

PLANNING COMMITTEE

TUESDAY, 6TH OCTOBER 2020, 6.30 PM

THE LANCASTRIAN, TOWN HALL, CHORLEY AND VIA MICROSOFT TEAMS

I am now able to enclose, for consideration at the above meeting of the Planning Committee, the following report that provides an update of events that have taken place since the agenda was printed.

Agenda No	Item
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6	ADDENDUM
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| (Pages 3 - 14)

GARY HALL
CHIEF EXECUTIVE

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C O M M I T T E E R E P O R T		
REPORT OF	MEETING	DATE
Director (Customer and Digital)	Planning Committee	6 October 2020

ADDENDUM

ITEM 3c – 20/00841/FUL – Cuerden Valley Park, Shady Lane, Cuerden, Bamber Bridge

This planning application has been withdrawn by the applicant.

ITEM 3d - 20/00848/FUL – Hallsworth Manor, Long Lane, Heath Charnock

The recommendation remains as per the original report

Additional representations have been received from 5 of the individuals who have already made comments objecting to the proposed development. The only comment that differs from those already listed at paragraph 6 of the committee report is of dog walkers using the field outside of the stated hours of operation.

An additional representation has been received from one of the individuals who had already made comments in support of the proposed development. The individual runs dog training classes at the application site and notes amongst other things that many of the assertions from objectors are misleading. He states that *'in one comment it is asserted that I use a megaphone system. In reality I used a mini portable microphone on 2 occasions back in spring and stopped because it was entirely unnecessary with such small groups.'* He also states that everything is done to reduce noise and disturbance and he would be willing to have noise survey taken at one of the classes *'but that may be a challenge as the permanent hum of the M6 motorway would take precedence.'*

Comments in support of the proposal at paragraph 7 of the committee report should also include improved mental and physical health and wellbeing of dogs and their owners from using the facility.

The applicant has recently appointed a planning agent who has provided a letter in support of the proposal following a review of the committee report. The letter is provided in full at Appendix A to this addendum. Whilst the comments within the letter are noted, the officer recommendation remains as per the original report. A response to some of the agent's comments is provided below:

- The letter mentions paragraph 141 of the National Planning Policy Framework, which states that *'LPA's should plan positively to enhance their beneficial use, such as looking for opportunities to provide access to provide opportunities for outdoor sport and recreation....'* It is noted that there are some positive aspects

to the development in the form of outdoor activities and the impact this can have on the physical and mental health of its users. This however must be balanced against the harm that is caused by the proposal in terms of noise and disturbance to neighbouring residents which clearly outweighs any positive aspects of the development.

The applicant has provided a parking plan and site photographs in an attempt to overcome the concerns from LCC Highways with regards to safe parking and access arrangements. It is worth noting however that these are not reasons for refusal of the planning application and could be overcome by planning conditions.

The applicant has requested that the decision on the outcome of the planning application be deferred to allow her time to respond to consultee and objector comments in detail and attempt to overcome the recommended reason for refusal. The applicant would also like committee members to visit the application site before coming to a decision on the outcome of the application.

ITEM 3f – 19/01142/FUL – Land Adjacent To 715 Preston Road Preston Road Clayton-Le-Woods

The recommendation remains as per the original report

The report is amended as follows:

The site location plan and site layout plan have been amended to provide reassurance that the rear garden area and bin storage area of Plot 6 would be located outside the Green Belt boundary. The revised plans are as follows:

Title	Plan Ref	Received On
Topographical Survey and Location Plan	002 Rev C	1 October 2020
Proposed Site Plan	001 Rev F	1 October 2020

There are two references at paragraphs 24 and 44 within the committee report to the proposal being an outline planning application. These are errors, for the avoidance of doubt the application seeks full planning permission for the proposed development.

A late representation has been received from Councillor Alan Cullens as follows:

'If approved we would wish to see the following conditions

Due to the difficult issue of access for large vehicles and construction traffic that the following should be undertaken before any building commences:

- 1. That the existing garage structure is demolished*
- 2. Planned roads are completed*
- 3. Privacy screening in front of 717 and 719 included in the previous application is retained*
- 4. Parking, previously allocated for 717 and 719 in the initial application and now missing is included. Failure to do this will mean that the two houses and visitors to Cuerden Valley will park on the access road making it impossible for construction traffic to access the site*
- 5. In the previous scheme allowance was made for a bin collection point. This has not been included in the revised scheme and therefore with the extra houses large collection vehicles will have difficulty accessing down a narrow lane.*

6. *That the rumble strip outside 717 is not included in the scheme as this was not felt necessary by LCC Highways and would add noise and in icy conditions make it difficult for vehicles to climb the gradient on the access road*
7. *Clear details as to maintenance of the roads is established.*
8. *Some form of street lighting is included in the scheme'*

In relation to the above request for planning conditions to be attached, LCC Highways have recommended a suite of planning conditions that are listed within the committee report at Conditions 10 to 17. These include for details to be submitted to the LPA for agreement (in consultation with LCC) for the engineering design of the road, management and maintenance of the road, street lighting etc. to be submitted for agreement and installed prior to commencement/occupation of the development. Other highways related issues have not been requested by LCC and so are not considered necessary to make the scheme acceptable. The road could not be constructed to LCC's required standard without the garage being demolished so a separate condition requiring it to be demolished would seem unnecessary.

ITEM 3i - 20/00811/LBC – Astley Hall, Astley Park

The recommendation remains as per the original report.

The report is updated as follows:

The Society for the Protection of Ancient Buildings (SPAB) provided comments on 29th September.

The comments are available in full, however, in summary SPAB agree that the existing render is of low significance and that there are technical reasons that may justify its removal. They do, however, consider that further investigations are required to determine the best course of action such as further trial patch removals of the render and paint analysis of the remnants of any historic surface treatments found on the brick and stone quoins. SPAB consider that this would help better understand the relative ease or difficulty with which the existing render could be removed, and may also yield additional information to help understand why this elevation was rendered in the first place. They also consider that current evidence could suggest a long-standing problem with damp/fabric issues.

SPAB have offered to provide further advice and visit the building, in particular during further trials to witness the actual removal of the render and to examine the façade immediately post render removal. They have also requested to be present during further trials/arranged to coincide with further render removal trials so that they can witness the actual removal and examine the facade immediately post render removal.

The application contains a number of options of surface treatments following the removal of the render, and Keim paint was one possible option. SPAB are opposed to the use of this paint for various reasons. SPAB also comment that the option of re-rendering should not be ruled out at this stage. In addition, SPAB does not consider that there is a technical reason or justification that the brick or stone should be cleaned as they consider that they may cause harm to the building's special interest.

Further comments were received from SPAB on 6th October. SPAB clarify that they do not wish to object to the application and now provide support for the authority's

recommendation that a condition requiring a detailed repair methodology be attached to the consent.

Officer comment

A number of trials and investigations have been carried out and it is considered that further trials would not necessarily provide any further meaningful information. Notwithstanding this, the existing render has failed and is damaging the historic fabric of this Grade I listed building. The render has become loose, whereby sections have / are falling off and netting has had to be erected as a health and safety precaution. Ultimately, additional trials would not change the fundamental requirement for the failing render to be removed.

It is however, recognised that the treatment of the facade following removal of the render needs to be appropriate and fully informed. It is considered that this can only truly be realised once the render has been removed. This could be fully controlled by a condition to secure a repair methodology and watching brief. Members should be aware that Historic England and the Council's own heritage advisor from Growth Lancashire consider that a condition is suitable and neither have advised that further trials or investigations are necessary prior to removal of the render. Suitable conditions would ensure that all of the available conservation and archaeological evidence can be taken into consideration. Members will note that SPAB are now supportive of the condition.

The following conditions are recommended:

1. The proposed development must be begun not later than three years from the date of this permission.

Reason: Required to be imposed by Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. The development hereby permitted shall be carried out in accordance with the approved plans below:

Title	Plan Ref	Received On
Proposed New Ramp Access - Detail	3148 044	30 July 2020
Proposed New Ramp Access - Elevation	3148 045	30 July 2020
West Elevation (Annotated)	3148 019 REV D	28 September 2020
South Elevation (Annotated)	3148 017 REV D	11 September 2020
East Elevation (Annotated)	3148 018 REV C	11 September 2020
Timber opening light window detail (existing and proposed)	3148 104 REV C	11 September 2020
GPR Archaeological Survey Area	3148 038	30 July 2020
Ground Floor Plan - Window Board Repairs	3148 033	30 July 2020
First Floor Plan - Window Board Repairs	3148 034	30 July 2020
Second Floor Plan - Window Board Repairs	3148 023	30 July 2020
Roof Plan Annotated Repairs	3148 013 REV A	30 July 2020
Proposed New Ramp Access	3148 043	30 July 2020
Location Plan	N/A	30 September 2020

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

3. Unless where modified by any condition below, the works shall be carried out in accordance with Chapter 6 of the submitted Design, Access, Flood and Heritage Statement dated 11/09/2020 Revision: REV 01 LBC.

Reason: For the avoidance of doubt and to specify the proposed works.

4. Following removal of the render to the elevations as identified on the approved drawings, a detailed repair methodology to relevant elevations shall be submitted to and approved in writing by the Local Planning Authority. The repairs shall only be carried out in full accordance with the approved methodology, unless any variation is first agreed in writing by the Local Planning Authority.

The repair methodology shall set out a detailed appraisal of all options of repairs to the existing fabric exposed as a result of the removal of the render, including the brickwork, stone detailing and mortar.

Reason: To ensure that the repairs are appropriate to the heritage asset and based on a detailed assessment following removal of the existing render.

5. Notwithstanding any detail shown on the approved drawings and prior to the commencement of the construction of the access ramp and associated works in this specific area as shown on plan number 3148 043, the following shall be submitted to and approved in writing by the Local Planning Authority:

- Full details of the ramp including section drawings
- Full details of the proposed materials including colour
- A landscaping / restoration scheme of the area of proposed access works

The development shall be carried out in accordance with the approved details.

Reason: In the interests of the appearance of the development and to ensure that the final details are appropriate to the heritage asset.

6. Notwithstanding any detail shown on the approved drawings and prior to the installation of the respective windows, the following shall be submitted to and approved in writing by the Local Planning Authority:

- Detailed drawings of the windows at all scale of 1:20 to include sizes of all timber sections/frames/glazing bars, including the opening casement variant
- Details of the treatment of the windows and colour
- The submission of a working example

Reason: To ensure that the final details are appropriate to the heritage asset.

7. Security grills to windows W9-15, and W35 shall only be installed in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the final details are appropriate to the heritage asset.

8. No groundworks shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has first been submitted and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved scheme, unless any variation is approved in writing by the Local Planning Authority.

Reason: To mitigate the potential impact of the proposed development in this area in respect of any archaeological/historical importance.

9. A full standing buildings watching brief shall be carried out during the render removal works to and all evidence shall be recorded and submitted to the Local Planning Authority as part of the repair methodology.

Reason: To ensure that the works and findings are documented to inform the repair methodology.

COMMITTEE REPORT ADDENDUM - APPENDIX A**ITEM 3d - 20/00848/FUL – Hallsworth Manor, Long Lane, Heath Charnock**

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Late submission on behalf of Mrs Susan Knight in respect of the application Change of use from residential dwelling (Use Class C3) and agricultural land to mixed use of residential (Use Class C3) and home dog boarding, sitting and exercise/training area (sui-generis) (retrospective)

Location: Hallsworth Manor Long Lane Heath Charnock Chorley PR6 9EG

Introduction

By and large I commend the content of the officer's report however, there are a couple of areas I would like to raise members awareness of the content

I cannot but help be drawn to the high significance of the following paragraph 9 on page 57 of the report

“ Regulatory Services - Environmental Health: Have responded to state that whilst they have received a few complaints about the site, none of the complainants have chosen to pursue the nuisance procedure, so they have not investigated and have no evidence of noise nuisance. Therefore, they have no objections in principle to the proposal.”

I would urge the decision maker to ask themselves ‘why have they (the objectors) not taken up the opportunity to have a noise assessment carried out by the Council?’ If they are so sure it causes harm to residential amenity, surely having objective evidence could only strengthen their case.

Planning Considerations (page 60 of the report)

I would have expected to see reference to paragraph 141 of the NPPF here, because paragraph 141 states “that LPA’s should plan positively to enhance their beneficial use, such as looking for opportunities to provide access to provide opportunities for outdoor sport and recreation....’ This proposal meets that aim.

I am also slightly disappointed that the report focuses primarily upon the health and well being of local residents when a large number of supporters have expressed their honesty and courage in discussing such sensitive issues such as recovering from cancers, having a terminal diagnosis, mental health issues, physical disabilities and mobility issues, children with special needs and how having my safe and secure meadow with the beautiful views to spend time in with their dogs is helping them with both their physical and mental health as a means of recreation. The report only lists health and well being of the objectors.

Noise and loss of residential amenity

The sole reason for refusal appears to be “ The proposed change of use would have an unacceptable adverse impact on the amenity of the neighbouring occupiers and satisfactory mitigation measures could not be put

COMMITTEE REPORT ADDENDUM - APPENDIX A**ITEM 3d - 20/00848/FUL – Hallsworth Manor, Long Lane, Heath Charnock**

in place to reduce any detrimental impact to the occupiers of such properties, contrary to policy BNE1 of the Chorley Local Plan 2012 - 2026.”

I see no evidence to support that contention one way or another. I will refer you back to paragraph 9 on page 57 of the report as discussed earlier. Objectors actually declined the offer of having an independent noise assessment done by the Council, they actually declined it!

My view is that at present there is no evidence either way to support or deny the reason for refusal as it is worded.

I have advised the applicant that they need that noise assessment, and if the council is still minded to refuse the application for the noise and amenity reason, then the applicant would need it for an appeal.

However, it seems rather a waste of public money to refuse an application without evidence and run the risk of an appeal determining such, when a deferral of the application at committee, would allow the applicant to commission an independent noise survey and assessment, which would allow officers and members to have more evidence on which to base their assessment and decision.

Use of conditions

The officers report makes the assertion that conditions cannot effectively control the use of the site if the Council were to approve the application.

“ Restricting the days and hours of operation would meet the tests of planning conditions as identified in the Framework and is a common condition attached to planning permissions relating to the operation of a business. Restricting the number of dogs however is not considered to be an enforceable condition and is similar to that of providing a buffer between the shared boundary and the active area of the field as discussed above. It would be extremely difficult, if not impossible, to enforce such conditions as some dog owners could claim to be walking their dogs on the field / visiting the landowner and not using the field in connection with the proposed new use of the field, should it be approved. It is not considered that there are any other mitigation measures that could overcome this issue.”

I respectfully disagree. Here are some conditions attached to planning permissions elsewhere in the country which have been used to limit the ‘dog walking/training development

Durham CC

Notwithstanding the provisions of the Town and Country Planning (Uses Classes) Order 1987, (or any Order revoking or re-enacting that Order with or without modifications), the land shall be used for dog agility training only and for no other purpose, including any other activity within the same class D2 of the schedule to that Order.

Reason: To define the consent and to ensure the residential amenity, highway and parking issues in the area can be properly assessed in accordance with Policies 1, 3, 35, 36 and 37 of the District of Easington Local Plan 2001.

COMMITTEE REPORT ADDENDUM - APPENDIX A

ITEM 3d - 20/00848/FUL – Hallsworth Manor, Long Lane, Heath Charnock

7. The hours of operation and the number of dogs present and / or participating in the dog agility shall not exceed those specified in the supporting statement submitted by the agent Gordon Thornton validated on the 9th February 2017. These details are:

September to March - Wednesday, Thursday and Saturday only - 10.00am to 3.00pm one dog only.

April to August - Wednesday, Thursday and Saturday only - 10.00am to 3.00pm one dog during this time period only. Tuesday, Wednesday and Thursday only - 6.00pm to 9.00pm 5 dogs during this time period only.

Reason: For the avoidance of doubt and in the interests of residential amenity in accordance with Policy 35 of the District of Easington Local Plan 2001.

Wigan MBC

2. The use hereby permitted shall only be carried out during the following hours:

8.00 to 19.00 Monday to Friday

9.00 to 19.00 Saturdays and Sundays 10.00 to 19.00 on Public Holidays

3. The use of the field hereby approved shall be limited to single bookings and a maximum of 6 dogs at any time, with the exception of group social sessions, which shall be limited to a maximum of one hourly session every 3 weeks and not commencing prior to 11.00am.

4. The use shall only operate in accordance with the arrangements for the collection, storage and disposal of waste as set out in the submitted details titled 'Waste Statement- Grandma's Farm Pet Field' dated 17.07.18, or alternative arrangements previously submitted to and approved in writing by the Local Planning Authority

2. The use hereby permitted shall only be carried out during the following hours:

8.00 to 20.00 Monday to Friday;

10.00 to 19.00 Saturdays and Sundays, including all Public Holidays.

3. The use of the dog exercise area hereby approved shall be limited to a single person booking at any one time and a maximum of eight dogs at any time, with the exception of group social sessions, which shall be limited to a maximum of one hourly session every 3 weeks to only take place during the hours of 11.00 - 18:00 Monday to Sunday, including Public Holidays.

4. The use shall only operate in accordance with the arrangements for the collection and disposal of waste as set out in the email dated 7 October 2019 which states that dog waste will be disposed of on the manure heap of Walkers Lower Farm.

The use hereby permitted shall only be carried out during the following hours:

COMMITTEE REPORT ADDENDUM - APPENDIX A**ITEM 3d - 20/00848/FUL – Hallsworth Manor, Long Lane, Heath Charnock**

7.00 to 19.00 Monday to Friday

9.00 to 19.00 Saturdays

10.00 to 19.00 on Sunday and Public Holidays

3. The use shall only operate in accordance with the arrangements for the collection, storage and disposal of waste as set out in the submitted details titled 'Peel Hall Farm Waste Statement' dated 06.06.19, or alternative arrangements previously submitted to and approved in writing by the Local Planning Authority.

Northumberland CC

Prior to the development hereby permitted being brought into use, a detailed management plan in respect of the operation of the site, including the maximum number of dogs, hours of use and measures for waste handling and disposal, shall be submitted to the Local Planning Authority for approval. The approved plan shall thereafter be implemented in complete accordance with the approved details.

Reason: In order to achieve a satisfactory form of development, to ensure that the use is compatible with the surrounding area and in the interests of residential amenity.

Wakefield MBC

Exercising of dog shall not take place externally between the hours of 19:00 - 07:00 Monday to Friday, and 19:00 - 08:00 Saturdays and Sundays.

Only one dog shall be exercised at any one time, with the exception of dogs from the same household, where 2 may be exercised at the same time.

Reason: To protect the local amenity in accordance with Policy D20 of the Development Policies Document.

Dogs shall not be exercised on the site except within the external exercise area as indicated on the Location Plan (received 27.09.2017) and Fence Details Plans approved under application reference 17/02453/FUL.

Reason: In the interests of amenity in accordance with Policies D9 and D20 of the Local Development Framework.

With regards a 'buffer zone' that could be adequately fenced off, the last condition above shows that other LPAs are comfortable with areas of use and areas of non use (buffer zone) . Indeed a fence of up to 2m in height within the field itself separating the active part of the field from the rear of the houses could be erected without requiring the Council's permission under Part 2 Minor Operations Class A of the General Permitted Development Order. So effectively the applicant could do that now.

As such members I do ask that more time be afforded to allow the evidence to be gathered and presented and. as such the application be deferred to allow that to happen.

COMMITTEE REPORT ADDENDUM - APPENDIX A

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RTPI

Chartered Town Planner

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