

Planning Committee

Tuesday, 10th September 2024, 6.30 pm

Council Chamber, Town Hall, Chorley and [YouTube](#)

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

Agenda No	Item	
3	Planning applications to be determined	
	The Head of Planning and Enforcement has submitted four applications to be determined (enclosed).	
	Plans to be considered will be displayed at the meeting or may be viewed in advance by following the links to the current planning applications on our website .	
3a)	24/01113/FULMAJ - Magistrates Court, St Thomas Road, Chorley, PR7 1HR	(Pages 7 - 30)
3b)	24/00242/FUL - Rotherham Top Farmhouse, Preston Road, Whittle-le-Woods, Chorley, PR6 7PG	(Pages 31 - 46)
3c)	24/00530/FUL - The Cottage Tea Room, 25A School Lane, Brinscall, Chorley, PR6 8QS	(Pages 47 - 54)
3d)	23/00855/FUL - Chorley FC, Victory Park, Duke Street, Chorley, PR7 3DU	(Pages 55 - 62)
4	Appeals Report	(Pages 63 - 66)

Chris Sinnott
Chief Executive

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APPLICATION REPORT – 24/01113/FULMAJ

Validation Date: 3 January 2024

Ward: Chorley North West

Type of Application: Major Full Planning

Proposal: Erection of building comprising 3no. commercial units and 52no. apartments with landscaping and other associated works following demolition of the Magistrates Court building

Location: Magistrates Court St Thomas Road Chorley PR7 1HR

Case Officer: Mr Iain Crossland

Applicant: Mr M Walker Williams Walker & Williams Ltd

Agent: Paige Linley PWA Planning

Consultation expiry: 8 February 2024

Decision due by: 10 September 2024 (Extension of time agreed)

RECOMMENDATION

1. It is recommended that planning permission is granted subject to conditions.

SITE DESCRIPTION

2. The application site comprises Chorley Magistrates Court building, which is located in a central location in Chorley within the Town Centre boundary and in the core settlement area of Chorley. The Magistrates Court building has been vacant for some time and forms part of a complex that was developed with the adjacent Lancashire Constabulary Police Headquarters. The Magistrates Court building is a simple building of the modernist design philosophy.
3. The site lies to the north side of St Thomas's Square with Chorley Police Station to the west and Chorley Town Hall to the east. The adjacent police station building is a tall building in relation to existing development within Chorley and extends to approximately seven storeys at its maximum height and is a brutalist building also of the modernist design philosophy. Chorley Town Hall to the east side is a sandstone building that is locally listed and so is a non-designated heritage asset. The building is of a traditional Italianate design style with the main feature of interest being a central clock tower situated to the east side of the building, which forms the frontage. As such the rear of the town hall building faces onto the Square. On the south side of the Square is St Thomas's Road, beyond which is an open vacant area of land that is informally used for the parking of vehicles and has planning permission for a block of apartments.
4. The character of the locality is mixed and consists of a variety of commercial, leisure, residential and civic uses, with a variety of building types and design styles in evidence utilising a range of materials.

DESCRIPTION OF PROPOSED DEVELOPMENT

5. This application seeks planning permission for the erection of a building comprising 3no. commercial units and 52no. apartments with landscaping and other associated works, following the demolition of the existing Magistrates Court building. The building would consist of 12 floors including 1no. basement / subterranean level, 1no. inset level of ground floor, 8no. full scale levels above this and 2no. inset penthouse levels to the roof with plant room above. The building would be approximately 42m in height at its highest point and would be of a modern design incorporating inset balconies, penthouse balcony areas and a communal roof garden. The site would include a covered cycle store, 2 no. accessible parking spaces, a servicing / drop off area and some landscaping and tree planting.

REPRESENTATIONS

6. Representations in objection have been received from the occupiers of 4no. addresses raising the following concerns:
 - Lack of parking provision
 - The height of the building
 - Overdevelopment of the site and impact on the character of the area
 - Impact on the amenity of nearby residential occupiers
 - Provision of bins / waste storage
 - Overshadowing of nearby buildings
 - Harm to the setting of the Town Hall and St Lawrence church conservation area
 - Parking issues on nearby streets
 - Could affect future development opportunities for the Police Station site
 - Should be a joint development proposal with the police station site
 - Absence of affordable housing

CONSULTATIONS

7. Waste & Contaminated Land: No objection subject to the provision of a geo environmental survey and report.
8. Lancashire County Council Highway Services: No objections subject to conditions.
9. Lead Local Flood Authority: No objection subject to conditions including details of the final surface water drainage strategy.
10. Lancashire Constabulary: Object to the application on the basis of concerns over the height of the proposed building and the potential for interference with telecommunications infrastructure.
11. United Utilities: No objections subject to condition.
12. Greater Manchester Ecology Unit: No objections.
13. Lancashire Fire and Rescue Service: No comments received.
14. The Coal Authority: No objection subject to conditions.
15. Lancashire County Council (Education): An education contribution is not required at this stage in regard to this development.
16. Arqiva: Have considered whether this development would have any adverse effect on their operations, and have confirmed that they have no concerns.
17. Health and Safety Executive: No comments have been received.

PLANNING CONSIDERATIONS

Principle of the development

18. The National Planning Policy Framework (The Framework) states that housing applications should be considered in the context of the presumption in favour of sustainable development. This means that development proposals that accord with the development plan should be approved without delay. One of the core principles of National Planning the Framework is that development should be focussed in locations that are sustainable. It is considered that the site is located in a highly sustainable location with good access to public transport and a wide range of amenities.
19. Chorley town is identified as a key service centre and the focus of growth and investments under Central Lancashire Core Strategy policy 1(b). Policy 11 of the Core Strategy focuses on retail and town centre uses and business based tourism. This states that retail and town centre uses will be delivered in the following ways that relate to Chorley:
 - c) *Maintaining and improving the vitality and viability of Chorley town centre by building on the success of the Market Walk shopping centre, through investing in further retail development, supporting a range of other retailers and services, as well as improving the centre's appearance and accessibility.*
 - f) *focusing main town centre uses in the defined town centres.*
20. The application site is within the core settlement area of Chorley designated by policy V2 of the Chorley Local Plan 2012 - 2026. Within these areas there is a presumption in favour of appropriate sustainable development, subject to material planning considerations and compliance with other Development Plan policies.
21. Although the application site is within the town centre boundary, it is not within a primary or secondary shopping frontage and as such there are no specific policies that relate directly to the site itself. The Local Plan states at paragraph 6.30 that;
Chorley Town Centre will be the focus for new retail development. This will maintain and improve the vitality and viability of the town centre to fulfil its Key Service role. [...] The types of uses considered appropriate for town centres are set out in the Framework and include retailing, leisure, entertainment, office, arts, cultural and tourist facilities including hotels, all of which are sustained by good accessibility by a choice of means of transport.
22. The role of town centres and their vitality levels have altered since the Local Plan was adopted in 2015, and it is widely recognised that town centres need to diversify away from a binary retail focus in order to maintain vitality. In order to support this the Government have legislated to allow for changes of use from various town centre uses to residential within the Town and Country Planning (General Permitted Development) (England) Order 2015 and have updated the Town and Country Planning (Use Classes) Order 1987 for the first time since 1987 to include a new class covering commercial, business and service uses to reflect these changes.
23. Alongside this the NPPG (Paragraph: 001 Reference ID: 2b-001-20190722) provides further information on maintaining town centre vitality, stating that:
A wide range of complementary uses can, if suitably located, help to support the vitality of town centres, including residential. [...] Residential development in particular can play an important role in ensuring the vitality of town centres, giving communities easier access to a range of services.
24. This clearly demonstrates that opportunities to increase the immediate catchment of consumers within a town centre through residential development should be considered where appropriate. The inclusion of commercial units at ground floor would provide space for a range of potential businesses that would help to provide an active frontage and amenities within the town centre that would help to contribute towards its vitality and viability in line with the aims of the local plan. The site itself is prominent and although the current building is of some architectural interest and does not detract from the character of the area in any particular way it is recognised that it has been vacant for some time with little prospect of reuse, given the age and configuration of a building that was designed for a specific purpose. The current site is not protected under any local plan policy or designation and the proposed development provides an opportunity to create a landmark building that has the potential for a regenerative impact on the town centre.

25. On this basis, it is considered that the 'principle' of a residential development with ground floor commercial units is acceptable in compliance with the aims of the Chorley Local Plan 2012-2026, the Central Lancashire Core Strategy and the Framework.

Impact on heritage assets

26. The former Magistrates Court building is a low-rise concrete framed building, in a modernist style with narrow vertical glazing and pyramid lanterns on the flat roof. It was built in 1968 to form a group of civic buildings, including the Police Station and Chorley Town Hall, around St Thomas Square. The subject building fronts the north of the square with Farringdon Street to the rear and is located in the north western limits of Chorley Town Centre.

27. The development is within close proximity to the following heritage assets, and will be assessed on the impact made to the setting of these assets:

- St Laurence Conservation Area

Grade II listed

- The Manor House
- The George
- Railings extending circa 50m along the west perimeter of St Laurence's churchyard

Grade II* listed

- Church of St Laurence

- Chorley Town Hall – Non-designated Heritage Asset (NDHA)

28. The principal statutory duty under the Planning (Listed Building and Conservation Areas) Act 1990 (as amended by s.58B (1) of Levelling-up and Regeneration Act 2023) is to preserve or enhance the special character of heritage assets, including their setting. Local Planning Authorities (LPAs) should, in coming to decisions, consider the principal Act, which states the following:

29. Listed Buildings - Section 66(1) in considering whether to grant planning permission for development, which affects a listed building or its setting, the local planning authority (LPA) shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

30. There is no similar statutory duty to pay special attention to preserving or enhancing the setting of Conservation Areas, but the NPPF requires LPAs (under P.206 and P.212) to consider the impact of development on setting of all designated heritage assets in the development management process.

31. Paragraph 58 of the Historic England Advice Note 1 (Second Edition), Conservation Area Appraisal, Designation and Management (2019) states that heritage assets can gain significance from their relationship with their setting, whilst views from within or outside an area form an important way in which its significance is experienced and appreciated.

32. In this instance the key heritage issue for the LPA to consider, in relation to proposed development is the impact of the proposal on the significance of the setting to the nearby designated heritage assets.

33. P.203 of the Framework states that in determining planning applications LPAs should take account of;

- a. The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b. The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c. The desirability of new development making a positive contribution to local character and distinctiveness.

34. P.205 states that when considering the impact of proposals on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be applied. This is irrespective of whether any harm is identified as being substantial, total loss or less than substantial harm to its significance.
35. P.208 identifies that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
36. P.209. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
37. The Central Lancashire Core Strategy policy 16 and Chorley Local Plan 2012-2026 policy BNE8 reflect this approach and support the protection of designated heritage assets, whilst further detail is set out in the Central Lancashire Design Guide Supplementary Planning Document (SPD) - 2012.
38. The LPA is required under the Planning (LBCA) Act to have special regard to the desirability of preserving heritage assets, which includes their setting. Recent High Court judgements identify the need to give considerable (great) weight (NPPF P.199) and importance to that duty.
39. The Council's heritage consultants, Growth Lancashire, have reviewed the comprehensive application documents, which include a full set of proposed plans, elevations and perspective drawings, a Planning Statement, a Heritage Statement, a Townscape and Visual Appraisal and a Design and Access Statement.
40. Having undertaken that review the key heritage issues for the LPA to consider are:
 1. Whether the proposed development will harm the setting (and thereby the significance) of any of the adjacent listed buildings.
 2. Whether the proposed development will harm the setting to the adjacent St Laurence Conservation Area.
 3. Whether the proposed development will harm the significance of the adjacent NDHA (Chorley Town Hall).
41. The proposal seeks to demolish the existing Magistrates Court building on the site and construct an 11-storey building on the same footprint, which would have 3no commercial units to the ground floor and 52no residential apartments, with balconies, above. The upper floors are cantilevered by approximately 1 metre and floors 1 to 8 consist of external concrete box frame sections with buff brick infills, with the balcony backs appearing to be clad in the contrasting cladding proposed for the upper floors. The design alternates every 2nd floor to create architectural and visual interest. The 9th and 10th floors are set back by approximately 2-3 metres, except for the stair and the lift and stair circulation towers, which rise up to the rooftop communal roof garden. One of these towers has a chamfered top and all are clad with 'pre-rusted effect Corten metal profile cladding'.
42. The Design and Access Statement notes that the design takes inspiration from the materiality of the adjacent 'brutalist style' Police Station (external concrete frame) and the 'Italianate' Chorley Town Hall (buff coloured masonry). Planting both around the building and to the roof terrace is proposed 'to provide a boost to appearance and biodiversity of the immediate area'.
43. The existing court building has been vacant for some time and as such has fallen into some disrepair although is generally in good order. Although the building holds a level of architectural interest being of a mid C20 Modernist style, Growth Lancashire agree with the Heritage Statement in that it is not identified as being locally important (NDHA) and therefore

'there is no appreciable heritage significance attributed to the courts building and the building is not considered a positive feature of setting that might otherwise contribute to the heritage significance of neighbouring buildings.'

44. As such, it is Growth Lancashire's view that the demolition of the Magistrates Court building would cause no discernible direct heritage harm/loss, and given its limited contribution to the value of the setting to those nearby, would cause no harm to the significance of those same identified heritage assets.

The impact of the proposed building on the setting of the listed buildings

45. In relation to setting, Historic England's advice is contained in its Planning Note 3 (second edition) entitled The Setting of Heritage Assets. This describes the setting as being the surroundings in which a heritage asset is experienced and explains that this may be more extensive than its immediate curtilage and need not be confined to areas, which have public access. Whilst setting is often expressed by reference to visual considerations, it is also influenced by the historic relationships between buildings and places and how views allow the significance of the asset to be appreciated.
46. In terms of both The Manor House and The George PH the impact is considered to be neutral due to the scale and position of the intervening buildings (the Town Hall and Police Station), which in effect block relevant views, including the increased vertical scale of the proposed building. Neither of these buildings draw any significance from the current Magistrates Court building and any inter-visibility is very limited.
47. The Grade II* Church of St Laurence is mid C19 Gothic Revival style with a late medieval tower. Built in sandstone with battlement parapets and fine carved relief detail such as tall crocketed pinnacles, gargoyles and tracery. The church is regarded as highly significant along with the adjacent Grade II listed railings.
48. It is noted that the church itself has a well-defined curtilage and sits on a prominent corner location with its principal elevation facing westwards and is best appreciated from off Park Road (A581) and Union Street. Beyond its immediate boundary the setting is largely urban and altered and contributes very little to its significance.
49. The Townscape and Visual Appraisal document identifies a range of views from across the centre of Chorley. However, only the approximate position of the proposal is identified opposed to a visual perspective, which would help to inform and assess the impact accordingly.
50. Although there is separation from the application site of around 70m and intervening buildings that largely screen views of the existing building, the scale of the proposed new block is such that it would have some limited visual impact on views from the church, looking westwards and views of the church (and associated listed railings) when viewed from the east along Union Street and south along Park Road. In relation to the view from off Park Road, travelling south, Growth Lancashire have some minor reservations in relation to the scale of the block and how this directly relates to the prominence of the church tower.
51. However, it must be considered that being able to view a building in the context of others doesn't necessarily translate into harm or loss of significance and that the new block does not directly block or restrict views of the church, or its immediate setting. Although there would be some undoubted changes in the wider townscape views around the listed Church of St Laurence, given the cumulative impact of C20 development and infrastructure it is considered that the harm caused by the proposal would have no discernible impact on the contribution made by the wider setting to its significance.
52. On the basis of the above assessment Growth Lancashire raise no substantive objections to the proposal in relation to the impact on the setting of any listed buildings.

The impact on the setting of the conservation area

53. The St Laurence conservation area (CA) is characterised by the surviving C19 development along Park Road, Water Street and Hollinshead Street approaching south towards the church and the town centre. This is largely 3 storey Georgian townhouses, some of which are listed towards the north of the CA. It is also identified as being the '*Gateway entrance into the town centre.*' The application site lies to the south west of the CA boundary and whilst it could be argued that the Town Hall, to the east of the site, contributes positively to the setting of the CA, the buildings behind, to the west, including the Magistrates Court and Police Station do not.
54. Whilst there is no statutory duty to take account of the effect of development on the setting of a CA, under the Framework it is accepted that LPAs need to consider the impacts of development beyond the boundaries of the CA itself. In this case the proposed 11 storey building would be clearly visible throughout the CA and would be particularly prominent from the Park Road Gateway, approaching the town centre from the north, which is identified in the CA Appraisal as being an '*important view.*'
55. In this context, the proposed new block would have some impact on the wider view as the CA is entered from the north especially on approach from the Astley Park entrance junction. As noted above it would challenge the prominence of the church and clock tower to the unlisted Town Hall building. It is, however, recognised that the proposed new block sits to the west within that wider skyline view, with the church and conservation area over to the east and that any visual impact is limited and therefore would cause no discernible harm to the CA as a whole.

The impact of the proposed building on the setting of the NDHA

56. The Government's guidance identifies NDHAs as being buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of heritage significance meriting consideration in planning decisions, but which do not meet the criteria for designated heritage assets. P.209 refers to the LPA's need to consider the effect of an application on the significance of a NDHA when determining an application. In carrying out its planning balance, they should have regard to the scale of any harm or loss and the significance of the heritage asset.
57. Chorley Town Hall is identified on the Local List and described as '*Late Victorian municipal style in rusticated stone, Italianate style, symmetrical around central tower.*' Its significance is its aesthetic context along with evidential value of its surviving historic use. However, as an NDHA, the significance can only be attributed as low.
58. The building is directly adjacent to the application site and therefore whilst the scheme involves no direct impact to the building itself, with the construction of the new block, change to its immediate setting is inevitable. As noted in the sections above it is recognised that the setting around the Town Hall is altered, and the presence of the Magistrates Court building and Police Station are not positive contributors. The contribution derived from the current setting to its significance is significantly eroded and of low importance.
59. Notwithstanding the above, Growth Lancashire have some slight concerns that the scale of the proposal would have some level of impact on views of the principal (east) elevation of the Town Hall. Growth Lancashire consider that part of the significance of the NDHA is the largely uninterrupted view of the tower from the east, which the proposed 11-storey building directly behind would compete with. However, given that the overall significance of the Town Hall, in a national context, as a NDHA, is low the above concerns are therefore a minor matter from a heritage perspective. It is therefore a matter for the LPA to consider this impact in its simple planning balance under P.209 of the Framework.
60. Growth Lancashire conclude that they are not opposed to the scheme in principle and although they have slight concerns in relation to the scale of the development in comparison with the tower of the Town Hall, they do not consider from a heritage perspective that the proposed scheme would cause any discernible harm to the significance of the setting of the nearby designated heritage assets.

61. It is considered important that suitably worded conditions are attached to the grant of any planning permission to secure the submission and approval of details / samples of the proposed external materials and finish to be used for the building. This is to ensure that a high quality design/appearance is achieved in order to respect the setting of the heritage assets.
62. In conclusion, the duty imposed by s.66(1) of the P(LBCA) Act 1990 has been given considerable weight in the above assessment and in relation to the NDHA, and a balanced judgement has been provided in order to meet the general aim of the national guidance to preserve heritage. Overall, it is considered that subject to conditions (design and materials) the proposal would cause no intrinsic / discernible harm to the contribution made by the setting to the significance of the listed buildings or the character or appearance of the St Laurence CA. As such the proposal meets the duty to 'preserve' as required by the above Act.
63. The visual impact on the setting to the Town Hall is a matter to be considered under P.209 of the Framework and requires the LPA to consider the impact in its planning balance when considering all other material matters, relating to the application.
64. If a positive balance is achieved then the application would meet the objectives of Chapter 16 of the NPPF and would conform with Local Plan Policy BNE 8, Policy 16 of the Central Lancashire Core Strategy and Principle 6 of the Design Guide SPD.

Design and impact on the character of the area

65. The application site comprises the Chorley Magistrates Court building, which is a low-rise concrete framed building, in a modernist style with narrow vertical glazing and pyramid lanterns on the flat roof, and a surrounding area of hard surfacing. Directly opposite the site to the south is a public square, St Thomas's Square, with the edges of the square formed by the Town Hall to the east and the Police Station to the west, whilst there is a surface car park to the north of the site separated by Farrington Street and public house of simple modern design to the east.
66. The Magistrates Court building and Police Station were completed in 1968 in a modernist / brutalist style. The Police Station has a dominating impact on the setting of the area as an imposing and uncompromising seven storey structure with cantilevered floors, an expressed concrete frame, light grey concrete facing blockwork, ribbon windows and dark grey window spandrels and cladding panels. On the opposite side of the Square is the sandstone Victorian Town Hall in an Italianate style with a rusticated base, and ashlar dressings around windows and entrances. These are buildings of scale and prominence in the immediate setting of the application site.
67. The proposal seeks to demolish the existing Magistrates Court building on the site and construct an 11-storey (above ground) building on the same footprint, which would have 3no commercial units to the ground floor and 52no residential apartments, with balconies, above. The upper floors are cantilevered by approximately 1 metre and floors 1 to 8 consist of external concrete box frame sections with buff brick infills, with the balcony walls appearing to be clad in the contrasting cladding proposed for the upper floors. The design alternates every 2nd floor to create architectural and visual interest. The 9th and 10th floors are set back by approximately 2-3 metres, except for the stair and the lift and stair circulation towers, which rise up to the rooftop communal roof garden. One of these towers has a chamfered top and all are clad with 'pre-rusted effect Corten metal profile cladding'.
68. The proposed building design is of a contemporary style, taking inspiration from the materiality of its two most prominent architectural neighbours. The proposed concrete framing around the apartment windows/balconies is a reference to the neighbouring concrete brutalist-style police station, whilst the proposed buff-coloured textured brickwork to all sides of the new building reflects the sandstone detailing of the adjacent Chorley Town Hall building to some extent. The framing approach and inclusion of inset balconies creates a sense of texture, which provides interest and breaks up the mass of the structure.

69. The proposed ground floor commercial units would benefit from large areas of glazing and glazed entrances, which would be partially sheltered by the cantilevered floors above. This would provide an active frontage facing onto St Thomas Square, Mealhouse Lane and Farrington Street, that is distinct from the floors above, and is reflective of modern commercial units. This would provide natural surveillance onto public areas that are not currently overlooked and would be beneficial to perceptions of safety and the vitality of the area. The partial shelter above would facilitate some outdoor activity associated with each unit to take place, which would support the vitality benefits. The upper levels would provide natural surveillance to all sides of the building through the presence of apartment windows and balconies. This would further enhance the perception of safety and vitality in the vicinity of the site, and would be particularly beneficial to St Thomas Square, which is currently an underutilised public space that could gain greater purpose as a result of the proposed development.
70. The upper building levels are proposed to be stepped-back from the main elevations, and to be overclad in a contrasting material. This would further break up the visual massing of the development. A pre-rusted effect Corten metal profile cladding is proposed, which would encase the penthouse apartments and access up to the roof terrace area, providing contrast and resulting in visual interest and variation through the building.
71. There would be a rooftop terrace area / garden proposed as a shared amenity for residents and has indicatively been shown to include an external paved space with seating, raised planting beds, decorative tree / shrub planting and a small grassed area. The proposed external works around the site would provide new street trees, soft landscaping and paving around the building. This would help to generate a safe, accessible and pleasant environment softening the visual impact of the development at ground level.
72. Overall the proposed building would be of a high quality design of positive appearance and would result in a bold contemporary focal point within Chorley Town Centre. The scale of the building would be significant in the context of the surroundings, which would further emphasise and draw attention to the building as a landmark within the town.
73. The site is located within the north west portion of Chorley town centre, and is surrounded on all sides by built form associated with this central location. Built form comprises the Chorley Police Station and Town Hall to the west and east of the site respectively, The White Hart public house and terraced housing lining Farrington Street and Crown Street to the north and west. The public realm of St Thomas's Square lies directly to the south of the Site and street level car parking wraps around the Site to the north and east.
74. Built form densities surrounding the site are generally high to medium density, reflecting the characteristics of the town centre location. The area in the immediate vicinity of the site is set out on a north to south grid with local variations due to landform and transport corridors. Topography within the site is relatively flat. Below grade portions of the courthouse are visible to the north, east and west elevations of the building, and are accessed via a ramp on the northern elevation. The site is located on the west facing slope of a minor ridge line, which rises towards the east.
75. Views of the site are limited to Farrington Street, Crown Street, St Thomas's Road, Dole Lane and Back Mount, Meal House Lane and Park Lane (where there are a range of open, partial views and partial glimpsed views) and are experienced in the context of the existing urban setting of Chorley. Views from the wider townscape are largely truncated, due primarily to the intervening built form and mature vegetation.
76. A Townscape and Visual Appraisal has been submitted in support of the application and sets out that views from receptors beyond 1km of the site would be at such distances that the proposals would form only a very minor proportion of the wider view and would be barely perceptible to the casual observer. The appraisal considers that at a national and regional level, the anticipated townscape effects of the future development of the site are anticipated to be negligible due to the nature of the proposals and the town centre location,

and would entail negligible change to the existing townscape. At a local level, however, a greater impact on townscape character is present.

77. The development of the site would see the removal of the existing built form of the Court building within the site and its replacement with new and additional built form, car parking, new public realm and landscape works. Changes would directly and permanently alter the character and appearance of the site at a local level, due to the removal of the built form of the existing building and the creation of new, additional built development; in turn altering the appearance of a small part of the settlement context of Chorley.
78. The appraisal sets out that effects are anticipated to be limited to a very small part of the Historic Core of the town in an area already subject to a number of urbanising influences, which contains a number of existing vertical elements, such as the police station and town hall. As such the potential overall effects on townscape character at the site and local level are anticipated to be Minor adverse, considering the town centre location, the quality of the elevations of the new built form and the improvements to the local streetscape to Farrington Street. There are not anticipated to be any further effects on the character of the other Urban Landscape Character Types or Landscape Character Types within the area that was assessed. It is therefore considered that the development of the Site would not constitute an overall significant or unacceptable environmental effect.
79. As with any tall building development, a number of impacts would arise from the proposal. These range from Minor adverse on the contextual townscape receptors; Minor beneficial on the Appraisal Site townscape receptors; and Negligible to Major/Moderate adverse on a number of visual receptors as a result of the change in the character and amenity of the view (where the development will either replace the existing built form or be seen as a new built element in the context of the existing urban character of the view) and are not unusual for a development of this nature given the urban setting of the development.
80. In conclusion it is considered that the application site has an existing relationship with the existing built form of the surrounding areas and that on balance the proposed development would sit within the existing retained townscape character elements at the site level and the townscape character at the regional and district level despite the difference in height over the existing building. Whilst some negative adverse townscape and visual effects would arise from the proposed development, the development of the site is logical and provides the opportunity to increase vitality in this part of the town centre, bringing purpose to the surrounding streetscape and public realm leading to potential regenerative benefits. Furthermore, the townscape and visual effects are limited to the application site and local level receptors only, as identified by the Townscape Appraisal.
81. Overall, the scale and design of the proposed development would alter the townscape and the character of the area through the development of a contemporary building of such scale that it would become a landmark feature visible above and between surrounding buildings. It would be of a high quality design, subject to the inclusion of quality materials. The materials identified at this time would be appropriate and would provide some link with the surrounding built environment. Some landscaping would be included to soften the development in what is currently a hard landscaped area adding to the quality and liveability of an area where residential development is proposed. The development has the potential to support the more extensive use of St Thomas's Square as a public space and would provide patronage to the Town Centre adding to the vitality of the area.
82. Given the nature of the existing buildings in the vicinity of the site, the quality of the design and the overall visual impacts it is considered that the proposed development would result in a positive contemporary addition to the townscape that would support the Council's ambitions for the continued development of the Town Centre and would not therefore be harmful to the character of the area. It is therefore considered that the proposed development would comply with policy BNE1 of the Chorley Local Plan 2012-2026.

Impact on neighbour amenity

83. The proposed building would not be immediately adjacent to any residential buildings, however, there are dwellings in the vicinity of the site from which the proposed building would be visible. The building would be located approximately 43m from the rear of the dwellinghouses at 15 to 23 Queens Road. There would not be any parallel facing windows between the building and these dwellings, however, it is noted that the balcony areas would provide views towards these properties. Given the degree of separation, which reduces to 35m from the yard areas to these dwellings it is not considered that there would be an unacceptable impact in relation to the privacy of the occupiers of these existing dwellings. Some shadowing may be possible during the winter months for a period of the daytime, however, this impact would not be extensive and is not considered to be unacceptable. The building would be visible from these dwellings, however, outlook is already compromised by the terrace of buildings on Farrington Street, whilst the degree of separation and width of the proposed building are such that the impact is reduced and is not unacceptably detrimental given the positive appearance of the building.
84. The building would be located approximately 38m from the rear of an apartment building at Queens Road that is nearing completion. There would be some parallel facing windows between the building and these dwellings, however, the degree of separation is such that it is not considered that there would be an unacceptable impact in relation to the privacy of the eventual occupiers of these existing dwellings. Some shadowing may be possible during the winter months for a period of the daytime, however, this impact would not be extensive and is not considered to be unacceptable. The building would be visible from some of the apartments in the rear elevation of the building on Queens Road, however, the degree of separation and width of the proposed building are such that the impact is reduced and is not unacceptably detrimental given the positive appearance of the building. Other dwellings on this part of Queens Road are further distant and would experience no greater impact.
85. The residential accommodation above the Rose and Crown would be located approximately 35m to the south of the proposed building. There would be some element of parallel facing windows between the two buildings, however, the degree of separation is such that it is not considered that there would be an unacceptable impact in relation to the privacy of the occupiers of this property. There would be no overshadowing impact due to the orientation, whilst the degree of separation and width of the proposed building are such that the impact is reduced and is not unacceptably detrimental given the positive appearance of the building.
86. The proposed building would be located approximately 60m from the dwellings at Crown Street, with the police station building between. Although the building would be partially visible from these dwellings the degree of separation and width of the proposed building, in addition to the presence of intervening buildings, are such that there would be no unacceptable impacts on the amenity of the occupiers of these dwellings. Other residential properties are further distant than those considered above and the impacts would therefore be less noticeable than those that are considered to be acceptable.
87. Finally, the proposed development would provide a level of accommodation that would provide good living conditions to the eventual occupiers with adequate levels of internal space and areas for outdoor amenity.
88. Overall it is considered that the proposed development would comply with policy BNE1 of the Chorley Local Plan 2012-2026 as regards the impact on neighbouring residential property.

Impact on highway safety/access

89. Lancashire County Council (LCC) as the Local Highway Authority (LHA) is responsible for providing and maintaining a safe and reliable highway network. With this in mind, the present and proposed highway systems have been considered by LCC and areas of concern that could potentially cause problems for the public, cyclists, public transport, motorists and other vehicles in and around the area have been identified.

90. The development proposal involves the demolition of the Magistrates Court building off St Thomas Road, Chorley and the erection of a new multi-storey building comprising of 3 commercial units at ground floor with 52 apartments spread over the upper floors.
91. The development site is in Chorley town centre making it a highly sustainable location given the ready access to a wide range of amenities and public transport modes, whilst it is noted that the existing use currently has no dedicated parking associated with it. Given that the site is within a highly sustainable location LCC Highways do not consider it essential that off street parking is provided. No on-site parking is proposed although alterations to the highway would create disabled parking for two vehicles and a loading bay. The principle of this is acceptable and the scope of the proposals are shown on drawing 6878- FWP-L-04 Rev P4.
92. The proposal to create disabled parking spaces and a loading bay on St Thomas Road would need to be carried out under a s278 agreement with LCC. The scheme would need the amendment of a traffic regulation order.
93. Although no off-street car parking is proposed, covered and secure cycle parking would be provided. These proposals are considered to be acceptable.
94. LCC do not consider it essential that a Travel Plan is required to make this development acceptable and do not require any highway related contributions to make this development proposal acceptable.
95. Demolition of the existing building and construction of the new building and associated landscaping and external works should, however, be managed through a Construction Traffic Management Plan given the highway constraints in the area and the scale of development proposed, as such works are likely to lead to temporary inconvenience.
96. LCC Highways have confirmed that the development proposal is acceptable to them and that there are no highway grounds on which to oppose the development.

Drainage

97. The application site is not at risk of flooding from pluvial or fluvial sources, according to Environment Agency mapping data. In accordance with the Framework and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.
98. The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. As such the developer should consider the following drainage options in the following order of priority:
1. into the ground (infiltration);
 2. to a surface water body;
 3. to a surface water sewer, highway drain, or another drainage system;
 4. to a combined sewer.
99. A drainage strategy has been submitted in support of the proposed development and sets out that surface water runoff from the development site would be captured and managed wholly within the development. The proposed surface water drainage strategy will deal with rainfall falling on the site and therefore the site is not deemed to be in surface water flood risk.
100. A private drainage system lies around the existing building, collecting surface water runoff and foul water discharges and a connection is made to the public combined sewer network from a manhole that lies at the existing building's north eastern corner to the public sewer that lies at the junction of Farrington Road and Back Mount.
101. As it is intended that the new building would be on the footprint of the demolished Magistrate Court building, the total roof and hardstanding areas within the site would remain

unchanged from the existing. The pre-development surface water runoff from the site would therefore remain unchanged, and no opportunities would exist to enable substantive infiltration, whilst it is not practically possible to discharge water to a surface water body, a surface water sewer, highway drain, or another drainage system. As such a new surface water drainage system would be installed around the proposed building to replace the existing with water discharged into the public combined network at a rate of 2.0 l/s using the existing connection.

102. A new foul drainage system would also be installed around the proposed building to enable foul water from the new building to also discharge into the public combined network using the existing connection as is currently the case.
103. Overall, the development is not expected to have a detrimental impact on flood risk in the area. This strategy has been verified by the LLFA who raise no objection subject to the provision of a Final Surface Water Sustainable Drainage Strategy, which is recommended be required by condition.

Ecology

104. The application is accompanied by an ecology report (Batworker Ecological Consultancy, 19.07.2023) which included a daytime bat survey and one emergence survey undertaken in June 2023. This has been reviewed by the Council's ecology consultant the Greater Manchester Ecology Unit (GMEU), who have confirmed that the assessment was undertaken following best practice guidelines by a suitably experienced ecologist.
105. The building on the site was described as having no/low bat roost potential and 1 bat activity survey was carried out. No bat roosts or evidence that bats are roosting in the building was found. The trees near to the development footprint had no features suitable to support roosting bats. The existing building and trees do, however, have the potential to support nesting birds.
106. Based on the above, it is considered that the existing trees near to the site should be retained and adequately protected from any adverse impacts of the proposed developments. If the trees cannot be retained then adequate compensatory planting would need to be secured within the landscape plans.
107. Although mandatory Biodiversity Net Gain is applicable to the proposed development biodiversity enhancements should be delivered by this application, in line with the measures/details identified within the bat survey report. which include the use of native trees in the landscape planting. Additionally bat and bird boxes should be included with the scheme and preferably integrated into the proposed new building in order to support the requirements of policy BNE9 of the Chorley Local Plan 2012-2026. The details of this can be secured via a condition.

Affordable housing and public open space requirements

108. Policy 7 of the Core Strategy requires 30% affordable housing to be provided on sites of 15 or more dwellings, or 0.5 hectares in size (which this is), in urban areas such as this. No on-site provision has been identified by the applicant.
109. The proposed development would also generate a requirement for the provision of public open space in line with policies HS4a and HS4b of the Chorley Local Plan 2012 – 2026 and the Open Space and Playing Pitch SPD. This would involve the on site provision of amenity green space and an off site contribution to playing pitch improvements. Given the nature of the site being located in the town centre it is constrained in area and not therefore possible to make any meaningful on-site provision.
110. In consideration of the requirement to provide affordable housing and make off site provision of public open space some critical viability issues affecting the deliverability of the development have been identified. A viability assessment has been submitted by the applicant demonstrating that no contributions are possible as the profit margin to the developer would be limited to the point where the possibility of obtaining development

finance would be severely restricted. As a result there would be no incentive to deliver the scheme. The viability case has been considered by the Council's viability consultant. They have confirmed that the proposed development would not be capable of supporting any of the necessary planning obligations required by local policies. It is therefore recommended that the viability case is accepted and that no contributions can be supported in this instance. The development is therefore considered acceptable without such contributions under the circumstances, when balanced against the benefits of the proposed development on the site in question.

Balancing exercise

111. It has been established that there is some concern in relation to the scale of the development in comparison with the tower of the Town Hall. However, given that the overall significance of the Town Hall, in a national context, as a non designated heritage asset, is low the concerns are therefore a minor matter from a heritage perspective. It is therefore a matter for the LPA to consider this impact in its simple planning balance under P.209 of the Framework.
112. It is recognised that the scale of the proposal would have some level of impact on views of the principal (east) elevation of the Town Hall when viewed from the east, and that the proposal would alter the townscape and have some visual impacts.
113. The proposed building would not impede views of the clock tower from the east or when travelling along Union Street, High Street and Market Street, from which the clock tower is most prominent. It is simply that the proposed building would be perceived close by and within the same view. Such a relationship is not unusual in urban centres and there is some degree of separation between the two buildings. The townscape impact can be considered to be a positive one, given the quality of design involved and in considering the disused nature of the site and the impact that the current buildings on the site and at the police station have on the townscape currently.
114. In terms of the benefits, these cover social, economic and environment benefits to which a variety of different weights have been attributed. The provision of 52 dwellings is a significant social benefit and in a sustainable location such as this carries significant weight. The regeneration of a disused site with a modern building and inclusion of some degree of landscaping is an environmental benefit that carries moderate weight. The regenerative impact of the development in increasing footfall and vitality in the town centre is both a social and economic benefit that carries significant weight, whilst there are also economic benefits in supporting construction jobs during development and in providing employment at the commercial units, which carry moderate weight.
115. There are very clear benefits in support of the proposal, which are considered to clearly outweigh the low level harm to a non designated heritage asset and the alteration to the townscape and visual impacts. The proposal is therefore considered to be acceptable on balance.

Other matters

116. It is noted that an objection has been received from Lancashire Constabulary on the basis of concerns over the height of the proposed building and the potential for interference with telecommunications infrastructure. No evidence has been provided as to what impacts may occur, or how such impacts could be avoided or mitigated against. As such it is not clear that there would be an impact from the proposed development, or what resultant harm there may be. No weight can therefore be attached to this in the assessment of the planning application.
117. Provision of bins / waste storage: The proposal has been designed to utilise existing space for waste and recycling refuse collection vehicles around the north of the site on the Farrington Street roadway. Secure Refuse and Recycling storage places would be provided at the ground floor of the proposed development for the collection of general waste and recycling. Separate refuse stores for the 3nr commercial units and the 52no. residential apartments are proposed. Bins would be provided throughout the commercial units and

apartments for collection of general refuse and recycling alongside. It is recommended that a condition is attached to any grant of planning permission requiring a Site Waste Management Plan (SWMP) to ensure that waste is managed effectively and does not become a blight on the street scene.

CONCLUSION

118. It is considered that the proposed development accords with the aims of policies within the Framework, Central Lancashire Core Strategy and the Chorley Local Plan 2012 – 2026 that seek to achieve sustainable development and support the vitality of the town centre and that the benefits of the proposal outweigh the low level harm that is a minor matter from a heritage perspective. There would be no unacceptable detrimental impact on the amenity of neighbouring occupiers or the appearance and character of the area as a result of the proposed development. In addition, the development is located in a sustainable location and would not have an unacceptable impact on highway safety. On the basis of the above, it is recommended that planning permission be granted.

RELEVANT HISTORY OF THE SITE

Ref: 5/1/01957 **Decision:** PERFPF **Decision Date:** 4 March 1963
Description: New police station development including magistrates court

Ref: 03/01349/LCC **Decision:** PERMIT **Decision Date:** 23 December 2003
Description: Formation of new ground floor door opening to rear of building together with new access ramp and associated works

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

No.	Condition																					
1.	The proposed development must be begun not later than three years from the date of this permission. <i>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.</i>																					
2.	The development hereby permitted shall be carried out in accordance with the following approved plans: <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Title</th> <th>Drawing Reference</th> <th>Received date</th> </tr> </thead> <tbody> <tr> <td>Location Plan</td> <td>6878-FWP-L-01 Rev. P2</td> <td>22 December 2023</td> </tr> <tr> <td>Site Plan - Proposed</td> <td>6878-FWP-L-03 Rev. P4</td> <td>22 May 2024</td> </tr> <tr> <td>Basement and Ground Floor Plan - Proposed</td> <td>6878-FWP-L-04 Rev. P5</td> <td>09 August 2024</td> </tr> <tr> <td>First to Eighth Floor Plans - Proposed</td> <td>6878-FWP-L-05 Rev. P4</td> <td>09 August 2024</td> </tr> <tr> <td>Ninth, tenth and roof terrace plans - Proposed</td> <td>6878-FWP-L-06 Rev. P4</td> <td>09 August 2024</td> </tr> <tr> <td>North Elevation - Proposed</td> <td>6878-FWP-L-07 Rev. P4</td> <td>09 August 2024</td> </tr> </tbody> </table>	Title	Drawing Reference	Received date	Location Plan	6878-FWP-L-01 Rev. P2	22 December 2023	Site Plan - Proposed	6878-FWP-L-03 Rev. P4	22 May 2024	Basement and Ground Floor Plan - Proposed	6878-FWP-L-04 Rev. P5	09 August 2024	First to Eighth Floor Plans - Proposed	6878-FWP-L-05 Rev. P4	09 August 2024	Ninth, tenth and roof terrace plans - Proposed	6878-FWP-L-06 Rev. P4	09 August 2024	North Elevation - Proposed	6878-FWP-L-07 Rev. P4	09 August 2024
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	East Elevation - Proposed	6878-FWP-L-08 Rev. P4	09 August 2024
	South Elevation - Proposed	6878-FWP-L-09 Rev. P4	09 August 2024
	West Elevation - Proposed	6878-FWP-L-10 Rev. P4	09 August 2024
	Site Section	6878-FWP-L-11 Rev. P4	09 August 2024
	<i>Reason: For the avoidance of doubt and in the interests of proper planning.</i>		
3.	<p>The cycle and refuse stores identified on plan reference 6878-FWP-L-04 Rev. P4 shall be provided prior to the first use or occupation of the development hereby approved and shall be retained thereafter and kept freely available for the storage of cycles and refuse at all times and shall not be used for any other purpose.</p> <p><i>Reason: To ensure adequate provision is made and maintained for the parking of cycles and storage of bins in the interests of sustainable transport and visual amenity.</i></p>		
4.	<p>Prior to the first use or occupation of the development hereby approved a Site Waste Management Plan (SWMP) shall be submitted to and approved in writing by the local planning authority. The approved SWMP shall thereafter be implemented for the lifetime of the development.</p> <p><i>Reason: In the interests of effective waste management and the visual amenity of the area.</i></p>		
5.	<p>Prior to the development of the superstructure of the building hereby approved samples of all external facing and roofing materials as set out in the Design and Access Statement (ref. 6878-01) produced by FWP architecture (notwithstanding any details shown on previously submitted plan(s) and specification) shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved.</p> <p><i>Reason: To ensure that the materials used are visually appropriate to the locality.</i></p>		
6.	<p>No development shall take place (including investigation work, demolition, siting of site compound/welfare facilities) until a survey of the condition of the adopted highway has been submitted to and approved in writing by the Local Planning Authority. The extent of the area to be surveyed must be agreed by the Highways Authority prior to the survey being undertaken. The survey must consist of:</p> <ul style="list-style-type: none"> • A plan to a scale of 1:1000 showing the location of all defects identified; • A written and photographic record of all defects with corresponding location references accompanied by a description of the extent of the assessed area and a record of the date, time and weather conditions at the time of the survey. <p>No building or use hereby permitted shall be occupied or the use commenced until any damage to the adopted highway has been made good to the satisfaction of the Highway Authority.</p> <p><i>Reason: To ensure that any damage to the adopted highway sustained throughout the development process can be identified and subsequently remedied at the expense of the developer.</i></p>		
7.	<p>No development shall take place, including any works of demolition or site clearance, until a Construction Management Plan (CMP) or Construction Method Statement (CMS) has been submitted to, and approved in writing by the local planning authority. The approved plan / statement shall provide:</p>		

	<ul style="list-style-type: none"> • 24 Hour emergency contact number; • Details of the parking of vehicles of site operatives and visitors; • Details of loading and unloading of plant and materials; • Arrangements for turning of vehicles within the site; • Swept path analysis showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available and maintained, including any necessary temporary traffic management measures; • Measures to protect vulnerable road users (pedestrians and cyclists); • The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; • Wheel washing facilities; • Measures to deal with dirt, debris, mud or loose material deposited on the highway as a result of construction; • Measures to control the emission of dust and dirt during construction; • Details of a scheme for recycling/disposing of waste resulting from demolition and construction works; • Construction vehicle routing; • Delivery, demolition and construction working hours. <p>The approved Construction Management Plan or Construction Method Statement shall be adhered to throughout the construction period for the development.</p> <p><i>Reason: In the interests of the safe operation of the adopted highway during the demolition and construction phases.</i></p>
<p>8.</p>	<p>Prior to any above ground development a scheme for the construction of the off-site works of highway mitigation shall have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.</p> <p><i>Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site.</i></p>
<p>9.</p>	<p>No part of the development hereby approved shall be used or occupied until the approved scheme for the construction of the off-site works of highway mitigation has been constructed and completed in accordance with the scheme details.</p> <p><i>Reason: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.</i></p>
<p>10.</p>	<p>No development shall commence, other than demolition, until a detailed, final surface water sustainable drainage strategy for the site has been submitted to, and approved in writing by, the Local Planning Authority.</p> <p>The detailed surface water sustainable drainage strategy shall be based upon the site specific flood risk assessment and indicative surface water sustainable drainage strategy ('Surface Water and Foul Water Drainage Strategy Incorporating an Assessment of Flood Risk, 22.1199-Rev. A, Reford, February 2024) submitted and sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems. No surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly.</p> <p>The details of the drainage strategy to be submitted for approval shall include, as a minimum;</p> <p>a) Sustainable drainage calculations for peak flow control and volume control for the:</p> <p>i. 100% (1 in 1-year) annual exceedance probability event;</p>

	<p>ii. 3.3% (1 in 30-year) annual exceedance probability event + 40% climate change allowance, with an allowance for urban creep; iii. 1% (1 in 100-year) annual exceedance probability event + 45% climate change allowance, with an allowance for urban creep</p> <p>b) Final sustainable drainage plans appropriately labelled to include, as a minimum:</p> <p>i. Site plan showing all permeable and impermeable areas that contribute to the drainage network either directly or indirectly, including surface water flows from outside the curtilage as necessary; ii. Sustainable drainage system layout showing all pipe and structure references, dimensions and design levels; iii. Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate; iv. Drainage plan showing flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems; v. Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of each building and connecting cover levels to confirm minimum 150 mm+ difference for FFL; vi. Details of proposals to collect and mitigate surface water runoff from the development boundary; vii. Measures taken to manage the quality of the surface water runoff to prevent pollution, protect groundwater and surface waters, and delivers suitably clean water to sustainable drainage components</p> <p>c) Evidence of an assessment of the existing on-site sewers to be used, to confirm that these systems are in sufficient condition and have sufficient capacity to accept surface water runoff generated from the development.</p> <p>d) Evidence that a free-flowing outfall can be achieved. If this is not possible, evidence of a surcharged outfall applied to the sustainable drainage calculations will be required.</p> <p>The sustainable drainage strategy shall be implemented in accordance with the approved details.</p> <p><i>Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 173 and 175 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems.</i></p>
<p>11.</p>	<p>No development shall commence until a Construction Surface Water Management Plan, detailing how surface water and stormwater will be managed on the site during construction, including demolition and site clearance operations, has been submitted to and approved in writing by the Local Planning Authority.</p> <p>The details of the plan to be submitted for approval shall include method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include for each phase, as a minimum:</p> <p>a) Measures taken to ensure surface water flows are retained on-site during the construction phase(s), including temporary drainage systems, and, if surface water flows are to be discharged, they are done so at a restricted rate that must not exceed the equivalent runoff rate from the site prior to redevelopment. b) Measures taken to prevent siltation and pollutants from the site entering any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance.</p> <p>The plan shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction.</p>

	<p><i>Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water during each construction phase(s) so it does not pose an undue surface water flood risk on-site or elsewhere during any construction phase in accordance with Paragraph 173 of the National Planning Policy Framework.</i></p>
<p>12.</p>	<p>The occupation of the development shall not be permitted until a site-specific Operation and Maintenance Manual for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority.</p> <p>The details of the manual to be submitted for approval shall include, as a minimum:</p> <ul style="list-style-type: none"> a) A timetable for its implementation; b) Details of the maintenance, operational and access requirement for all SuDS components and connecting drainage structures; c) Pro-forma to allow the recording of each inspection and maintenance activity, as well as allowing any faults to be recorded and actions taken to rectify issues; d) The arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme in perpetuity; e) Details of financial management including arrangements for the replacement of major components at the end of the manufacturer's recommended design life; f) Details of whom to contact if pollution is seen in the system or if it is not working correctly; and g) Means of access for maintenance and easements. <p>Thereafter the drainage system shall be retained, managed, and maintained in accordance with the approved details.</p> <p><i>Reason: To ensure that surface water flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property, and ecological systems, and to ensure that the sustainable drainage system is subsequently maintained pursuant to the requirements of Paragraph 175 of the National Planning Policy Framework.</i></p>
<p>13.</p>	<p>The occupation of the development shall not be permitted until a site-specific verification report, pertaining to the surface water sustainable drainage system, and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority.</p> <p>The verification report must, as a minimum, demonstrate that the surface water sustainable drainage system has been constructed in accordance with the approved drawing(s) (or detail any minor variations) and is fit for purpose. The report shall contain information and evidence, including photographs, of details and locations (including national grid references) of critical drainage infrastructure (including inlets, outlets, and control structures) and full as-built drawings. The scheme shall thereafter be maintained in perpetuity.</p> <p><i>Reason: To ensure that surface water flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property, and ecological systems, and to ensure that the development as constructed is compliant with the requirements of Paragraphs 173 and 175 of the National Planning Policy Framework.</i></p>
<p>14.</p>	<p>The parking areas and servicing bay shown on the plans hereby approved shall be surfaced or paved, drained and marked out and made available in accordance with the approved plan prior to the occupation of any of the dwellings hereby approved; such parking facilities shall thereafter be permanently retained for that purpose (notwithstanding the Town and Country Planning (General Permitted Development) (England) Order 2015).</p>

	<p><i>Reason: To ensure provision of adequate off-street parking facilities within the site.</i></p>
15.	<p>No above ground development (excluding demolition) shall commence until;</p> <p>a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;</p> <p>b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.</p> <p>The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.</p> <p><i>Reason: to ensure the site is suitable for the proposed end-use.</i></p>
16.	<p>Prior to the first occupation of the development hereby approved, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.</p> <p><i>Reason: to ensure the site is suitable for the proposed end-use.</i></p>
17.	<p>No above ground development shall commence until a report to identify any potential sources of contamination on the site, and where appropriate necessary remediation measures, has been submitted to the local planning authority and approved in writing. The report shall include an initial desk study, site walkover and preliminary risk assessment. If the initial study identifies the potential for contamination to exist on site, the scope of a further study must then be agreed in writing with Local Planning Authority and thereafter undertaken and shall include details of the necessary remediation measures. The development shall thereafter only be carried out following the remediation of the site in full accordance with the measures stipulated in the approved report.</p> <p><i>Reason: Due to the sensitive end-use of the development.</i></p>
18.	<p>Notwithstanding the approved plans a scheme for the landscaping and biodiversity enhancement of the development hereby approved and its surroundings shall be submitted to and approved in writing by the local planning authority prior to any above ground development. These details shall include the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform, proposed finished levels, means of enclosure, minor artefacts and structures and bat and bird boxes. Landscaping proposals should comprise only native plant communities appropriate to the natural area.</p> <p>All hard and soft landscape works shall be carried out in accordance with the approved details within the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. Bird and bat boxes shall be provided prior to first use or occupation of the development hereby approved.</p>

	<i>Reason: To ensure that a satisfactory landscaping scheme for the development is carried out to mitigate the impact of the development and secure a high quality design.</i>
19.	<p>During the construction period, all trees within and surrounding the application site shall be protected in accordance with British Standard BS 5837:2012 or any subsequent amendment to the British Standards.</p> <p><i>Reason: To safeguard the trees to be retained.</i></p>

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> IMPORTANT
 > © This drawings copyright remains the property of this practice
 > Positions of existing services to be confirmed prior to proceeding
 > All dimensions to be checked on site

> STATUS DESCRIPTION
 S0 - Work In Progress
 S1 - Co-Ordination
 S2 - Information
 S3 - Internal Review / Comment
 S4 - Construction Approval
 D - Costing / Tender
 A - For Construction
 AB - As Built
 NB: Only drawings with an A 'Code' to be used for construction

> NOTES



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Location Plan
 1 : 1250

1:1250 scale



P2 06.10.22 Red Line Boundary Extended
 P1 21/07/15 Preliminary Issue

> REV.	> DATE	> DESCRIPTION
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> CLIENT
 Max Walker Williams

> PROJECT
 Proposed Mixed-Use Development
 Former Magistrates' Court, St Thomas Rd, Chorley

> DRAWING TITLE
 Location Plan

> STATUS INFORMATION	> CODE
	S2

> SCALE	> DATE	> DRAWN	> CHECKED
1 : 1250@A3	Sept '23	MK	NA/BC

> DRG NO.	> REV.
6878-FWP-L-01	P2

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APPLICATION REPORT – 24/00242/FUL

Validation Date: 28 March 2024

Ward: Buckshaw And Whittle

Type of Application: Full Planning

Proposal: Erection of 6no. dwellings following demolition of outbuildings

Location: Rotherham Top Farmhouse Preston Road Whittle-le-woods Chorley PR6 7PG

Case Officer: Chris Smith

Applicant: Primrose Holdings Ltd

Agent: MacMarshalls Ltd

Consultation expiry: 25 April 2024

Decision due by: 13 September 2024 (Extension of time agreed)

RECOMMENDATION

1. It is recommended that planning permission is granted, subject to conditions and a S106 legal agreement to secure a financial contribution of £804.00 towards the provision of equipped play area for children/young people.

SITE DESCRIPTION

2. The application site is located within the settlement area of Whittle le Woods on the northern side of the residential cul de sac Lea Road. The site is an irregularly shaped parcel of land measuring approximately 0.46 hectares, and it is positioned around a Grade II listed residential property (Rotherham Top Farmhouse) which is not itself located within the red edge of the application site.
3. The site contains a pair of buildings including, immediately to the west of the listed building, a large, pitched roof timber building with an adjoining flat roof car port and in the north west corner of the site there is a large brick built building. The immediate locality is predominantly residential and characterised by a variety of housing types including single and two storey dwellings as well as dwellings that are detached, semi-detached and terraced.
4. There is an existing vehicular access point to the site from Lea Road in the south west corner of the site. There is also a separate pedestrian access from Lea Road adjacent to a pair of modern semi-detached dwellings.

DESCRIPTION OF PROPOSED DEVELOPMENT

5. The application seeks planning permission for the erection of 6no. dwellings, following the demolition of the existing buildings located across the site. The proposed dwellings would be of a traditional form with contemporary features and would have driveway parking to the frontages with garden areas at the front and rear. Four of the dwellings would have detached garages.

6. Vehicular access to the site would be via an existing access point which leads to the site from Lea Road which sits between nos. 4 and 8 Lea Road. A new driveway to serve the dwelling at plot no. 8 would be built and this would be accessed directly from Lea Road.
7. It should be noted that the proposed development has been amended since first being received by the Council at the request of the case officer. Amended plans have been submitted in order to reduce the size of the dwellings at plots 3 and 4 and reposition the dwelling at plot 8. This was in response to comments provided by the Council's Heritage Advisors at Growth Lancashire regarding the potential impacts of the development on the Grade II listed farmhouse.

REPRESENTATIONS

8. 11no. representations have been received citing the following grounds of objection to the proposed development –
 - There are no plans for plot 1.
 - Why do 8 dwellings require 3 access roads?
 - Who will maintain grass verges at the gated entrance?
 - How wide will access adjacent to no. 2 Lea Road be?
 - Site will be used as a rat run.
 - Access road via a gate on Lead Road is not wide enough for two vehicles.
 - How will refuse and emergency vehicles enter the development?
 - How will the developer enter the site during construction?
 - Plot 5 will be directly behind my house.
 - Loss of trees.
 - Ecological impacts.
 - Loss of privacy and outlook.
 - Highway safety.
 - Construction traffic.
 - Drainage.
 - Site boundaries.
 - Traffic.
 - The dwellings will have minimal positive impact on meeting local housing targets.
 - Building materials/waste will be deposited on highways.
 - Design out of keeping with the character of the locality.
 - Highways comments relate to 6 properties when there will be 8 new properties at the site.
 - Loss of property values.
 - Bats / ecology.
 - Underground power cable.
 - Noise and disruption during construction.
 - Development will undermine the historic value of the Grade II listed building.
 - There is no requirement to build on the site.

CONSULTATIONS

9. Chorley Council's Tree Officer – Has stated that it is proposed to remove eleven trees to facilitate the development and the trees to be removed do provide a moderate level of visual amenity and have value as a screen from the adjacent properties, however, they are not of exceptional arboricultural significance.
10. Greater Manchester Ecology Unit (GMEU) – Have no objections subject to conditions.
11. Growth Lancashire (GL) – Have advised that the key considerations in respect of the impact of the proposal on the heritage asset, are whether the proposed development would harm the setting and the significance of the Grade II listed Rotherham Top Farmhouse.

GL initially advised that the dwellings at plots 3 and 4 would be overly large and that they would be positioned in such a way that they would encroach upon the space currently afforded to the listed building, despite the proposed dwellings being in the location of the existing large and partially dilapidated building in the north west portion of the site. They also advised that the proposed dwelling at plot 8 would obscure some views of the listed building from Lea Road. Overall, they considered that the proposed scheme would be overly dense as the new properties would encroach on the listed building thereby diminishing its significance.

However, following the Council's receipt of amended plans to address the identified heritage issues, GL have advised that the amendments are welcomed and although the changes do not completely alleviate the harm previously identified, this would be less than substantial (low level) harm to the significance of the listed building which would require the LPA to undertake a weighted balance under paragraph 208 of the National Planning Policy Framework.

12. Lancashire County Council Highway Services (LCC Highways) – Have no objections subject to conditions.
13. The Coal Authority – Recommend low risk/standing advice.
14. United Utilities (UU) – Have no objections subject to conditions.
15. Whittle le Woods Parish Council – No comments have been received.

PLANNING CONSIDERATIONS

Principle of the development

16. The National Planning Policy Framework (The Framework) states that housing applications should be considered in the context of the presumption in favour of sustainable development. This means that development proposals that accord with the development plan should be approved without delay. One of the core principles of the Framework is that development should be focussed in locations that are sustainable. The site is located in a sustainable location with access to public transport and local amenities such as shops, schools, community centre facilities, churches, sports and leisure facilities, employment sites and public houses, and the means to access other nearby amenities relatively easily.
17. Policy 1(d) of the Central Lancashire Core Strategy states that some growth and investment will be encouraged in Urban Local Service Centres to help meet housing and employment needs. Whittle le Woods is identified as one of the Urban Local Service Centres and therefore the proposed development is in line with this policy.
18. The application site appears to be in a mix of uses with the planning history of the site demonstrating that it has been used for a variety of activities including industrial processing as a meat cutting factory (app ref: 74/00524/FUL) and agriculture as a chicken hatchery (app ref: 74/00097/S53). The site is not, therefore, solely domestic, however, some areas of it clearly do form a part of the residential curtilage and domestic garden to Rotherham Top Farmhouse and, therefore, for the avoidance of doubt an assessment has also been carried out in relation to policy HS3 of the Chorley Local Plan 2012 – 2026. This states that development within private residential gardens on sites not allocated for housing will only be permitted for:
 - (a) *appropriately designed and located replacement dwellings where there is no more than one for one replacement.*
 - (b) *the conversion and extension of domestic buildings.*
 - (c) *infill development on gardens which is classified as the filling of a small gap in an otherwise built-up street frontage which is typically a gap which could be filled by one or possibly two houses of a type in keeping with the character of the street frontage.*

19. The proposed development does not specifically comply with criteria (a) or (b) due to the nature of what is proposed. With regards to criteria (c), the site does form a gap in the pattern of development along Lea Road and is located within a built-up area of urban character, comprising residential housing estates. The application site is a relatively large garden area to the existing dwelling Rotherham Top Farmhouse which is a visual deviation from the more conventionally proportioned residential gardens which characterise neighbouring dwellings and, therefore, the site appears somewhat incongruous within the context of its surroundings. Consequently, it is accepted that there is an opportunity for infill development.
20. Paragraph 5.27 of the preamble to Policy HS3 states that when assessing applications for garden sites, the Council will also have regard to the relationship of development with surrounding character in terms of density, siting, layout, massing, scale, design, materials building to plot ratio and landscaping. The preamble also states that the Council will have regard to sustainability issues such as access to public transport, school, businesses and local services and facilities.
21. It is noted that the immediate locality is characterised by a variety of property types from different architectural time periods, including single storey, two storey, detached and semi-detached properties although to the east Preston Road is much more urbanised and less residential in character with a variety of commercial premises evident including a petrol filling station and an associated retail convenience store. The character of the most immediate locality adjacent to the north, west and south of the site, however, is overwhelmingly residential with a low-density suburban form. The proposed development comprises 4no. detached dwellings and 2no. semi-detached dwellings. The layout is such that it would reflect the siting and scale of neighbouring properties located along Lea Road and Bluebell Close and Lupin Close to the west and north. At a density of 13 dwellings per hectare the density of the proposed scheme would be low and consistent with the character of the area, whilst the dwelling to plot ratio would provide similarly sized garden areas to other nearby properties and would be largely reflective of local character.
22. At present, most of site is a relatively large parcel of mixed-use land with a limited planning history, although this does indicate that there has been a history of industrial processing at the site which contains a pair of detached outbuildings including a large storage building which is a remnant of the former agricultural use of the site. This building appears relatively discordant and is not reflective of the local residential character, and its preservation would be of no particular value to the distinctiveness of the area. It is considered that the replacement of the building which appears somewhat tired and is relatively dilapidated, would represent a significant visual improvement, which would make a positive contribution to the visual characteristics of the immediate locality.
23. Policy HS3 includes the additional sustainability criteria detailed above, and in terms of this issue there are factors which weigh in favour of the proposal. The site is located in the settlement area of Whittle le Woods and has a good level of accessibility to shops, schools and other services and amenities, public transport and local employment opportunities and is within 1.5km of a Tesco superstore. There is also a petrol filling station immediately to the east. In terms of bus stops, there are bus stops on both side of Preston Road within close proximity to the site.
24. In consideration of the above, the proposed development is considered to be acceptable in principle.

Impact on character and appearance of locality

25. Policy BNE1 (Design Criteria for New Development) 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, among other things, the proposal does not have a significantly detrimental impact on the surrounding area by virtue of its density, siting, layout, building to plot ratio, height, scale and massing, design, orientation and use of materials; that the layout, design and landscaping of all elements of the proposal, including any internal roads, car parking, footpaths and open spaces, are of a

high quality and respect the character of the site and local area; and that the proposal would not have a detrimental impact on important natural habitats and landscape features such as historic landscapes, mature trees, hedgerows, ponds and watercourses. In some circumstances where on balance it is considered acceptable to remove one or more of these features, then mitigation measures to replace the feature/s will be required either on or off-site. The policy is considered to be consistent with the Framework and should be attributed full weight.

26. The nearest housing stock to the development comprises two storey semi-detached residential properties to the south west at Lea Road as well as several bungalow properties also at Lea Road. To the north west the site is bounded by a low density housing estate characterised by relatively large detached two storey properties. Neighbouring residential properties are of a relatively traditional and standard design with rectangular footprints and dual pitched roofs. The proposed dwellings would be laid out in a low-density pattern that reflects the layout of the properties referred to above. The proposed dwellings would be of a fairly traditional design with rectangular footprint, dual-pitched roofs and a brickwork finish, the details of which are to be confirmed. There would be in-curtilage parking to the frontages with some garden areas to the front and larger gardens to the rear. It is considered that the proposed layout has taken into account the natural constraints and layout of the site as the proposed dwellings would be dispersed evenly across the site and around the existing dwelling at Rotherham Top Farmhouse. Whilst the development would result in the loss of eleven low category trees, the significant boundary trees located in the southern portion of the site are to be retained and replacement tree planting can be secured through the imposition of a planning condition. The existing stone-built boundary wall at the rear of plots 2, 3 and 4 would be retained.
27. Currently the site appears somewhat anomalous and at odds with the existing residential development that characterises the area and the outbuildings suffer a sense of abandonment and appear relatively dilapidated. The proposal represents an opportunity to introduce an active use and to address the poor appearance of the outbuildings and the development would, therefore, represent a significant visual improvement, which would make a positive contribution to the visual characteristics of the immediate locality.
28. Overall, the proposed development would improve the appearance of the site and would not be harmful to the character of the area in line with policy BNE1 of the Chorley Local Plan 2012-2026.

Impact on neighbour amenity

29. Policy BNE1 of the Chorley Local Plan 2012 – 2026 states that planning permission will be granted for new development provided that the development would not cause harm to any neighbouring property by virtue of overlooking, overshadowing or by creating overbearing impacts.
30. The existing dwelling at Rotherham Top Farmhouse would be surrounded by the proposed development on all sides and would, therefore, be most affected by it. However, it is under the ownership of the applicant, and it is also noted that the degree of separation between the proposed dwellings and this property would be adequate to ensure that there would be no unacceptable adverse impacts on the amenity of the occupiers of the dwelling.
31. The proposed dwellings would be located to the north west of neighbouring dwellings at Lea Road, to the east of dwellings at Bluebell Close and south of dwellings at Lupin Close. The proposed dwelling at plot 1 would be approximately 11m to east of the neighbouring property at no. 6 Bluebell Close. Although the western side elevation of plot 1 would contain two first floor bedroom windows, they would not face directly towards any of the main areas of private residential amenity space associated with the neighbouring property and views from the windows would predominantly be towards the blank side elevation of this property. Consequently, there would be no unacceptable adverse impact on the amenity of the occupiers of no. 6 Bluebell Close as a result of privacy loss. To its south, the dwelling at plot 1 would bound with the neighbouring property at no. 4 Lea Road, however, it would be approximately 22m away from this neighbouring property and it is not

considered, therefore, that there would be any unacceptable adverse impacts upon the levels of amenity currently enjoyed by the occupiers of this neighbouring property as a result of light loss, overlooking or a loss of outlook.

32. There would be no windows within the side (south west) facing elevation of plot 2 which would be approximately 10m to the north east of no. 6 Bluebell Close and approximately 6.7m to the south east of no. 5 Bluebell Close. There would, however, be a first floor window within the rear (north west) facing elevation of plot 2 which would be approximately 6m away from the rear boundary of the site with no. 5 Bluebell Close. This would not accord with the Council's separation distance for windows to habitable rooms at first floor level which overlook neighbouring garden areas, which should be a minimum of 10 metres from the boundary they face. However, this window would serve an en-suite bathroom and would, therefore, be obscure glazed and it can be conditioned that this is retained at all times.
33. The proposed dwellings at plots 3 and 4, a pair of semi-detached dwellings, would be located immediately to the south of two detached neighbouring properties at nos. 18 and 19 Lupin Close. However, the Council's separation distance of 21m between parallel facing habitable room windows would be complied with and, therefore, there would be no unacceptable adverse impacts on the amenity of the occupiers of nos. 18 and 19 Lupin Close as a result of privacy loss and the degree of separation would also be adequate to ensure that there would no unacceptable levels of light loss.
34. The proposed detached garages at plots 1, 2, 3 and 4 would be modestly proportioned low profile structures with a maximum height of approximately 3.8m, and there would be an adequate degree of separation between the garages and the nearest neighbouring residential properties at Lupin Close to ensure that they have no unacceptable adverse impacts on neighbouring amenity as a result of light loss or overbearing.
35. The proposed dwelling at plot 5 would occupy the north east corner of the site where it would bound with nos. 17 and 18 Lupin Close to the west and nos. 67, 69 and 71 Preston Road to the east and no. 73 Preston Road to the north. The side (east) facing elevation of plot 5 would contain a window at first floor level, however, it would serve a non-habitable room in the form of a landing area. There would also be a first floor window within the side (west) facing elevation, however, this would serve a bathroom and would be obscurely glazed and would be in excess of 10m away from the boundary with the neighbouring plot 4. The degree of separation between plot 5 and neighbouring properties would also be adequate to prevent any light loss or loss of outlook. First floor bedroom windows within the rear (north) facing elevation would be 10m away from the rear boundary of the plot which bounds with no. 73 Preston Road. It is not considered therefore, that the proposed dwelling at plot 5 would have any unacceptable adverse impacts on neighbouring amenity as a result of privacy loss, light loss or a loss of outlook.
36. Plot no. 8, to be located in the south east corner of the site, would be approximately 15m to the north east of no. 2 Lea Road and due to this degree of separation and the northern orientation relative to this neighbouring property, it is not considered that there would be any unacceptable adverse impacts on the amenity of the occupiers of this property as a result of light loss and the degree of separation would be adequate to ensure that there would be no loss of outlook.
37. The proposed dwellings have been designed in such a way as to be compatible with each other without creating any amenity impacts with adjacent plots. There would be an adequate degree of screening around the plots and sufficient private amenity space for future occupiers to carry out day-to-day domestic activities.
38. In light of the above, it is considered that the proposal would be acceptable in terms of amenity impacts and accords with Policy BNE1 in this regard.

Highway safety

39. Policy BNE1 of the Chorley Local Plan 2012-2026 states that developments must not cause severe residual cumulative highways impact or prejudice highway safety, pedestrian safety, the free flow of traffic.
40. Policy ST4 of the Chorley Local Plan 2012-2026 requires that proposals for development need to make parking provision in accordance with the standards set out in Appendix A of the Local Plan which sets out the Council's minimum parking standards for dwellinghouses (Use Class C3) in all other areas outside Chorley Town Centre as being two spaces for 2- or 3-bedroom dwellings and three spaces for 4+ bedroom dwellings.
41. Parking spaces are proposed to serve the development by way of driveway parking spaces and detached garages for plots 2, 3 and 4. LCC Highways do not raise any objections in relation to the car parking proposed. It is considered that the parking provision is acceptable and accords with the Council's parking standards set out at policy ST4 of the Chorley Local Plan 2012 - 2026.
42. Access to the proposed dwellings (apart from plot 8) would be via an existing access point from the existing 20mph estate road - Lea Road. LCC Highways have reviewed the scheme and advised that there are no reported collisions from the 5-year data supplied by Lancashire Constabulary on the estate road. They stated that they do not have any objections to the proposed development and are of the opinion that it would not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.
43. It is noted that there is also an existing vehicular access from Preston Road to Rotherham Top Farmhouse which runs between the petrol filling station and no. 67 Preston Road and representations have been received raising concerns that this would enable the development to be used as a means of gaining access to Preston Road as a 'rat run'. However, the access leads directly to Rotherham Top Farmhouse only which is not part of the application site and to gain entry to the access vehicles would have to pass through the private amenity space of Rotherham Top Farmhouse. It is accepted that currently there are no boundary treatments between the farmhouse and the application site to serve as a deterrent to this, however, the provision of appropriate boundary treatments can be conditioned.
44. Consequently, it is considered that subject to the implementation of various proposed highway improvements, the cumulative impact of the development on the road network would not be severe and is considered to accord with Chorley Local Plan policy BNE1 in respect of highway safety.

Impact on a designated heritage asset

45. The Planning (Listed Buildings and Conservation Areas) Act 1990 (The Act) sets out the primary duty that a Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Great weight and importance is attached to this duty.
46. The Framework at Chapter 16 deals with conserving and enhancing the historic environment. It sets out that in determining planning applications, LPAs should take account of:
 - The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - The desirability of new development making a positive contribution to local character and distinctiveness.
47. Paragraph 205 states that when considering the impact of proposals on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be applied. This is irrespective of

whether any harm is identified as being substantial, total loss or less than substantial harm to its significance.

48. Paragraph 206 states that any harm or loss of significance to a designated heritage asset (from alteration or destruction or from development within its setting) should require clear and convincing justification.
49. Paragraph 208 states that where a development will lead to less than substantial harm to the significance of the heritage asset, this harm should be weighed against the public benefits of the proposal.
50. The adopted Central Lancashire Core Strategy (2012) policy 16 (Heritage Assets) states: Protect and seek opportunities to enhance the historic environment, heritage assets and their settings by:
 - a) Safeguarding heritage assets from inappropriate development that would cause harm to their significances.
 - b) Supporting development or other initiatives where they protect and enhance the local character, setting, management and historic significance of heritage assets, with particular support for initiatives that will improve any assets that are recognised as being in poor condition, or at risk.
 - c) Identifying and adopting a local list of heritage assets for each Authority.
51. Chorley Local Plan 2012 - 2026 policy BNE8 (Protection and Enhancement of Heritage Assets) states that:
 - a) Applications affecting a Heritage Asset or its setting will be granted where it:
 - i. Is in accordance with the Framework and relevant Historic England guidance;
 - ii. Where appropriate, takes full account of the findings and recommendations in the Council's Conservation Area Appraisals and Management Proposals;
 - iii. Is accompanied by a satisfactory Heritage Statement (as defined by Chorley Council's advice on Heritage Statements) and;
 - b) Applications will be granted where they sustain, conserve and, where appropriate, enhance the significance, appearance, character and setting of the heritage asset itself and the surrounding historic environment and where they show consideration for the following:
 - i. The conservation of features and elements that contribute to the heritage asset's significance and character. This may include: chimneys, windows and doors, boundary treatments, original roof coverings, earthworks or buried remains, shop fronts or elements of shop fronts in conservation areas, as well as internal features such as fireplaces, plaster cornices, doors, architraves, panelling and any walls in listed buildings;
 - ii. The reinstatement of features and elements that contribute to the heritage asset's significance which have been lost or damaged;
 - iii. The conservation and, where appropriate, the enhancement of the setting of heritage assets;
 - iv. The removal of additions or modifications that are considered harmful to the significance of any heritage asset. This may include the removal of pebbledash, paint from brickwork, non-original style windows, doors, satellite dishes or other equipment;
 - v. The use of the Heritage Asset should be compatible with the conservation of its significance. Whilst the original use of a building is usually the most appropriate one it is recognised that continuance of this use is not always possible. Sensitive and creative adaptation to enable an alternative use can be achieved and innovative design solutions will be positively encouraged;
 - vi. Historical information discovered during the application process shall be submitted to the Lancashire Historic Environment Record.
52. The policy also states that development involving the demolition or removal of significant heritage assets, or parts thereof, will be granted only in exceptional circumstances that have been clearly and convincingly demonstrated to be in accordance with the requirements of the Framework.
53. The key considerations in respect of the impact of the proposal on the heritage asset are:

1. Whether the proposed development would harm the setting and the significance of the Grade II listed Rotherham Top Farmhouse.

Assessment

54. Paragraph 208 of the Framework states that where a development will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal. According to paragraph 020 (ref ID: 18a-020-20190723) of the Government's planning practice guidance, public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described at paragraph 8 of the Framework and benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.
55. In this case it is accepted that the public benefits to the proposal would be relatively limited, nevertheless, it is considered that there would be social and economic benefits through the provision of 6no. new dwellings, which is in accordance with the aims of the Framework. Paragraph 60 of the Framework states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed. It is also noted that there would be some additional economic gain through supporting construction jobs and supply chain.
56. Some weight does, therefore, have to be attached to these benefits and given that the significance of the listed building would remain largely unaffected, it is considered that the benefits would be sufficient to outweigh the identified less than substantial (low level) harm to the significance of the designated heritage asset.

Ecology

57. Policy BNE9 of the Chorley Local Plan 2012-2026 sets out how development should safeguard biodiversity. Any adverse impacts on biodiversity should be avoided, and if unavoidable should be reduced or appropriately mitigated and/or compensated.
58. Policy BNE11 of the Chorley Local Plan 2012-2026 states that planning permission will not be granted for development which would have an adverse effect on a priority species, unless the benefits of the development outweigh the need to maintain the population of the species in situ.
59. The application has been supported by the provision of a preliminary ecological appraisal (PEA) and a nocturnal bat survey by Collington Winter. The Council's ecological consultants at the Greater Manchester Ecology Unit (GMEU) reviewed the documents and did not raise any objections to the proposed development. They stated that the stone wall associated with one of the outbuildings on the site was judged to have low potential to support roosting bats, and as such one activity survey was undertaken and no bats or evidence of bats were found roosting on the site.
60. GMEU also stated that buildings have the potential to support nesting birds (Wildlife and Countryside Act, 1981 (as amended) and that the invasive Cotoneaster (Schedule 9, Wildlife and Countryside Act, 1981) was recorded on the site, and it is an offence to plant or cause this species to spread in the wild. Consequently, they advised that works should be timed to avoid the main bird nesting season (March - August inclusive) unless it can otherwise be demonstrated that no active bird nests are present and that any works to the buildings must follow the precautionary working methods for bats identified in 4.1.1 to 4.1.2 in the bat survey report and also the precautionary method of works for badger, hedgehog, amphibians and reptiles identified in the PEA report, should also be followed during the works. They also advised that no site clearance or vegetation removal should be undertaken until a method statement for the control and prevention of spread of invasive species has been submitted to the LPA for approval. This is to be secured by means of a planning condition.
61. It also noted that the planning application was received by the Council before the 2nd April 2024 which is the date on which the Government's new rules for biodiversity net gain (BNG)

came into force, and BNG requirements cannot, therefore, be applied to the proposed development.

62. Having regard to the above, and subject to relevant conditions, it is considered that the nature conservation interest would be sustained, and the proposal is considered to accord with Chorley Local Plan policies BNE9 and BNE11 in respect of ecology.

Impact on trees

63. It is proposed to remove eleven trees to facilitate the proposed development. While the trees to be removed do provide a moderate level of visual amenity and provide some screening from adjacent properties, they are not of exceptional arboricultural significance. Appropriate replanting should be undertaken, and this is to be secured by means of a planning condition. Furthermore, it is considered that tree protection measures submitted in the Arboricultural Method Statement are adequate and adherence to these is to be secured by a planning condition.

Flood risk and drainage

64. The application site is not located in an area that is at risk of flooding from pluvial or fluvial sources, according to Environment Agency mapping data. In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.
65. The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. As such the developer should consider the following drainage options in the following order of priority:
1. into the ground (infiltration);
 2. to a surface water body;
 3. to a surface water sewer, highway drain, or another drainage system;
 4. to a combined sewer.
66. It is, therefore, recommended that a condition be attached to any grant of planning permission requiring a surface water drainage scheme to be submitted that includes details of an investigation of the hierarchy of drainage options in the National Planning Practice Guidance.

Public open space

67. Policy HS4A and HS4B of the Chorley Local Plan 2012 – 2026 - Open Space Requirements in New Housing Developments explains that all new housing developments will be required to make provision for open space and recreation facilities, where there are identified local deficiencies in the quantity, accessibility, or quality and/or value of open space and recreation facilities. The requirements for the proposed development are as follows:
68. The Council does not require contributions from developments of fewer than 11 dwellings in respect amenity greenspace, parks and gardens, natural and semi-natural greenspace, allotments and playing pitches. No contributions are, therefore, required in this case for these standards.
69. With regards to provision for children and young people, there is currently a surplus of provision in Buckshaw and Whittle in relation to this standard and a contribution towards new provision in the ward is therefore not required from this development.
70. However, there are areas of provision for children/young people within the accessibility catchment that are identified as being low quality in the Open Space Assessment Report (February 2019) (sites: 1428.1 Orchard Drive Playground; 1430 Harvest Drive Play Area and 1431 The Ridings Play Area).
71. A contribution towards improvements to these sites is therefore required from this development. The amount required is £134 per dwelling.

72. The total financial contribution required from this development is as follows:

Amenity greenspace	= £0
Equipped Play Area	= £804
Parks/Gardens	= £0
Natural/semi-natural	= £0
Allotments	= £0
Playing Pitches	= £0
Total	= £804

73. The equipped play area provision could be secured by way of a s106 legal agreement. Subject to securing the above, the proposed development would accord with Chorley Local Plan policies HS4 A and B.

Community Infrastructure Levy

74. The Chorley CIL Infrastructure Charging Schedule provides a specific amount for development. The CIL Charging Schedule was adopted on 16 July 2013 and charging commenced on 1 September 2013. The proposed development would be a chargeable development and the charge is subject to indexation in accordance with the Council's Charging Schedule.

CONCLUSION

75. The proposed development is considered to be acceptable in principle and it would be compatible with the pattern and character of development in the area. There would be no unacceptable impact on the amenity of nearby residential occupiers, and it would not give rise to undue harm to ecology, trees, drainage, highway safety and the less than substantial harm to the significance of the identified heritage asset would be outweighed by the public benefits of the proposal. It is, therefore, recommended that planning permission be granted subject to conditions and a s106 agreement.

RELEVANT HISTORY OF THE SITE

Ref: 5/5/06292 **Decision:** WDN **Decision Date:** 5 January 1968
Description: Extension

Ref: 5/5/05397 **Decision:** WDN **Decision Date:** 10 November 1965
Description: Garage

Ref: 5/5/10231 **Decision:** WDN **Decision Date:** 20 December 1973
Description: Change of use from Chicken Hatchery to Meat packing plant

Ref: 82/00220/FUL **Decision:** PERFPP **Decision Date:** 13 July 1982
Description: Re-roofing and reinstating fire damaged store building

Ref: 89/00547/FUL **Decision:** PD **Decision Date:** 3 July 1989
Description: Erection of car port

Ref: 95/00023/FUL **Decision:** PERFPP **Decision Date:** 3 May 1995
Description: Erection of conservatory to rear,

Ref: 95/00024/LBC **Decision:** PERLBC **Decision Date:** 3 May 1995
Description: Listed Building Application for the erection of a conservatory to the rear,

Ref: 24/00099/TPO **Decision:** PERTRE **Decision Date:** 22 April 2024
Description: Application for works to protected trees - Chorley BC TPO 4 (Whittle-le-Woods) 2010: T5 Aspen - Crown lift 2no. limbs as per photograph; T6 Aspen - Crown lift as per photograph; T7 Aspen - Crown lift as per photograph; and install root deflectors

Ref: 24/00251/LBC **Decision:** PENDING **Decision Date:**

Description: Application for listed building consent for the erection of 2no. single storey extensions to existing dwellinghouse (following removal of conservatory) and subdivision to form 2no. separate dwellinghouses

Ref: 24/00250/FUL **Decision:** PENDING **Decision Date:**

Description: Erection of 2no. single storey extensions to existing dwellinghouse (following removal of conservatory) and subdivision to form 2no. separate dwellinghouses

RELEVANT POLICIES: In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposal has had regard to guidance contained within the National Planning Policy Framework (the Framework) and the development plan. The specific policies/guidance considerations are contained within the body of the report.

Suggested conditions

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

Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The external facing materials, detailed on the approved plans, shall be used and no others substituted unless alternatives are first submitted to and agreed in writing by the Local Planning Authority, when the development shall then be carried out in accordance with the alternatives approved.

Reason: To ensure that the materials used are visually appropriate to the locality.

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

Title	Plan Ref	Received On
Location Plan	23/076/L02	27 March 2024
Proposed Elevations and Floorplans Plot 1	Proposed House Type 3H1269 (Plot 1)	10 April 2024
Proposed Elevations and Floorplans Plot 2	Proposed House Type 3H1269 (Plot 2)	27 March 2024
Proposed Plans - Plot 8	PR-RE-010-PR-100 (8)	15 August 2024
Proposed Elevations - Plot 8	PR-RE-010-PR-200 (8)	15 August 2024
Proposed Elevations and Floorplans Plot 5	Proposed House Type 4H1633 (Plot 5)	27 March 2024
Detail 01 - Boundary Wall Plot 3/4	XX-YY-000-ZZ-400	5 June 2024
Detached Single Garage - Proposed Floorplans and Elevations	23/076/G01	27 March 2024
Detached Single Oak Canopy - Proposed Floorplans and Elevations	23/076/G02	27 March 2024
Proposed Plans - Plots 3 and 4	PR-RE-010-100 (3)	27 August 2024
Proposed Elevations - Plots 3 and 4	PR-RE-010-200 (3)	27 August 2024

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

4. The car parking areas and manoeuvring areas of the development shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least sub base before any development takes place within the site.

Reason: To ensure that provision is made for the storage of materials and contracting staff.

5. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority.

Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site and to enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users.

6. Prior to the commencement of development a Traffic Management Plan (TMP) shall be submitted to and approved in writing by the Local Planning Authority (in conjunction with the highway authority). The TMP shall include and specify the provisions to be made for the following:-

- o The parking of vehicles of site operatives and visitors;
- o Loading and unloading of plant and materials used in the construction of the development;
- o Storage of such plant and materials;
- o Wheel washing facilities;
- o Periods when plant and materials trips should not be made to and from the site (mainly peak hours but the developer to identify times when trips of this nature should not be made)
- o Routes to be used by vehicles carrying plant and materials to and from the site;
- o Measures to ensure that construction and delivery vehicles do not impede access to adjoining properties.

Reason: to protect existing road users and to maintain the operation and safety of the local highway network and to minimise the impact of the construction works on the local highway network.

7. No building works and tree works together with any vegetation clearance shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the local planning authority.

Reason: Wild birds and their eggs are protected under Part 1 of the Wildlife and Countryside Act 1981, which makes it illegal to kill or injure a bird and destroy its eggs or its nest whilst it is in use of being built.

8. Work should be undertaken in line with working practices outlined in sections 4.1.1 to 4.1.2 inclusive of the 'Nocturnal Bat Survey Report September 2023' carried out by Collington Winter Environmental, received on 27th March 2024. If at any time any protected species are suspected of being present on the site, work should cease immediately, and an ecologist contacted.

Reason: To safeguard protected species

9. The precautionary method of works for badgers, hedgehogs, amphibians and reptiles should be undertaken in line with working practices outlined in the 'Preliminary Ecological Appraisal Report' by Collington Winter Environmental, received on 27th March 2024. If at any time any protected species are suspected of being present on the site, work should cease immediately, and an ecologist contacted.

Reason: To safeguard protected species

10. Prior to any earthworks or demolition a management strategy and bio-security plan for cotoneaster shall be submitted to and agreed in writing by the local planning authority. The agreed strategy and plan shall thereafter be adhered to and implemented in full.

Reason: Due to the presence of species, listed under schedule 9 part 2 of the Wildlife & Countryside Act 1981 (as amended).

11. Prior to the first occupation of the dwellings hereby approved bird and bat box provision shall have been created detail of which shall be submitted to and approved in writing by the local planning authority.

Reason: To mitigate habitat loss and offset biodiversity losses.

12. Foul and surface water shall be drained on separate systems. Surface water shall be drained in accordance with the hierarchy of drainage options in national planning practice guidance. In the event of surface water discharging to public sewer, the rate of discharge shall be restricted to the lowest possible rate which shall be agreed with the statutory undertaker prior to connection to the public sewer.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

13. Prior to any works taking place above DPC level, the following details shall be submitted to and approved in writing by the Local Planning Authority:

- a) Details of the colour, form and texture of all external facing materials to the proposed dwellings
- b) Details of the colour, form and texture of all hard ground- surfacing materials.
- c) Location, design and materials of all fences, walls and other boundary treatments.
- d) The finished floor level of the proposed dwelling and any detached garages

The development thereafter shall be completed in accordance with the approved details. Prior to the first occupation of the dwelling hereby permitted all fences and walls shown in the approved details to bound its plot shall have been erected in conformity with the approved details.

Reason: In the interests of the visual amenities and character of the area and to provide reasonable standards of privacy to residents.

14. During the construction period, all trees to be retained shall be protected in line with the measures in the 'Arboricultural Impact Assessment and Arboricultural Method Statement' carried out by GM Tree Consultants, received on 27th March 2021.

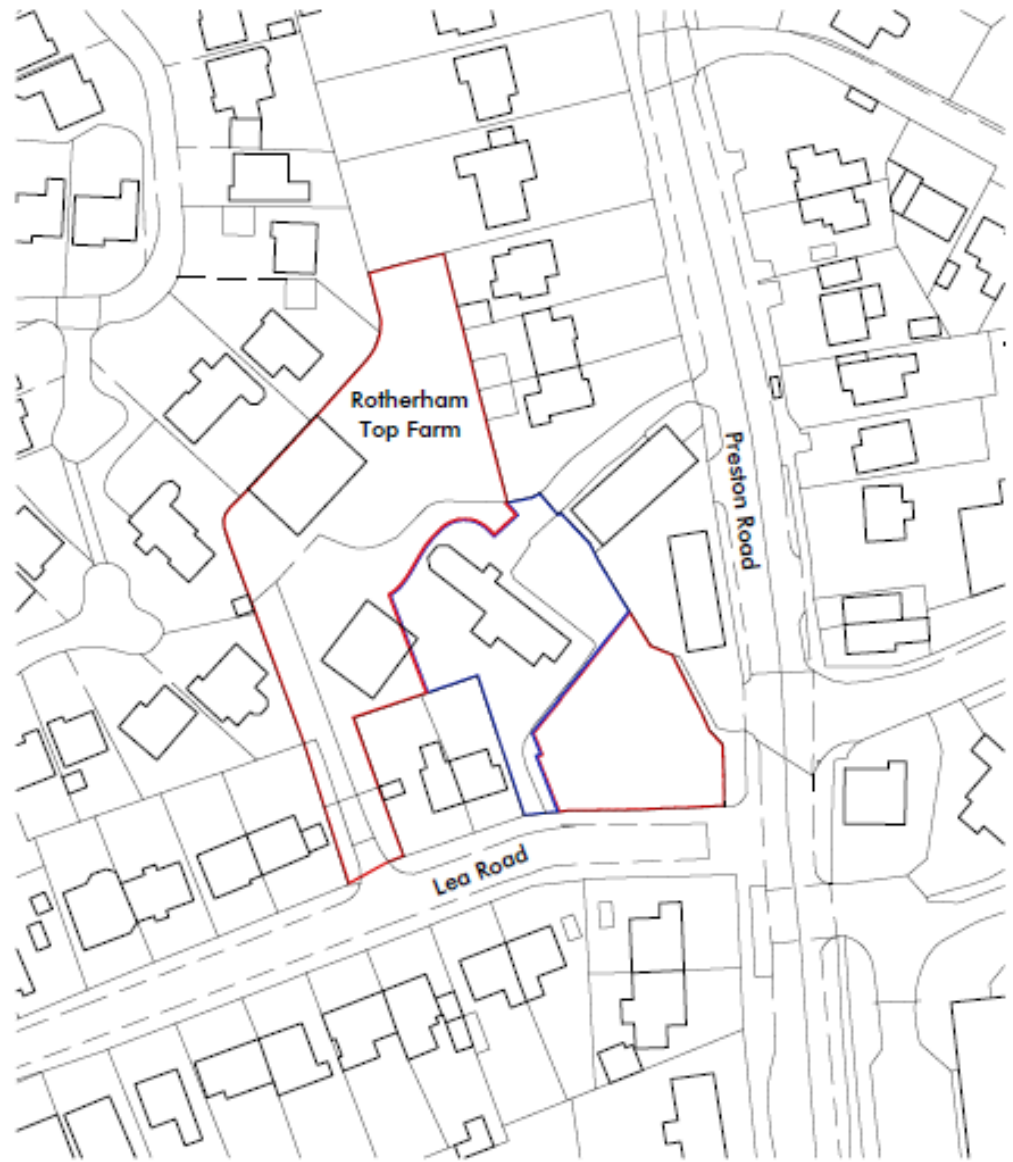
Reason: To safeguard the trees to be retained.

15. Before any tree felling is carried out full details of 11no. replacement trees shall have been submitted to and approved in writing by the Local Planning Authority. The replacement tree planting shall be carried out in accordance with the approved details within the first planting season (October to March inclusive) following completion of development

Reason: To safeguard the visual amenity of the area.

16. The window to the en-suite bathroom in the first floor of the rear elevation of Plot 2 (shown on plan ref: 3H1269 (Plot 2), Received on 27 March 2024) shall be fitted with obscure glass and obscure glazing shall be retained at all times thereafter. The obscure glazing shall be to at least Level 3 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing by the local planning authority.

Reason: In the interests of the privacy of occupiers of neighbouring property.



LOCATION PLAN 1:1250

0m 125m

Scale 1:1250

Revision Notes:

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APPLICATION REPORT – 24/00530/FUL

Validation Date: 8 July 2024

Ward: Chorley North East

Type of Application: Full Planning

Proposal: Section 73 application to vary condition 3 (rear elevation door) and remove condition 5 (use of rear yard) of planning permission ref: 08/00275/FUL (Variation of condition 4 of planning permission 06/01017/FUL to vary the opening hours to 10:00 - 16:00 Monday to Friday, 10:00 - 23:00 Saturday, and 10:00 - 16:00 Sunday) to allow the rear yard to be used as a customer seating area in conjunction with the cafe

Location: The Cottage Tea Room 25A School Lane Brinscall Chorley PR6 8QS

Case Officer: Chris Smith

Applicant: Mr Robin Bamford

Agent: N/A

Consultation expiry: 29 July 2024

Decision due by: 13 September 2024 (Extension of time agreed)

RECOMMENDATION

1. It is recommended that the application is refused for the following reason:

The use of the rear yard as a customer seating area would lead to an unacceptable increase in noise and disturbance and it is not considered that satisfactory mitigation measures could be put in place to reduce any detrimental impact on neighbouring residents and, therefore, the proposal to vary and remove conditions preventing the use of the yard as a customer seating area would be unacceptable. This would be contrary to policy BNE1(g) of the Chorley Local Plan 2012 - 2026.

SITE DESCRIPTION

2. The application site is located within the Brinscall Local Centre as defined by the Chorley Local Plan 2012-206 in the settlement area of Brinscall on the southern side of School Lane. The site is a single storey building located at the eastern end of a row of terraced dwellinghouses and adjacent to two modern detached dwellings. The building is currently in use as a café. It has a stone frontage and the main entrance for customers is from School Lane. Whilst the most immediate locality on either side of the site is residential, a variety of small commercial businesses are located further along School Lane to the west of the site including a butchers, post office and a public house.

DESCRIPTION OF PROPOSED DEVELOPMENT

3. The application is a Section 73 application that seeks planning permission to vary the wording of condition 3 (the rear door) and to remove condition 5 (use of the rear yard) which are attached to planning application ref: 08/00275/FUL.

4. The conditions read as follows:

3. The door hereby approved in the rear elevation shall be kept closed at all times during the permitted opening hours, other than for the access/egress of persons.

- Reason: In the interests of the amenities of occupiers of neighbouring properties and in accordance with Policy No. EP20 of the Adopted Chorley Borough Local Plan Review.*

5. The rear yard area shall not be used by customers or guests for uses incidental to the occupation of the café as an A3 use.

- Reason: To safeguard the amenities of local residents and in accordance with Policy No. EP20 of the Adopted Chorley Borough Local Plan Review.*

5. The variation and removal of conditions 3 and 5 respectively would enable the yard located at the rear of the building to be utilised as an outside customer seating area in conjunction with the café. A proposed site plan has been submitted with the application showing that the yard would be able to accommodate three seating benches.
6. It should be noted that the application does not seek any variation to the opening hours of the café.

BACKGROUND INFORMATION

7. The application site has a relatively complex and detailed planning history summarised as follows. The café/tearoom received planning permission under planning permission ref: 06/01017/FUL in November 2006. This was subject to a number of conditions including restrictions on the door in the rear elevation being kept closed during operating hours as well as operating hours being restricted to between 10:00 and 16:00 on Saturdays and Sundays only and no outdoor seating to be created in the area to the rear of the building. The reason for these restrictions was to safeguard the amenity of neighbouring residential occupiers.
8. A further application was submitted in 2008 (app ref: 08/00275/FUL) seeking to vary condition 4 of planning permission 06/01017/FUL to extend the opening hours to 10:00 to 16:00 Monday to Friday, 10:00 to 23:00 Saturday, and 10:00 to 16:00 on Sundays. Although planning permission was granted, this was on the condition that opening hours were restricted to between 10:00 to 16:00 Monday to Friday, 10:00 to 18:00 on Saturday and 10:00 to 16:00 on Sunday. Conditions requiring that the door in the rear elevation should be kept closed during operating hours and preventing the rear yard area from being used by customers, were retained.
9. An appeal (appeal ref: APP/D2320/A/98/2088793) was then submitted against the imposition of the conditions relating to conditions 3 and 5 attached to planning application ref: 08/00275/FUL. However, the appeal was dismissed, and the conditions attached the planning permission ref: 08/00275/FUL were retained with the inspector agreeing with the Council's concerns about residential amenity impacts. The inspector considered that the controls were necessary to protect residential amenity.
10. It is the Council's understanding that the business is currently operating under the terms of planning permission ref: 08/00275/FUL. A more recent planning application was submitted to the Council in 2014 (app ref: 14/00741/FUL) which sought planning permission for a single storey extension to the rear of the building and an extension of the opening hours. This application was refused by the Council's Development Control Committee due to the impact of the extension on the amenity of neighbouring occupiers, harm to highway safety and harm to residential amenity through noise and disturbance associated with longer hours.

REPRESENTATIONS

11. A representation has been provided by Rt Hon Sir Lindsay Hoyle MP in support of the application.

12. Twenty-six representations have been received making the following comments in support of the application –

- As the direct neighbour to the Tea Room I confirm that I have no objections to the proposed outdoor seating application and I am happy to support the application.
- The Brinscall tearooms is a lovely café within the community.
- It is popular with walkers and cyclists who visit the area to appreciate its beauty.
- The proposal would be an asset to the café and would be very popular with the clientele.
- As a Brinscall resident, I would welcome the addition.
- The café has been a great benefit to the village and the placing of a few tables and chairs outside can only enhance its importance to the local community.
- A terrific business and deserves to do well.
- An outside seating area would be an asset to the premises and would not impact on neighbours at all.
- The tea rooms is a lovely café but gets extremely busy and an outside seating area will enhance its offering.
- Use of the rear yard for a few extra tables will help the business to accommodate a few additional customers and would not impact any of the surrounding properties.
- More seating would be welcome for when the tearoom is busy.
- The tearoom is an important community resource.

13. Three representations have been received citing the following grounds of objection to the application –

- Noise and disturbance.
- Parking.

CONSULTATIONS

14. Chorley Council's Environmental Health Officer – Have stated that the conditions which the application seeks to vary are reasonable and necessary in the interest of protecting the living conditions of neighbouring occupiers.

15. Lancashire County Council Highway Services – No comments have been received.

16. Withnell Parish Council – No comments have been received.

PLANNING CONSIDERATIONS

Procedural matters

17. Planning Practice Guidance recognises that new issues may arise after planning permission has been granted, which require modification of the approved proposals. Where these modifications are fundamental or substantial, a new planning application under section 70 of the Town and Country Planning Act 1990 will need to be submitted. However, where less substantial changes are proposed, one of the options is to make an amendment under s73 of the Town and Country Planning Act 1990 where there is a relevant condition that can be varied.

18. Permission granted under section 73 takes effect as a new, independent permission to carry out the same development as previously permitted subject to new or amended conditions. The new permission sits alongside the original permission, which remains intact and unamended. It is open to the applicant to decide whether to implement the new permission or the one originally granted.

19. A decision notice describing the new permission should clearly express that it is made under section 73. It should set out all the conditions imposed on the new permission, and, for the purpose of clarity restate the conditions imposed on earlier permissions that continue to have effect.

AssessmentImpact on the amenity of neighbouring occupiers

20. Policy BNE1 of the Chorley Local Plan 2012 – 2026 states that planning permission will be granted for new development, including extensions, conversions and free-standing structures, provided that:
- g) the proposal would not cause an unacceptable degree of noise disturbance to surrounding land uses.
21. Condition 3 requires that the rear door of the building, which gives access to an open rear yard, is kept closed other than when someone is passing through it. The café is small, having 6 tables and seating for just 16 people. However, there would be the potential for noise to be created inside through the movement and conversation of customers and staff, and from the handling of crockery and furniture. No statistical data or noise assessment has been submitted with the application, however, subjectively it is expected that if the door were to be open such noise would be audible outside, including at the neighbouring properties. It is considered that the amount of noise, and the period of the day over which it could be generated, would be substantially greater than if the premises were in normal domestic use, or indeed in the previous use as a hairdressers, when no rear door existed. It is considered that if condition 3 was to be varied to allow the door to remain open, noise breakout from the building would increase substantially and to the extent that it would have a detrimental and unacceptable adverse impact upon the existing levels of amenity currently enjoyed by neighbouring residents.
22. At the back of the café there is a small area that has been laid out with paving stepping up to the rear, together with some planting. It is proposed to use this area as a customer seating area. However, for the same reasons as outlined above in respect to the variation of condition 3, it is considered that if this area was to be used by customers in conjunction with the café, it would have the potential to affect the living conditions of neighbours as a result of noise and disturbance which would be created as a result of conversation, laughter and the movements of customers in the yard. The plan submitted with the application indicates that the yard would be able to accommodate three seating benches each capable of seating 6 customers. It is considered that the use of the yard for the seating of up to 18 customers, would exceed the level and intensity of use that would be expected in a normal residential garden.
23. On a visit of the application site, it was observed that the side elevation of the neighbouring property to the west of the site at no. 27 School Lane has a ground floor window. There is no planning history to indicate when this was installed. However, it was in-situ at the time of planning application 08/00275/FUL and, therefore, it is lawful, and it will remain in place meaning that its existence is a material consideration in this case. Timber panel fencing has been erected in front of the window. While the fence affords a degree of privacy for the occupiers of the neighbouring property, it is not considered that it can adequately mitigate any of the impacts identified above relating to noise and disturbance.
24. It is noted that the view outlined above in respect of both conditions, was taken by the Council in the determination of planning application refs: 06/01017/FUL and 08/00275/FUL and also that an appeal to remove the conditions was dismissed (appeal ref: APP/D2320/A/98/2088793). The inspector for the appeal concluded that it was both reasonable and necessary for the Council to impose the conditions in order to protect the living conditions of the neighbours. It is acknowledged that representations in support of the proposed development have been received including from one of the neighbouring properties at no. 27 School Lane. However, given that the circumstances and layout of the application site have not been altered since the time of the appeal, and no new measures have been proposed to mitigate the impacts as a result of noise and disturbance, it is not considered that it is possible to deviate from the view previously held by the Council and the Planning Inspector, which represent key material planning considerations in the determination of this application.

25. Consequently, it is considered that the variation and removal of the conditions as proposed, in order to facilitate the use of the rear yard as a customer seating area, would have a detrimental and unacceptable adverse impact on neighbouring amenity as a result of the additional noise and disturbance which would inevitably occur.

Parking and highway safety

26. 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:
- d) the residual cumulative highways impact of the development is not severe and it would not prejudice highway safety, pedestrian safety, the free flow of traffic, and would not reduce the number of on-site parking spaces to below the standards stated in Site Allocations Policy – Parking Standards, unless there are other material considerations which justify the reduction.
27. Policy ST4 of the Chorley Local Plan 2012-2026 requires that proposals for development need to make parking provision in accordance with the standards set out in Appendix A of the Local Plan. Appendix A identifies the Council's minimum parking standards for restaurants and cafes in all other areas outside Chorley Town Centre as being 1 space per 5sqm of public floorspace. This policy does provide some flexibility in the parking standards and locations that are considered to be more sustainable and well served by public transport may be considered appropriate for lower levels of provision.
28. The site does not contain any parking provision, and the application does not propose any. At present the floor space of the business amounts to approximately 33 square metres. The use of the rear yard as a customer seating area, could potentially attract some new customers and generate an additional demand for parking. However, the application site enjoys a rural village setting, and apart from leisure visitors to the area, the cafe is likely to attract new customers from the locality who will likely walk to the premises. For this reason, it is envisaged that the proposed use would not result in any significant change to existing parking patterns in the immediate locality.
29. Overall, it is not considered that the proposed development would prejudice highway or pedestrian safety or have any adverse impact on highway safety or capacity.

CONCLUSION

30. The use of the rear yard as a customer seating area would lead to an unacceptable increase in noise and disturbance and it is not considered that satisfactory mitigation measures could be put in place to reduce any detrimental impact. This would be contrary to policy BNE1(g) of the Chorley Local Plan 2012 - 2026.

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.

RELEVANT HISTORY OF THE SITE

Ref: 04/01165/FUL **Decision:** PERFPP **Decision Date:** 8 December 2004
Description: Alterations to shop front

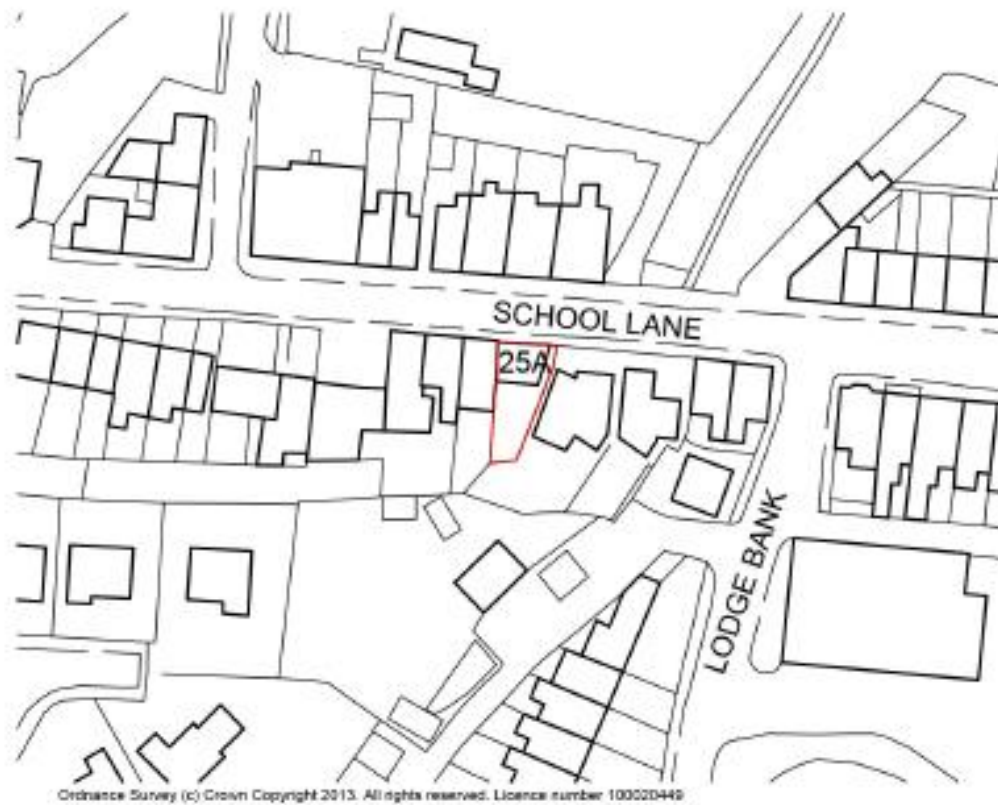
Ref: 05/01166/FUL **Decision:** REFFPP **Decision Date:** 13 February 2006
Description: Two storey rear extension and 1st floor added

Ref: 06/01017/FUL **Decision:** PERFPP **Decision Date:** 9 November 2006
Description: Alterations to existing hairdressers to form new cafeteria

Ref: 08/00275/FUL **Decision:** PERFPP **Decision Date:** 30 April 2008
Description: Variation of condition 4 of planning permission 06/01017/FUL to vary the opening hours to 10:00 - 16:00 Monday to Friday, 10:00 - 23:00 Saturday, and 10:00 - 16:00 Sunday

Ref: 11/00975/FUL **Decision:** PERFPP **Decision Date:** 23 December 2011
Description: Installation of 10.no photovoltaic (PV) panels on the south facing roofpitch

Ref: 14/00741/FUL **Decision:** REFFPP **Decision Date:** 17 December 2014
Description: Single storey extension to rear of existing cafe and extension of opening hours to : Monday, Tuesday, Wednesday, Friday & Sunday: 10.00 - 17:00 and Thursday & Saturday: 10:00 - 2200



LOCATION PLAN 1:1250

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APPLICATION REPORT – 23/00855/FUL

Validation Date: 12 October 2023

Ward: Chorley South East And Heath Charnock

Type of Application: Full Planning

Proposal: Use of land for Fanzone comprising bar kiosk, timber fencing and tables with seating

Location: Chorley FC Victory Park Duke Street Chorley PR7 3DU

Case Officer: Mr Iain Crossland

Applicant: Director Prince Yemoh Chorley Sporting Club

Agent: Mr Tom Clarke Chorley FC

Consultation expiry: 30 July 2024

Decision due by: 12 September 2024 (Extension of time agreed)

RECOMMENDATION

1. It is recommended that planning permission is granted subject to conditions.

SITE DESCRIPTION

2. The application site is located within the core settlement area of Chorley and is within an inner urban area of the town. It comprises the Victory Park football ground, which is home to Chorley Football Club, and is designated as existing sport and recreational facilities under policy HW2 of the Chorley Local Plan 2012-2026. The proposed development itself is located in an area to the north east corner of the ground adjacent to the clubhouse building, and the boundaries of residential properties located on Ashby Street. It is only accessible through the football ground itself and is enclosed within its boundaries.

DESCRIPTION OF PROPOSED DEVELOPMENT

3. This application seeks planning permission retrospectively for the use of land for a Fanzone comprising a bar kiosk, timber fencing and tables with seating. The development consists of an outdoor seating area of tables and chairs covering a space measuring approximately 22m by 17m. Customers are served from a kiosk located to the north east side of the seating area consisting of a cabin measuring approximately 6m by 2.5m with a flat roof of approximately 2.7m in height. There is a timber fence either side of the kiosk that encloses the seating area on three sides, with the north west side enclosed by the clubhouse. The fence is between approximately 2.3m and 2.6m high adjacent to the boundaries with the residential properties on Ashby Street and along the south east boundary of the fanzone before dropping down to a height of approximately 1m for a distance of approximately 8.6m and along the boundary adjacent to the football pitch.

REPRESENTATIONS

4. Letters have been received from the occupiers of 5 no. addresses citing the following grounds of objection:
 - Impact on the amenity of residential occupiers through noise and loss of privacy.

- Unightly development and general untidiness.
- Inaccurate details submitted with the application.
- Permission not sought before works carried out.
- Lack of drainage detail.
- Lack of maintenance of land to rear of the fence and fanzone.

CONSULTATIONS

5. Regulatory Services - Environmental Health: No comments have been received.

PLANNING CONSIDERATIONS

6. The application site comprises the Victory Park Football Ground, which is within the core settlement area of Chorley. The National Planning Policy Framework (The Framework) sets out the three dimensions of sustainable development having an economic, social and environmental role. Paragraph 11 further identifies the presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with an up-to-date development plan without delay.
7. The application site is located within Chorley town, which is identified as a key service centre and the focus of growth and investments under Central Lancashire Core Strategy policy 1(b).
8. Policy 25 of the Central Lancashire Core Strategy encourages and seeks to support the provision of new community facilities. The football club falls to be considered a community facility.
9. The application site is located also designated as existing sport and recreational facilities under policy HW2 of the Chorley Local Plan 2012 - 2026. Policy HW2 applies to all sites currently or last used as open space, sport or recreational facilities regardless of whether they are allocated as open space or not and must be applied in this instance.
10. Policy HW2 of the Local Plan seeks to protect land currently or last used as open space unless alternative provision is made or subject to satisfying certain criteria. In this instance the proposal seeks to use a part of the site that was previously used for storage and parking with an alternative use associated with the football club. The proposal would not affect the playing area in any way, and is supporting infrastructure that would be of wider benefit to the ongoing operations of the football club and the sport and recreational facilities that it provides. The part of the site on which the development is proposed previously served no specific purpose and the change to the proposed use would be of greater benefit to the football club. As such the proposed development is not contrary to the overarching aims of policy HW2.
11. Policy HW6 of the Chorley Local Plan 2012 – 2026 seeks to protect community uses. In this instance the proposed development would support the ongoing operations of Chorley FC, which falls within the scope of policy HW6 and which this policy seeks to promote. The development complements the activities of the football club, supporting its viability and would not impact on the operation of the football club facility.
12. On the basis of the above the proposed development is considered to be acceptable in principle.

Impact on character and appearance of the locality

13. Policy BNE1 of the Chorley Local Plan 2012 – 2026 states that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that the proposal does not have a significantly detrimental impact on the surrounding area by virtue of its density, siting, layout, building to plot ratio, height, scale and massing, design, orientation and use of materials.

14. The application site is surrounded by development on all sides, other than to the south west, where there is a public park beyond. The development is within the north east corner of the ground and is well concealed from public views. As such it has no impact on the wider character of the area. The design of the fanzone is relatively functional, however, the use of timber fencing and timber cladding provides a slightly rustic aesthetic. The scale of the kiosk building and fencing is modest in the context of other structures within the football ground, which includes spectator stands, floodlights and other buildings. Overall the development is not considered harmful to the appearance of the site, or the character of the locality and does not, therefore, conflict with policy BNE1 of the Chorley Local Plan 2012 - 2026.

Impact on neighbour amenity

15. Policy BNE1 of the Chorley Local Plan 2012 - 2026 states that new development must not cause an unacceptable degree of noise disturbance to surrounding land uses and that the development should not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or by creating an overbearing impact.
16. The proposed development consists of an outdoor seating area comprising tables and chairs covering a space measuring approximately 22m by 17m. Customers are served from a kiosk located to the north east side of the seating area consisting of a cabin measuring approximately 6m by 2.5m with a flat roof measuring approximately 2.7m in height. There is a timber fence either side of the kiosk that encloses the seating area on three sides, with the north west side enclosed by the clubhouse. The fence and kiosk are positioned approximately 1.6m from the rear garden boundaries to residential properties on Ashby Street. The fence is between approximately 2.3m and 2.6m high adjacent to the boundaries with the residential properties and along the southeast boundary of the fanzone before dropping down to a height of approximately 1m for a distance of approximately 8.6m and along the boundary adjacent to the football pitch.
17. The fence and kiosk are positioned nearest to the properties at 30 to 38 Ashby Street, which have rear gardens of approximately 10m in length. Several of these properties have outbuildings between the dwellings and the rear garden boundaries, which obscures visibility of the development to some degree. It is, however, noted that the fence and kiosk are visible from these dwellings. The structures themselves are up to 2.7m in height, which is relatively modest and similar in height to most domestic outbuildings. Given the 1.6m separation from the garden boundaries and modest height it is not considered that they would result in any undue loss of light to the dwellings and gardens at numbers 30 to 38 Ashby Street.
18. Although the structures are functional in their appearance, they are not considered to be unacceptably harmful to the outlook from these dwellings in the context of the site, which is a well established football ground that comprises a range of buildings and structures of functional appearance.
19. The development effectively screens the fanzone seating area and wider football ground from the dwellings at 30 to 38 Ashby Street through the introduction of the fencing and kiosk into an area that was previously more open. This has resulted in an improved level of privacy to residents, although it is noted that activity has been brought closer to those properties through attracting supporters / customers into this part of the site, where previously it was used for storage and parking. This has the potential to generate disturbance through noise if not managed effectively. It must be considered that the football ground attracts large numbers of supporters on match days, who are able to move around the ground and are able to consume food and drinks, which was the case prior to the development of the fanzone.
20. As set out above the football ground is well established and therefore activity generated by supporters has been ongoing for a significant period of time. The introduction of the fanzone would intensify activity on this part of the site, but not to the extent that it would lead to excessive disturbance over and above what may already occur on a match day. As such it is not considered that the development would lead to an unacceptable degree of noise disturbance to surrounding land uses so long as it's use is confined to match days only. As such it is recommended that a condition is attached to any grant of planning permission

restricting the use of the fanzone to match days in order to prevent a significantly greater impact on the amenity of residential occupiers than already occurs.

21. On the basis of the above the development is, therefore, considered to comply with policy BNE1 of the Chorley Local Plan 2012 – 2026 in respect of the impact on residential neighbour amenity.

Highway safety and parking provision

22. Policy BNE1 of the Chorley Local Plan 2012-2026 states that developments must not cause severe residual cumulative highways impact or prejudice highway safety, pedestrian safety, the free flow of traffic, or reduce the number of on-site parking spaces.

23. No parking provision is specifically proposed as part of the application. Although it is noted that parking in and around the football ground is difficult on match days, the proposed development would support the match day experience rather than resulting in any increase in capacity, and would not reduce parking availability on match days. It is not therefore considered that the proposed development would result in any severe cumulative impact on highway safety.

Flood risk and drainage

24. The site of the development is not located in an area that is at risk of flooding from fluvial sources, according to Environment Agency mapping data, whilst only a part of the site falls within an area that is less susceptible to surface water flooding. It is noted that the site of the proposed development was previously hard surfaced and that this has not altered, therefore the surface water drainage characteristics of the site will not have altered in any material way. On this basis no drainage details are necessary in this instance.

Other matters

25. Inaccurate details submitted with the application: Initial plans were found to be inaccurate and have been superseded by revised accurate plans.

26. Permission not sought before works carried out: The application is retrospective and was invited as works were carried out without planning permission.

27. Lack of maintenance of land to rear of the fence and fanzone and general untidiness: The way in which the land is managed and maintained is not a planning matter that can be addressed in the assessment of this application.

CONCLUSION

28. The proposed development is acceptable in principle and would not have an unacceptable adverse impact on the character and appearance of the surrounding area. There would be no unacceptable harm to the amenity of neighbouring residents given the scale of development and subject to conditions limiting use. There would be no adverse impact on highway safety. It is, therefore, considered that the development accords with policies HW2 and BNE1 of the Chorley Local Plan 2012 – 2026. Consequently, it is recommended that the application is approved.

RELEVANT HISTORY OF THE SITE

Ref: 19/00875/FUL **Decision:** PERFPP **Decision Date:** 13 November 2019
Description: Installation of 4no. lighting masts at 20m high

Ref: 18/00094/FUL **Decision:** PERFPP **Decision Date:** 31 May 2018
Description: Use of land for siting of up to 2no. shipping containers to provide community workspace units

Ref: 17/00998/FUL **Decision:** PERFPP **Decision Date:** 6 December 2017
Description: Erection of covered seated spectator stand on the Ashby Street grass bank at Chorley FC.

Ref: 92/00652/FUL **Decision:** PERFPP **Decision Date:** 20 October 1992
Description: Erection of toilet block/kiosk

Ref: 91/00838/FUL **Decision:** PERFPP **Decision Date:** 20 January 1992
Description: New toilet accommodation and resiting of portacabin

Ref: 92/00325/FUL **Decision:** PERFPP **Decision Date:** 9 July 1992
Description: RE-siting of toilet accommodation

Ref: 88/00884/FUL **Decision:** PERFPP **Decision Date:** 10 January 1989
Description: Erection of sales office for Chorley Borough Rugby League Club

Ref: 88/00504/FUL **Decision:** PERFPP **Decision Date:** 2 August 1988
Description: Erection of promotions office for Chorley borough rugby league club and provision of car park

Ref: 88/00169/FUL **Decision:** PERFPP **Decision Date:** 15 March 1988
Description: Erection of Turnstiles emergency exit gates and construction of hardstanding and footpath

Ref: 83/00156/FUL **Decision:** SPLIT **Decision Date:** 12 April 1983
Description: Laying of cinder track on north side of pitch for youth training and Sunday market and use of east stand and social club forecourt for Sunday market

Ref: 76/00837/FUL **Decision:** PERFPP **Decision Date:** 16 November 1976
Description: Extensions to Social Club

Ref: 5/1/02102 **Decision:** PERFPP **Decision Date:** 5 August 1966
Description: Erection of refreshment bar to replace existing refreshment bar

Ref: 5/1/01494 **Decision:** PERFPP **Decision Date:** 4 October 1960
Description: Extensions to social club and rebuilding of turnstiles.

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.

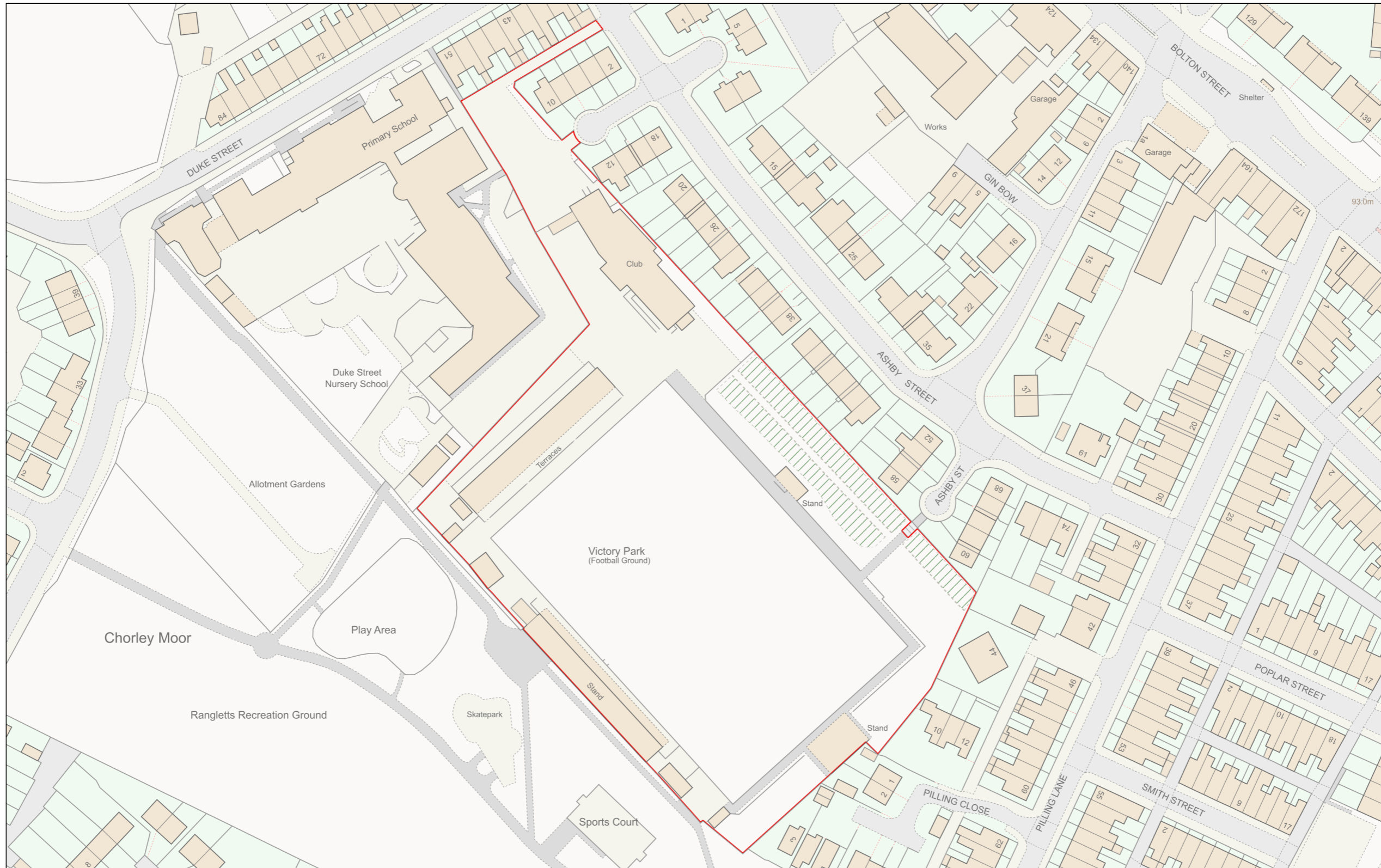
Suggested conditions

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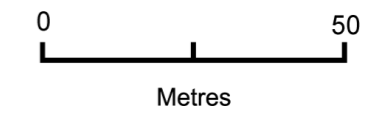


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Agenda Item 3d



Planning Portal Reference: PP-12360429v1



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Report of	Meeting	Date
Head of Planning & Enforcement	Planning Committee	10 September 2024

PLANNING APPEALS AND DECISIONS RECEIVED BETWEEN 13 MAY 2024 AND 31 AUGUST 2024

PLANNING APPEALS LODGED AND VALIDATED

Local Planning Authority Reference: 24/00026/P3PAO - Inspectorate Reference: APP/D2320/W/24/3344838

Appeal by Mr Chris Rigby against the delegated decision to refuse a prior approval application submitted under Schedule 2, Part 3, Class Q (a and b) of The Town and Country Planning (General Permitted Development) (England) Order 2015 for the proposed change of use of an agricultural building to 1no. dwellinghouse and associated building operations.

Over Hall Farm, Flag Lane, Bretherton, Leyland, PR26 9AD.

Inspectorate letter confirming appeal valid received 29 May 2024.

Local Planning Authority Reference: 22/01238/FUL - Inspectorate Reference: APP/D2320/W/24/3349533

Appeal by Mr Andrew Pearson against the delegated decision to refuse planning permission for the erection of 1no. detached dwelling, creation of new vehicular access and erection of gates (following the demolition of existing dwelling and an outbuilding).

Dryfield Cottage, Dryfield Lane, Rivington, Bolton, BL6 7RT.

Inspectorate letter confirming appeal valid received 8 August 2024.

Local Planning Authority Reference: 24/00055/FULHH - Inspectorate Reference: APP/D2320/D/24/3347498

Appeal by Mr Mark Gregory against the delegated decision to refuse planning permission for a side dormer, conversion of attached garage to habitable accommodation including replacement of garage door with full height windows, provision of a roof terrace above garage, and erection of privacy screens (part-retrospective).

Pear Tree Cottage, 608 Preston Road, Clayton-Le-Woods, Chorley, PR6 7EH.

Inspectorate letter confirming appeal valid received 21 August 2024.

Local Planning Authority Reference: 24/00360/ADV- Inspectorate Reference: APP/D2320/Z/24/3350508

Appeal by Wildstone Estates Limited against the delegated decision to refuse advertisement consent for the display of 1no. internally illuminated gable mounted digital advertising screen.

121 Bolton Road, Anderton, Chorley, PR6 9HS.

Inspectorate letter confirming appeal valid received 22 August 2024.

Local Planning Authority Reference: 23/00799/CLEUD - Inspectorate Reference: APP/D2320/X/24/3344382

Appeal by Mr & Mrs David and Pauline Wood against the delegated decision to refuse an application for a certificate of lawfulness for use of the building for recreational residential purposes and storage of residential equipment.

Land off Washington Lane, Euxton.

Inspectorate letter confirming appeal valid received 27 August 2024.

PLANNING APPEAL DECISIONS

Local Planning Authority Reference: 22/01041/CLPUD - Inspectorate Reference: APP/D2320/X/23/3315804

Appeal by Mr Justin Cole against the delegated decision to refuse an application for a certificate of lawfulness for a proposed detached outbuilding.

Shackerley, Tithe Barn Lane, Heapey, Chorley, PR6 9BX.

Appeal dismissed 26 January 2024 (decision letter originally misfiled).

Local Planning Authority Reference: 23/00616/PIP - Inspectorate Reference: APP/D2320/W/23/3331910

Appeal by Mr Paul Bennet against the Planning Committee decision to refuse permission in principle for up to 9 new build older persons accessible bungalow dwellings.

Whitegates, 75 Gorse Lane, Mawdesley, Ormskirk, L40 3TE.

Appeal dismissed 11 June 2024.

Local Planning Authority Reference: 23/00436/OUT - Inspectorate Reference: APP/D2320/W/23/3335669

Appeal by Mr Benjamin Smith against the delegated decision to refuse outline planning permission for the erection of one detached dwelling with all matters reserved.

Land to the south of Stanworth Farm, Bolton Road, Withnell, Chorley, PR6 8BP.

Appeal dismissed 12 June 2024.

Local Planning Authority Reference: 23/00280/PIP - Inspectorate Reference: APP/D2320/W/23/3331978

Appeal by Dr S Mclynn against the Planning Committee decision to refuse permission in principle for a minimum of 5no. dwellings and a maximum of 7no. dwellings.

Land adjacent to Friths Court, Gregson Lane, Brindle.

Appeal allowed 2 July 2024.

Local Planning Authority Reference: 23/01090/FULHH - Inspectorate Reference: APP/D2320/D/24/3340621

Appeal by Mr Joseph McKay against the delegated decision to refuse planning permission for the erection of a timber summerhouse / shed (retrospective)

151 Preston Road, Coppull, Chorley, PR7 5DR.

Appeal allowed 11 July 2024.

Local Planning Authority Reference: 23/00962/FUL - Inspectorate Reference: APP/D2320/D/24/3342320

Appeal by Mr Alan Birch against the delegated decision to refuse planning permission for a rear extension (retrospective).

Land Adjacent Lynric Farm, Blue Stone Lane, Mawdesley.

Appeal dismissed 7 August 2024.

PLANNING APPEALS WITHDRAWN

Local Planning Authority Reference: 24/00026/P3PAO - Inspectorate Reference: APP/D2320/W/24/3344838

Appeal by Mr Chris Rigby against the delegated decision to refuse a prior approval application submitted under Schedule 2, Part 3, Class Q (a and b) of The Town and Country Planning (General Permitted Development) (England) Order 2015 for the proposed change of use of an agricultural building to 1no. dwellinghouse and associated building operations.

Over Hall Farm, Flag Lane, Bretherton, Leylan, PR26 9AD.

Appeal withdrawn 16 July May 2024.

ENFORCEMENT APPEALS LODGED

Local Planning Authority Reference: ENF735 - Inspectorate Reference: APP/D2320/C/24/3346222

Appeal by Mr Alan Makin against an Enforcement Notice served in respect of i) the unauthorised material change of use of Land to Land as a domestic residential garden land; and ii) the unauthorised operational development consisting of the erection of a detached outbuilding on the Land.

Sandons Farm, Sandy Lane, Adlington.

Inspectorate letter confirming appeal valid received 20 June 2024.

ENFORCEMENT APPEAL DECISIONS

Local Planning Authority Reference: ENF711 - Inspectorate Reference: APP/D2320/C/23/3322480

Appeal by Mr Tony Michael Dixon against an enforcement notice served in respect of the unauthorised material change of use of land to land used for storage purposes including the erection of a fence to facilitate the material change of use.

Land to the west side of Squirrel Lane.

Appeal dismissed 12 August 2024.

ENFORCEMENT APPEALS WITHDRAWN

None

Report Author	Ext	Date	Doc ID
Adele Hayes	5228	31 August 2024	***

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