sand paddock measuring 25m by 20m would be sited adjacent to the north of the stables. A concrete panel midden would be sited to the north west corner of the sand paddock. The sand paddock would be bounded by a 1.2m high post and rail timber fence with an access gate to the south.
6. Mounding and landscaping would be provided in front of the western and southern elevations of the stables. The proposed mounding would be 1.2m at its highest.
7. The proposed development, as indicated on drawings submitted in support of the application differs from the development approved under 17/00054/FUL by virtue of an expanded footprint (accommodating a larger hay store) increased to 114m<sup>2</sup> from 105m<sup>2</sup> and a maximum ridge height increased to 4.15m from 3.5m. This reflects the dimensions of the structure that has already been part constructed on the application site. However it is noted that the drawings submitted in support of the application state that the building would have a timber frame yet the building currently under construction has been built with brick and block work with steel beams and the exterior has been clad in timber boards.

### REPRESENTATIONS

8. One representation has been received citing the following grounds of objection:
  - Close proximity of proposed development to ditch running between applicant's land and the neighbouring property.
  - Laying of base for proposed development has caused land slip in the vicinity of a shared ditch between applicant's property and neighbours which may cause drainage problems and the construction of the ménage may exacerbate this.
  - Applicant does not have horses but if they did they should be stabled nearer to property for safety reasons.
  - Applicant intends to let the facilities to other users and an application would be put in for change of use from stables to bungalow.
  - Construction traffic has caused damage to shared access track.

### CONSULTATIONS

9. Lancashire Highway Services – Comment that the highways response of 21/02/2017 to application 17/00084/FUL is still valid and should apply to the current resubmitted application. This response stated that there was no objection but advice was provided in respect to the public right of way (FP 20) which uses the farmstead access road.
10. Withnell Parish Council – no comments have been received

### PLANNING CONSIDERATIONS

11. The main issues for consideration are as follows:

Issue 1 - Impact on the Green Belt  
Issue 2 - Impact on character and appearance of the locality  
Issue 3 - Neighbour amenity  
Issue 4 – Highway safety

#### Principle of development

12. The acceptability of the principle of development within the Green Belt for horse stables, tack room, hay store and sand paddock has already been established by the previous grant of planning permission ref: 17/00054/FUL. However, bullet point two of paragraph 89 of the Framework states that such facilities are not inappropriate only where they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
13. Since the previous planning permission was granted case law has further clarified the interpretation of bullet point two of paragraph 89 of the Framework. A recent High Court case *R. (on the application of Boot) v Elmbridge Borough Council* [2017] concludes that

paragraph 89 of the Framework does not permit any harm at all to the openness of the Green Belt. A development that would have any adverse impact on openness would not comply with a policy that required openness to be maintained or preserved. The decision-maker, therefore, has no latitude to find otherwise. There would have to be very special circumstances to justify a grant of planning permission.

14. Any harm to the openness of the Green Belt, therefore, means that the test in bullet point two of paragraph 89 cannot be met. The scale of the building (as constructed) in this location is larger than that which benefits from consent under 17/00054/FUL and would inevitably have a greater impact on openness and, therefore could only be considered inappropriate in relation to bullet point two of paragraph 89 of the Framework.
15. Although it is recognised that the existing consent represents a valid fall back position, the proposed development is of a greater height and volume, and therefore has a greater impact on openness, contrary to bullet point 2 of paragraph 89. In addition no very special circumstances have been advanced in support of the application that would outweigh the harm to the Green Belt.
16. A Rural Development Supplementary Planning Document (SPD) was adopted by the Council in October 2012, and this provides additional guidance on equestrian developments. The proposal is assessed against the SPD guidance below:

#### Siting

17. The siting of the proposed development has already been established as being acceptable under planning permission 17/00054/FUL, therefore, the proposed development is considered to comply with the siting element of the SPD.

#### Design & Materials

18. The proposed development has been constructed in brick and blockwork with steel beams and does not have a timber frame. Timber boarding has been used to clad the exterior of the building. The ridge height of the stables as now proposed (and as constructed) would be 4.15m and the hay and tack room would be included within the single stable building, not as separate entities. The associated tack room and sand paddock are considered to be an appropriate scale to accommodate 3 horses. However, the hay room is considerably larger than each individual stable. Therefore, the proposed development is considered to conflict with the design and materials element of the SPD by virtue of the lack of a timber frame, a ridge height exceeding 3.5m and the provision of an oversized hay store.

#### Scale

19. The SPD states that a small private development will involve no more than 3 horses. The proposed development does only propose accommodation for 3 horses and the stable sizes are considered appropriate. However, with respect to the increased footprint of the building, the size of the proposed hay store and ridge heights referenced above, it is considered that the proposed development conflicts with the scale element of the SPD.

#### Site treatment

20. The principles of the site treatment have already approved under planning permission 17/00054/FUL, therefore, the proposed development is considered to comply with the site treatment element of the SPD.

#### Highway safety / bridleway use

21. The access principles of the proposed development have already approved under planning permission 17/00054/FUL, therefore, the proposed development is considered to comply with the highway safety / bridleway use element of the SPD.

#### Impact on character and appearance of locality

22. Currently the character of the application site is rural in nature and the external materials proposed would complement this rural character. Screening and mounding is proposed to help assimilate the proposed development into its landscape context.

23. However, with reference to the increased scale and height of the proposed development in comparison to the development permitted under 17/00084/FUL it is considered that the proposed development would be harmful to the character and appearance of the locality.

#### Neighbour amenity

24. The proposed stables are not located in the vicinity of any residential properties and the development will not harm the amenity of any neighbouring resident.

#### Impact on highways/access

25. The existing farm track and local road network can accommodate the proposed stable development. It is also noted that LCC (Highways) have no objection to the proposed development.

### **OTHER CONSIDERATIONS**

26. The comments submitted regarding the drainage ditch and construction traffic damage to the access are noted; however it is considered that this is a civil matter between neighbours and not a material planning consideration.

### **CONCLUSION**

27. The proposed stables building would be inappropriate development in the Green Belt, by virtue of the fact that the openness of the Green belt would not be preserved. In addition no very special circumstances have been advanced that would overcome the definitional harm to the Green Belt. An assessment of the proposal against the criteria of the Council's Rural Development Supplementary Planning Document also indicates that the development does not meet the Council's guidance on equestrian development by virtue of the increased scale of the proposed development, increased ridge height, oversized hay store and lack of timber frame. The development is, therefore, contrary to the Central Lancashire Rural Development Supplementary Planning Document. It is therefore recommended that the application be refused.

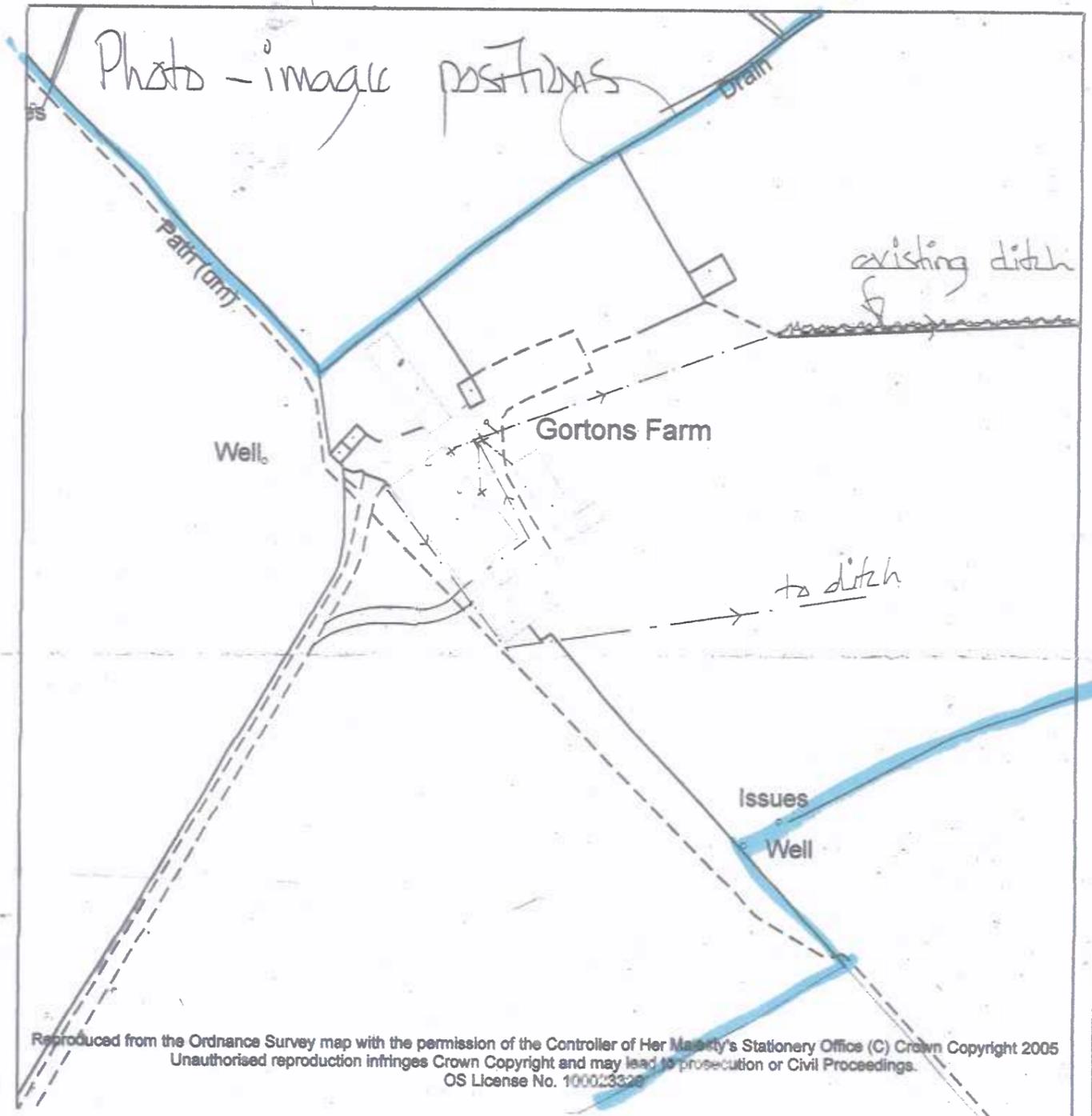
### **RELEVANT HISTORY OF THE SITE**

**Ref:** 17/00084/FUL **Decision:** PERFPP **Decision Date:** 21 March 2017  
**Description:** Erection of 3 horse stables, parking, sand paddock and concrete panel midden,

**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.

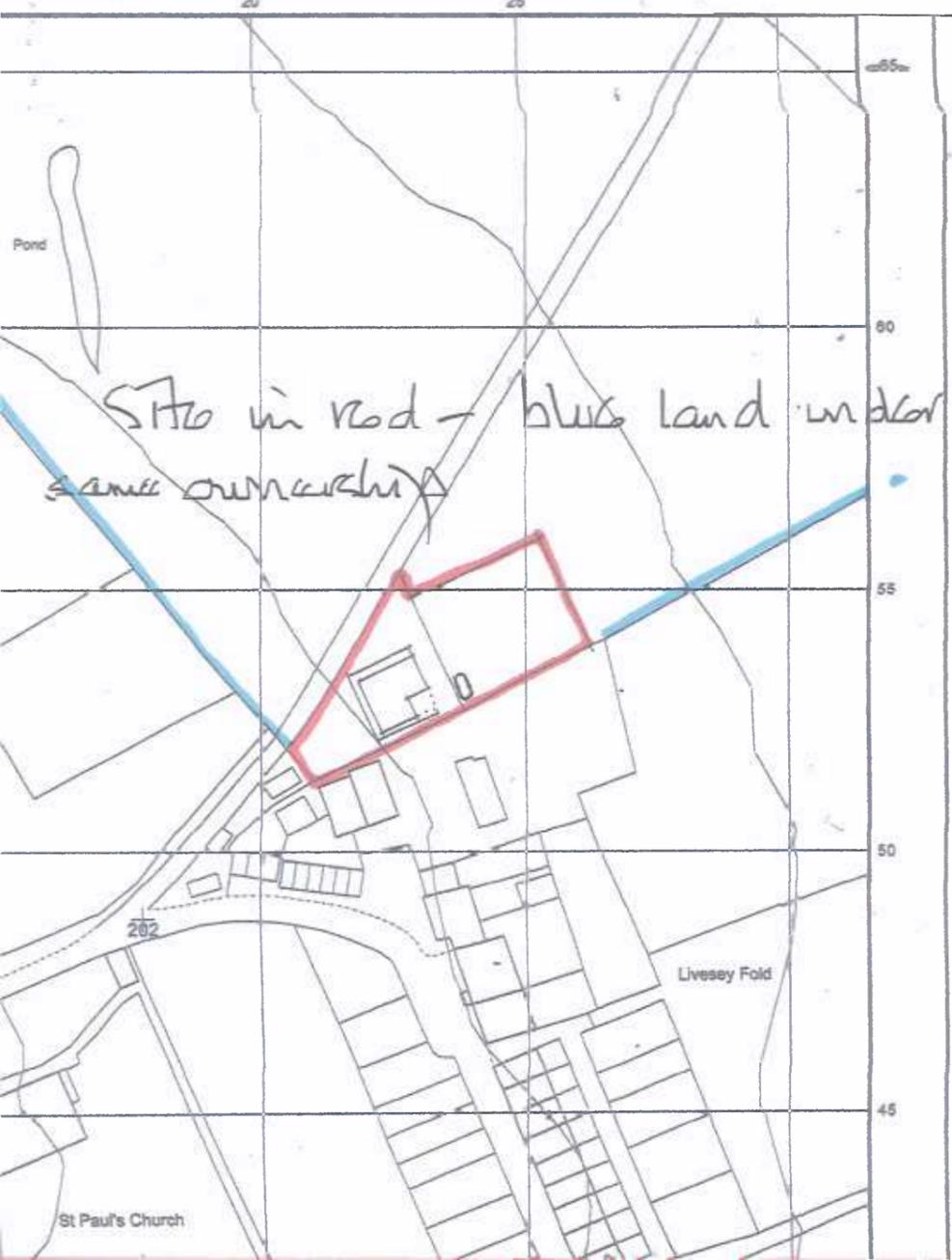
Proposed stables at Gorton's Farm

SD  
LOCATION MAP



t of gorton's Farm site exiting onto Bury Lane., Withnell, nr

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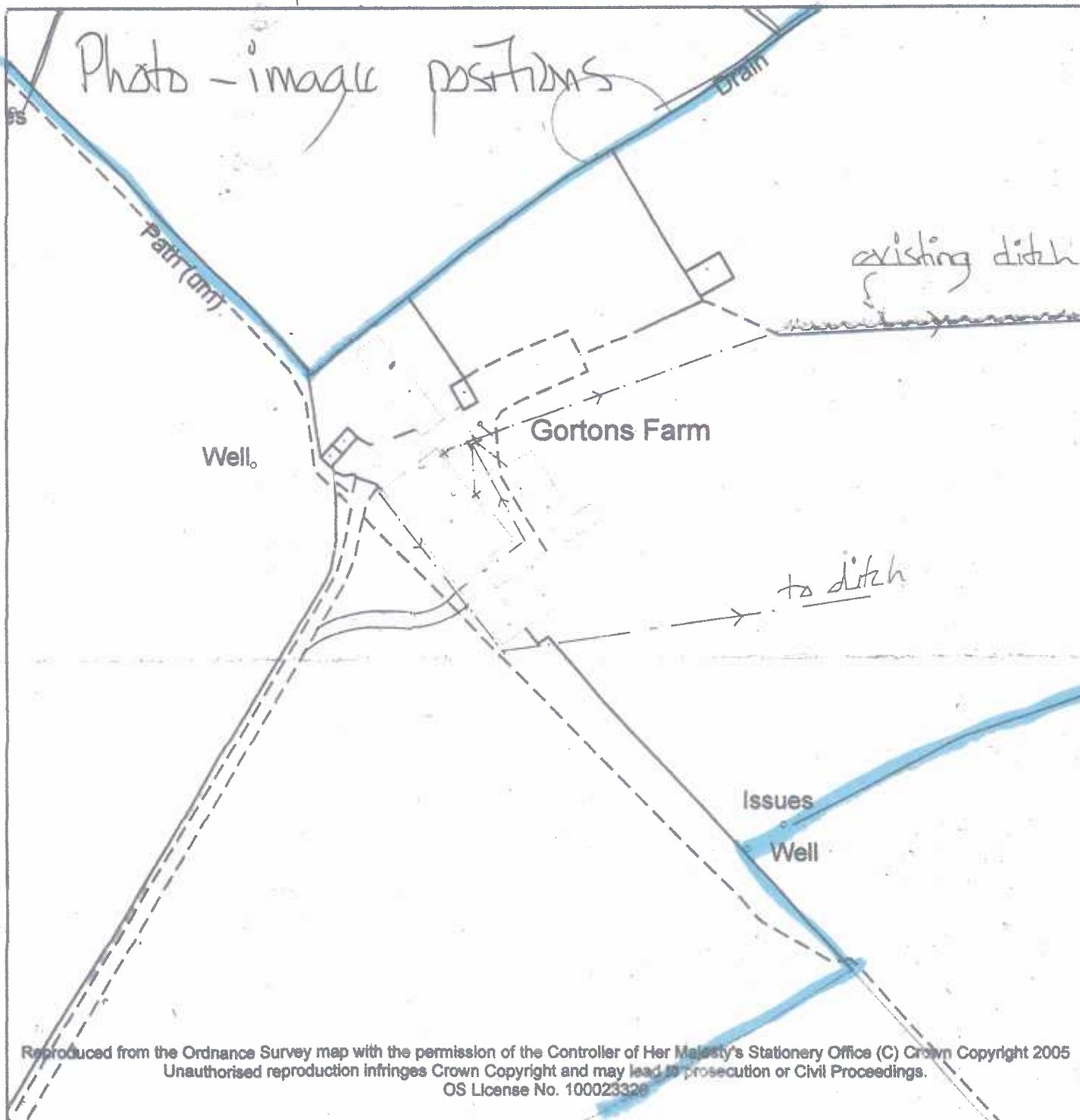


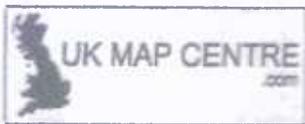
P.P. - 066 74725

Re-submission dated 17-1-18

Proposed Stables at Gortons Farm

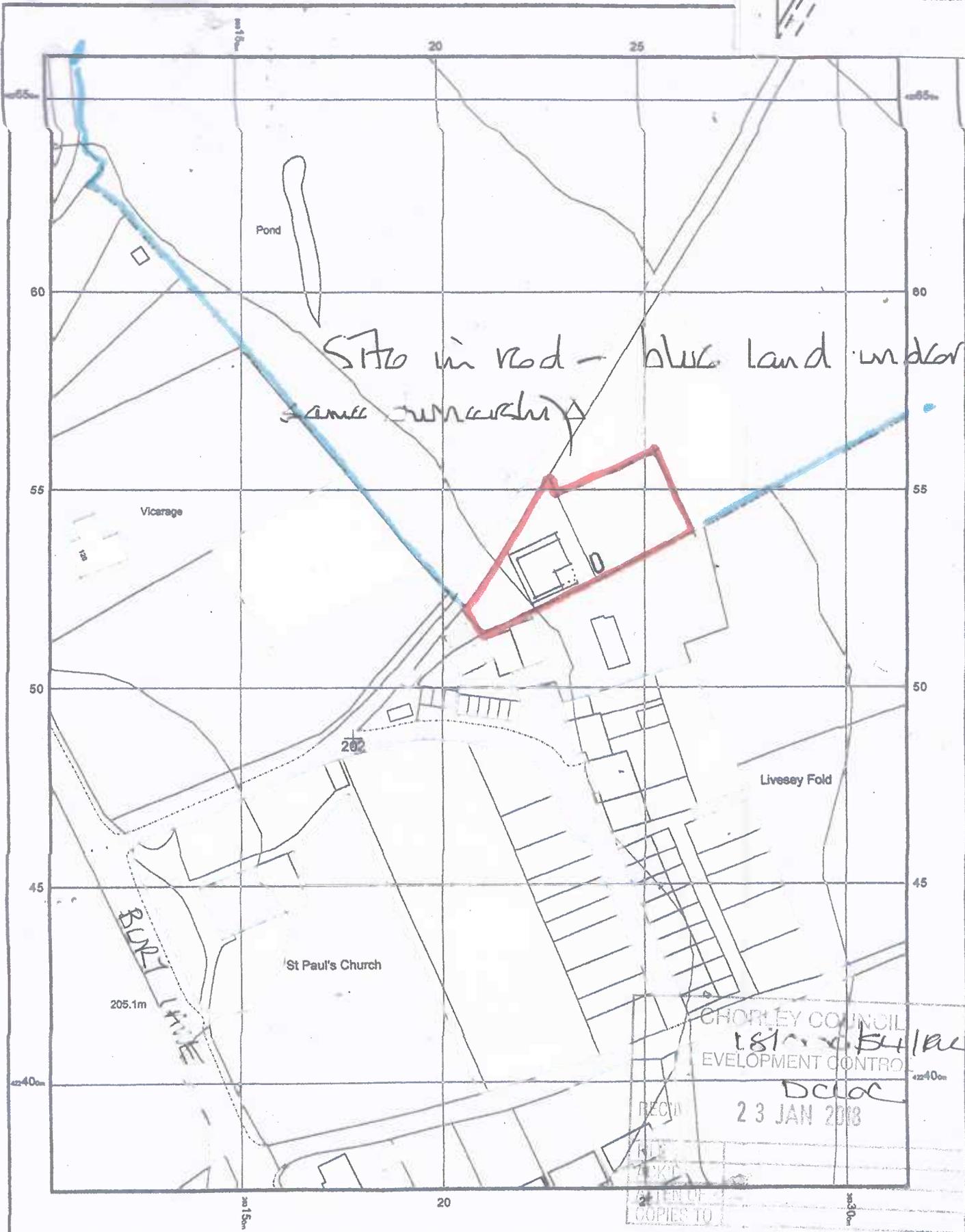
SD  
LOCATION MAP





Part of Gortons Farm site exiting onto Bury Lane., Withnell, nr

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50m  
Scale 1:1250



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**APPLICATION REPORT – 17/01032/FUL**

**Validation Date: 16 November 2017**

**Ward: Chorley East**

**Type of Application: Full Planning**

**Proposal: Construction of new driveway on vacant land to the west of 26 Pennine Road and the erection of 1.8m high perimeter fence (part-retrospective)**

**Location: Land West Of 26 Pennine Road Pennine Road Chorley**

**Case Officer: Amy Smith**

**Authorising Officer:**

**Applicant: Mr & Mrs Mick Cragg**

**Agent: Mr Peter Entwistle**

**Consultation expiry: 26 December 2017**

**Decision due by: 13 March 2018**

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**RECOMMENDATION**

1. Permit full planning permission.

**SITE DESCRIPTION**

2. This application relates to a rectangular plot of land adjacent to the boundary of 26 Pennine Road. The land forms part of an un-adopted highway between Pennine Road and Froom Street and is known informally as Cross Street. The wider area is residential in nature with a mixture of house types.

**DESCRIPTION OF PROPOSED DEVELOPMENT**

3. Planning permission is sought for the construction of a driveway. The driveway would project 2.1m beyond the side boundary of the property and would extend for a length of 21m. The surface would be laid with tarmac and the area will be enclosed by 1.8m high fencing.
4. Some of the land on the adopted highway has already been excavated but the driveway has not been surfaced, nor has the fencing been erected. All work has ceased following intervention from the Council's Enforcement Officers. The land has been left in a partially excavated state with the spoil piled up on the site.

**REPRESENTATIONS**

5. Seven objections have been received citing the following grounds of objection:
  - Reduction in parking availability leading to more vehicles parking on the street.
  - Reduction in manoeuvrability space.
  - Reduction in open view down the road would create additional anti-social behaviour issues and litter.
  - Insufficient access to the rear of the properties on Pennine Road, some of which have garages.

- Restricts access for emergency vehicles.
  - Insufficient space for bins.
  - The proposed fencing is out of proportion.
  - The applicants did not consult with neighbours.
  - The land has been left in a poor state with a 5ft high pile of rubble.
6. It has also been advised that there is a covenant that this land shall not be built upon. This is a civil matter for which legal advice should be sought independently and is not a planning consideration.
7. In addition to the individual objections, a petition with 23 signatures on has been received, reiterating the points above.
8. One representation has been made in support of the development, commenting that without the development in place:
- The land is often in a state of disrepair with pot holes and poor lighting;
  - There have been instances of anti-social behaviour including fires; and
  - Since the work on this development started there has not been any increase in parking on the road and it has reduced the number of vehicles using it as a cut through.

### **CONSULTATIONS**

9. Lancashire Highway Services – Commented to advise that there are no objections in planning terms but would object to the stopping up order. It should be noted that in response to this, the stopping up order is a separate matter to the planning application.

### **PLANNING CONSIDERATIONS**

#### Impact on the highway network

10. Paragraph 32 of the National Planning Policy Framework (the Framework) states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
11. The access road where the development is situated forms a short link road between Pennine Road and Froom Street, also affording access to the rear of the terraced properties on these streets. The driveway area would be set back from the adopted part of Pennine Road and a gap of 3.6m would be maintained between the proposed fencing and the gable elevation of 24/24a Pennine Road.
12. The land registry have identified that the remaining section of the link road situated between the proposed fencing and the gable of 24/24a Pennine Road is subject to a formal lease granted for 24 and 24a Pennine Road for use as garden ground and a parking space for each property. As a result, whilst the land subject to this lease is currently open and free from built development, anybody accessing or passing over this land would be trespassing without the consent from the leaseholder. Also as a result of this lease, the proposal to enclose the adjacent land would, in theory, close up the Pennine Road end of the link road. However, a vehicle(s) could park on the land subject to this application without the need for planning permission which would also effectively close up the access point onto Pennine Road. It is only the laying of a hard surface and erection of fencing that requires planning permission in this instance.
13. The proposed development would reduce the space available for the parking of vehicles on the link road but the space can only accommodate up to three vehicles. The displacement of three vehicles onto Pennine Road is not considered to cause a detrimental impact on highway safety or amenity.
14. Access can still be gained to the rear of the properties on Pennine Road and Froom Street by the Froom Street junction and as this access point is approximately half way down the link road, vehicles would not be travelling any further by utilising this access point. It is

recognised that the link road currently allows traffic to travel between Pennine Road and Froom Street and by reducing the amount of available open space at the Pennine Road junction, the traffic movements at the Froom Street junction are likely to increase. Whilst the collision data recorded in the area (for 50m from a point opposite Stump Lane) shows 9 collisions, the majority were involving pedestrians and minors on scooters on Eaves Road, including 2 on the pelican crossing.

15. The land has been excavated to such a degree that it is considered necessary to attach a condition requiring the applicant to submit details, for the approval of the Local Planning Authority (LPA), to confirm what materials would be used to backfill the excavated area and the method of doing so in order for the LPA to be satisfied that the stability of the land has not been compromised by the excavation already carried out. Subject to this, it is not considered that the laying of a tarmac hard surface and the erection of 1.8m high fencing would have a detrimental impact on the safety of highway users or capacity of the highway network, in accordance with the guidance contained in paragraph 32 of the Framework.

#### Design and Visual Amenity

16. *Policy BNE1 of the Chorley Local Plan 2012 – 2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures provided that the proposals does not have a significantly detrimental impact on the surrounding area through its density, siting, layout, building to plot ratio, height, scale and massing, design orientation and use of materials.*
17. The proposed fencing consists of a concrete base with posts and timber infill panels, measuring 1.8m in height in total. The first panel of fencing would be set back from Pennine Road and in line with the front elevation of 26 Pennine Road.
18. This style of boundary treatment is considered appropriate in this residential setting and is not considered to pose any harm to the amenity currently enjoyed by neighbours as a result of its siting within a private access road and limited height.

#### Other Matters

19. Lancashire County Council as the Local Highway Authority has advised that the link road between Pennine Road and Froom Street is a privately maintained (un-adopted) highway where the general public have a right of access. The private highway was in existence prior to 26 Pennine Road being built (early 1990s). The area of the development would need to be subject to a Stopping Up order under section 247 of the Town and Country Planning Act; this is a separate process to the planning considerations
20. However, it is not considered appropriate to approve a development which would result in the commission of criminal offences – absence of a stopping up order (the obstruction of an un-adopted public right of way during the construction phase and thereafter with the enclosure). It is, therefore, considered necessary and reasonable to impose a Grampian condition requiring the stopping up order to be obtained before any further development is carried out.
21. In *Ashby v Secretary of State for the Environment* [1980] it was held that a stopping up order may not be retrospective. The order could not be made where all of the approved development on the highway was already complete. Although a diversion order could not validly be made once the development had been completed, if there was some outstanding work at the time of the making of the order which would encroach upon the footpath, the Secretary of State could make such an order. As such, a stopping up order may still be made as long as there is at least some outstanding work to be done. In this instance, the land has been excavated in preparation for the backfilling of the land, erection of fencing and the finished tarmac surface. There is still work outstanding to complete the development and so the Grampian condition requiring the stopping up order to be obtained can be applied in this instance.

**22.CONCLUSION****23.**

24.It is recommended that the application is approved subject to conditions.

**RELEVANT HISTORY OF THE SITE**

**Ref:** 5/1/02232      **Decision:** PERFPP      **Decision Date:** 20 April 1964

**Description:** Erection of single storey building for storage of agricultural products

**Ref:** 17/00833/FULHH      **Decision:** PERFPP      **Decision Date:** 16 October 2017

**Description:** Single storey rear and side extension

**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 development hereby permitted shall be carried out in accordance with the approved plans below:

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

<b>Title</b>	<b>Plan Ref</b>	<b>Received On</b>
Proposed drive alterations and new fence	PCE-CRAGG-OCTOBER-17/LOCATION PL	5 February 2018

2. Prior to the reinstatement of the excavated land and the laying of the tarmac finish, a scheme detailing the materials to be used to backfill the excavated area and the method of reinstatement shall be submitted to and approved in writing by the Local Planning Authority. The land shall be reinstated entirely in accordance with the approved scheme.

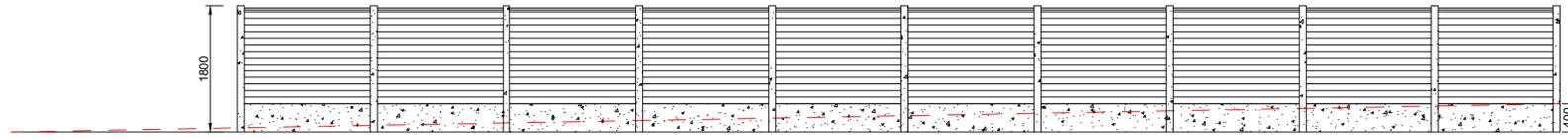
*Reason: To ensure that the risk and effects of land stability have been considered and any necessary mitigations implemented in order to comply with the National Planning Policy Framework.*

3. No further development comprising the backfilling of the land, erection of fencing, application of tarmac (or any other development hereby approved but not yet implemented) shall commence unless and until a Stopping Up Order under Section 247 of the Town and Country Planning Act 1990 (as amended) has been obtained and approved.

*Reason: To ensure that the planning permission can be lawfully implemented.*

Concrete posts and base panels Timber fence inserts between

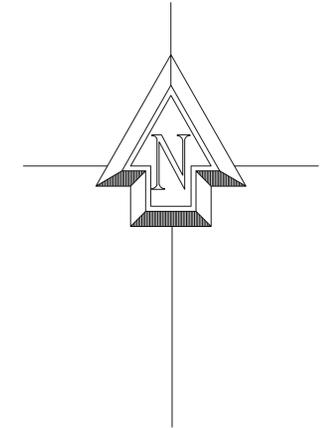
Red dotted line shown level change from road.



Proposed New fence Elevation



Create extended driveway as shown. Fence to be erected as detailed above. once completed the driveway will be laid with tarmac



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Proposed drive alterations and new fence at :	
<b>26 Pennine Road Chorley PR6 0AW</b>	
CLIENT:	Mr & Mrs Cragg
CONTRACT No:	PCE-Cragg-October-17
DATE:	19th October 2017
SCALE:	1:500, 1:1250, 1@50 @A1
DWG No:	PCE-Cragg-October-17/Location Plan
L.A:	Chorley Borough Council
AMENDMENTS: fence in line with front of house	DATE:
<b>PCE DESIGNS</b>	
40 Queensway Euxton Chorley Lancashire PR7 6PW	Tel: 01257233850 Mobile:07515878823 Email pcedesigns@aol.com

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