

## Planning COMMITTEE

Tuesday, 11th February 2025, 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.

<b>Agenda No</b>	<b>Item</b>	
<b>3</b>	<b>Planning applications to be determined</b>	
	The Head of Planning and Enforcement has submitted five planning 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 <a href="#">website</a> .	
	<b>24/00252/FUL - Land 50M North Of Sycamore House, Keepers Wood Way, Chorley</b>	(Pages 7 - 20)
	<b>24/00868/FUL - Printing.com, 11 St George's Street, Chorley, PR7 2AA</b>	(Pages 21 - 32)
	<b>24/00869/LBC - Printing.com, 11 St George's Street, Chorley, PR7 2AA</b>	(Pages 33 - 40)
	<b>24/01031/FUL - Age UK Lancashire, 61 - 63 St Thomas Road, Chorley, PR7 1JE</b>	(Pages 41 - 50)
	<b>24/01059/FUL - Holker Cottage, Holker Lane, Ulnes Walton, Leyland, PR26 8LL</b>	(Pages 51 - 66)

Chris Sinnott  
Chief Executive

Electronic agendas sent to Members of the Planning Committee

If you need this information in a different format, such as larger print or translation, please get in touch on 515151 or [chorley.gov.uk](http://chorley.gov.uk)

This page is intentionally left blank

**APPLICATION REPORT – 24/00252/FUL**

**Validation Date: 28 March 2024**

**Ward: Chorley South West**

**Type of Application: Full Planning**

**Proposal: Erection of building (Use Class E) and car park alterations**

**Location: Land 50M North Of Sycamore House Keepers Wood Way Chorley**

**Case Officer: Chris Smith**

**Applicant: Mr Lee Cain**

**Agent: Miss Courtney Evason**

**Consultation expiry: 12 September 2024**

**Decision due by: 14 February 2025 (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 settlement area of Chorley as defined by the Chorley Local Plan 2012-2026 and it occupies a broadly rectangular plot of land that sits between the B5252 to the west, Burgh Wood Way to the north and Keepers Wood Way to the east. To the south the site is bounded by a pair of retail units with a residential apartment block located behind these. There are noticeable changes in land levels between the site and the public highway to the west, which sits at a lower land level than the site. The character of the area is that of a residential suburb, whilst there is open countryside beyond to the west.

**DESCRIPTION OF PROPOSED DEVELOPMENT**

3. The application seeks planning permission for the erection of a building falling within the commercial, business and service use class. The proposed building would be a single storey structure of modern design measuring approximately 28m by 9m. It would have a flat roof of approximately 5.6m in height. The proposed building would be sited centrally within the site with the car parking area to be located above the retail unit. There would be a one-way access system with vehicles entering and existing the site from Keepers Wood Way.
4. The application is a resubmission of planning application ref: 17/00736/FUL, which was approved by the Council in January 2018, and which was not implemented with the permission no longer remaining extant. This current proposal has been submitted with the intention that it is used for a Pilates studio, however, it could be used for a range of uses within class E including retail.

**BACKGROUND INFORMATION**

5. A site development brief for the development of the Gillibrands estate was finalised in June 1996. This first set out the principle of having a local centre near to what is now the

Gillibrand Link Road. A minimum of 700 square metres for the shop site was to be identified within the estate. This concept was formalised in a subsequent Development Agreement and planning permissions granted in the late 1990s. From the mid-1990s an Officer Working Group oversaw the Gillibrand development and was closely involved with the developers.

6. Within the agreement the developers are required to make provision for and market the site for local shopping provision. If at the end of the marketing exercise, there is no interest in the shopping site then the developers would be able to put forward schemes for additional housing development.
7. Outline planning permission was granted in 2007 (app ref: 06/00908/OUT) to develop the site as a shopping area to include use classes A1, A2, A3 and A5. This outline permission has lapsed as although the associated housing developments have been completed, the developers failed to highlight evidence of either marketing details or an application for Reserved Matters on the proposed retail site. The outline consent, which was for 4no. retail units, lapsed on 7th August 2009. Planning permission was then granted in 2013 (app ref: 13/00708/FUL) for the erection of 3no. retail units with associated access, parking and landscaping. This resulted in the development of the retail units that exist on site currently, with the notable absence of a neighbourhood convenience retail store.

## REPRESENTATIONS

8. Nine representations have been received citing the following grounds of objection to the proposed development:
  - Impact on streetscene
  - Ecological impacts due to loss of trees and shrubs
  - Disruption to residents during construction
  - There are easier sites to develop
  - Questionable as to whether a Pilates studio would be viable
  - Traffic and highway safety
  - Impact on access for emergency services
  - The development should be for a shop
  - Drainage and flooding
  - No provision for any biodiversity net gain
  - No neighbour notification letters posted to residents
  - Noise
  - Out of keeping with the residential character of the area

## CONSULTATIONS

9. Chorley Council's Tree Officer – Have stated that the proposed would result in the removal of 7no. semi-mature trees the loss of which should be mitigated with appropriate replanting.
10. Coal Authority – Have stated that in accordance with the agreed risk-based approach to development management in the defined Development High Risk Areas a Coal Mining Risk Assessment is required to support the application. As no relevant information has been submitted they object to the proposed development.
11. Greater Manchester Ecology Unit (GMEU) – Have not raised any objections to the proposed development, subject to conditions.
12. Lancashire Highway Services (LCC Highways) – Have 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, subject to conditions.
13. United Utilities (UU) – Have no objections to the proposed development, subject to conditions.

**PLANNING CONSIDERATIONS**Principle of development

14. The application site is located within the core settlement area of Chorley. Policy V2 of the Chorley Local Plan 2012 - 2026 states that within the settlement areas excluded from the Green Belt, and identified on the Policies Map, there is a presumption in favour of appropriate sustainable development.
15. The application seeks permission for a building that would fall within the commercial, business and service use class E of the Town and Country Planning (Use Classes) Order 1987 (as amended), which includes a number of main town centre uses. The application site is located in an out of centre location. The National Planning Policy Framework 2024 (The Framework) at Annex 2: Glossary provides that an edge of centre location is one that is well connected to, and up to 300 metres from a primary shopping area, which is an area where retail development is concentrated. The application site is, therefore, located within an edge-of-centre location and proposes a main town centre use
16. Paragraph 91 of The Framework states that local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.
17. Paragraph 92 of The Framework states that when considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.
18. Core Strategy policy 11 (Retail and Town Centre Uses and Business Tourism) of the Central Lancashire Core Strategy provides, among other things, that retail and other town centre uses of a scale appropriate to the retail hierarchy and in sustainable locations will be supported ; and that retail and main town centre uses will be delivered in a number of ways including maintaining, improving and controlling the mix of uses in the existing District and local centres so as to appropriately serve local needs.
19. Policy EP9 of the Chorley Local Plan 2012 - 2026 specifically relates to development in Edge-of-Centre and Out-of-Centre Locations and reflects the thrust of the Framework. This states that:  
Outside the town, district and local centres, change of use and development for small scale local shopping and town centre uses (either as part of mixed use developments or in isolation) will be permitted where:
  - a) The proposal meets a local need and can be accessed in its catchment by walking, cycling and public transport; and
  - b) Does not harm the amenity of an adjacent area; and
  - c) The Sequential Test and Impact Assessment are satisfied setting out how proposals do not detract from the function, vitality and viability of the borough's hierarchy of centres.
20. In this particular case it is not considered that a sequential test would be required on the basis that there is an extant planning obligation for the whole Gillibrand site to provide a local centre with approximately 700 square metres of retail provision within the estate. The application site was previously designated for retail within a masterplan prepared as part of planning permission ref: 96/00727/CB4, where the developers were required under the terms of a Section 106 Agreement to seek further consent for the provision of local shopping facilities. Outline planning permission was subsequently granted in 2006 through planning permission ref: 06/00908/OUT for 'enhancement of shopping area to include use classes A1, A2, A3 and A5'. While this permission lapsed, planning permission was subsequently granted for 3no. retail units under planning permission ref: 13/00708/FUL.

21. Consequently, it is clear from the planning history of the site, that it has always been intended that retail provision would be made on the application site. The Council are party to the original (and subsequent supplemental) S106 Agreement and Development Agreement on this site, which established the principle of retail provision. The same approach was also taken in the assessment of planning permission ref: 17/00736/FUL, which granted planning permission for the erection of 1no. retail unit identical to that which is now proposed. This demonstrates that the principle of commercial, business and service uses at the site is acceptable, as there have been no material changes in policy or circumstances affecting this site or such a proposal since planning permission was previously granted in August 2018.
22. As such, the principle of the proposal is considered to be acceptable in this location, subject to the other considerations as outlined below.

#### Design and impact on the character of the area

23. 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 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; and 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.
24. The character of the locality is that of a residential suburb, however, the immediate area of the site is relatively mixed and varied in its type and form with existing retail units located immediately to the south of the site and a 3-storey residential apartment block located to the rear of the units. Whilst the design of the proposed building would be relatively functional, the site sits somewhat apart from the residential development to the south and east, and the development would be viewed against the backdrop of the existing retail units with which it would form a cluster. Furthermore, the building would be constructed into the sloping bank, which forms the site and due to this and its low overall height it would not be an overly prominent addition despite being visible from the adjacent highways. The site would be most visible from within the car park area with only limited visibility from the public vantage points located within the residential areas to the south and east.
25. It is considered that the design and layout of the proposed development would be compatible with the appearance of the site and character of the area. The development is, therefore, considered to be in accordance with policy BNE1 of the Chorley Local Plan 2012 – 2026 in respect of design.

#### Impact on neighbour amenity

26. 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, where relevant to the development the proposal would not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or by creating an overbearing impact; and that the proposal would not cause an unacceptable degree of noise disturbance to surrounding land uses.
27. To the south the site is immediately adjoined by existing commercial units with a residential apartment block located to the rear of the units. The apartment block is sited at a higher land level than the proposed finished floor level of the proposed unit, which reduces the potential for impact upon the occupiers of the apartments, as does the degree of separation between the site and the apartment block of approximately 30m. Given that the proposed unit would be partially constructed into the banking within the site, the only element of the development that would be visible from the residential apartments would be the car parking court, which is to be built above the proposed unit. Due to this and the northern orientation of the development relative to the apartments, it is not considered that the proposed development would have any unacceptable adverse impacts on neighbouring amenity as a result of light loss or overbearing.

28. It should also be noted that previous approvals at the site (app ref: 06/00908/OUT) incorporated use classes A1, A2, A3 and A5, which were considered to be acceptable in respect of the impact on the amenity of the occupiers of residential developments adjacent to the site. Although the previous mix of uses had the potential to include late night opening uses, in particular takeaways, it was concluded that the uses would not have had an unreasonable impact upon neighbour amenities. The current proposals only incorporate those uses that fall within the commercial, business and service use class and are relatively low intensity uses that are less likely to impact on neighbour amenities through late night activity than a hot food takeaway from instance. However, it is proposed necessary to limit and control the hours of operation due to the residential nature of the area. This is to be secured by a suitably worded planning condition attached to any grant of planning permission.
29. On the basis of the above assessment, it is considered that the proposed development would not result in any unacceptable harm to the amenity and living conditions of nearby residents, and the development complies with policy BNE1 of the Chorley Local Plan 2012 – 2026 in respect of amenity.

#### Highway safety

30. 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 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.
31. LCC Highways have 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.
32. 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 new development as the provision of 10no. spaces for a proposal of this size i.e. a retail establishment with approximately 144 square metres of floorspace (1 per 14sqm of public floorspace and 3no. disabled parking bays). The applicant has provided evidence to demonstrate that a total of 25no. car parking spaces and 3no. disabled car parking spaces would be provided across the entire site. Consequently, the proposal is considered to comply with Policy ST4 of the Local Plan and LCC Highways have confirmed that the car parking provision of 28no. spaces along with the proposed cycle stands is acceptable.

#### Ecology

33. Policy BNE9 of the Chorley Local Plan 2012-2026 of the Local Plan 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.
34. 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.
35. Whilst no ecological information was submitted in conjunction with approved planning application ref: 17/00736/FUL, since this time, biodiversity net gain (BNG) has become a mandatory requirement under the statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). Under the statutory framework for BNG, subject to some exemptions, every grant of planning permission in England is deemed to have been granted subject to the condition that the

biodiversity gain objective is met ('the biodiversity gain condition'). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the predevelopment biodiversity value of the onsite habitat. Chorley Borough Council have published a Biodiversity Net Gain (BNG) Policy Statement providing guidance on BNG.

36. In this case, however, the application was made valid by the Council from 28 March 2024, prior to the date on which mandatory BNG came into effect for non-major developments (2<sup>nd</sup> April 2024) and for this reason the proposal is exempt from mandatory BNG and is not subject to the general biodiversity gain condition. Notwithstanding this, the Council's appointed ecological consultant at the Greater Manchester Ecology Unit (GMEU) advised that although the proposal is not subject to mandatory net gain, the Framework still requires applications to achieve a measurable net gain in biodiversity. In order to demonstrate this, the application is supported by a Preliminary Ecological Appraisal, BNG Assessment and a BNG metric. GMEU have stated that the BNG metric demonstrates that the proposals will result in a net loss of biodiversity and to mitigate for this, offsetting will be required, however, no information has been provided to demonstrate as to where this will be. GMEU also stated that works that will impact on habitats where nesting birds may be present should not be undertaken in the bird breeding season (March-August inclusive), unless nesting birds have been found to be absent by a suitably qualified person.
37. Paragraph 193 a) of the Framework states that planning permission should be refused if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for. However, in this case it is noted that planning permission for an identical development albeit without any biodiversity gain was granted under planning application ref: 17/00736/FUL and as noted earlier in the report, it has always been intended to develop the site for a retail unit and due to the relatively small proportions of the site, it is not considered that the proposed development would cause significant harm to biodiversity. Neither the Council's ecology consultant or biodiversity net gain project lead have stated that the development would lead to significant harm to biodiversity. Having regard to the above, and subject to relevant conditions securing adequate mitigation, it is considered that the nature conservation interest would be sustained. The proposal is therefore considered to accord with Chorley Local Plan policy BNE9 and BNE11 in respect of ecology.

#### Flood risk and drainage

38. 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 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.
39. 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.
40. It is recommended that the applicant implements a scheme in accordance with the surface water drainage hierarchy outlined above

#### Coal mining risk

41. The site located within the defined Development High Risk Area in respect of coal mining features at surface or shallow depth, which can pose a potential risk to surface stability and public safety. For this reason, planning application ref: 17/00736/FUL was accompanied by a desk-based Coal Mining Risk Assessment Report (CMRA) (dated 30 July 2013) by LK Consult Ltd. The Planning Officer's delegated report for planning application ref: 17/00736/FUL stated that The Coal Authority's records indicate that the site is located in an



area where historic unrecorded underground coal mining activity has taken place at shallow depth. Records also indicate that a thick coal seam outcropped across the site.

- 42. The CMRA was informed by an appropriate range of sources of information, including a Coal Mining Report, historical mapping, geological mapping and borehole data. Based on this review of sources of geological and mining information, the Report correctly identified the coal seam outcrops within the vicinity of the site and confirms that an intrusive investigation will be required to confirm ground conditions and to identify any necessary remedial measures/mitigation.
- 43. In their formal written response to planning application ref: 17/00736/FUL, The Coal Authority stated that they concur with the recommendations contained within the CMRA; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to the development in order to establish the exact situation regarding coal mining legacy issues on the site. The CMRA and previous comments provided by The Coal Authority are still considered to be pertinent and, therefore, it is recommended that the necessary site investigation works be secured by means of planning conditions.

Community infrastructure levy

- 44. 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 will be a chargeable development, and the charge is subject to indexation in accordance with the Council's Charging Schedule.

**CONCLUSION**

- 45. The proposed development is acceptable in principle, and it would not have an unacceptable adverse impact on the character and appearance of the existing site and the surrounding area or the amenity of neighbouring residents. Nor would it cause any significant harm to highway safety or ecology. Consequently, it is recommended that the application is approved, subject to conditions.

**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. Prior to the commencement of development samples of all external facing and roofing materials (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.

*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	SAA.3878.1	28 March 2024
Proposed Elevations and Floorplans	MP126 (PL) 100 Rev B	28 March 2024
Proposed Site Plan	MP126 (PL) 101 Rev B	28 March 2024

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

4. No development shall commence until;

- a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity; and
- 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.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

*Reason: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 189 and 190 of the National Planning Policy Framework.*

5. Prior to the occupation of the development, 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.

*Reason: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 189 and 190 of the National Planning Policy Framework.*

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

- a) The parking of vehicles of site operatives and visitors;
- b) Loading and unloading of plant and materials used in the construction of the development;
- c) Storage of such plant and materials;
- d) Wheel washing and road sweeping facilities, including details of how, when and where the facilities are to be used;
- e) 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)
- f) Routes to be used by vehicles carrying plant and materials to and from the site;
- g) 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 works to trees, shrubs or hedgerows 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 that appropriate measures put in place to protect nesting bird interests on site.

*Reason: All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981 (as amended).*

8. Foul and surface water shall be drained on separate systems.

*Reason: To secure proper drainage and to manage the risk of flooding and pollution.*

9. No development above DPC level shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and
- (iii) A timetable for its implementation.

The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

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

10. A scheme for the landscaping of the development and its surroundings shall be submitted prior to any works taking place above DPC level. 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. The scheme should include a landscaping/habitat creation and management plan which should aim to contribute to targets specified in the UK and Lancashire Biodiversity Action Plans. Landscaping proposals should comprise only native plant communities appropriate to the natural area. The content of the plan should include elements to mitigate for loss of trees shrubs and bird nesting habitat and provide a net gain in the biodiversity value of the site.

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.

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.

*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.*

11. Prior to the first use of the approved building, details of a scheme for the mitigation and biodiversity enhancement of the site shall be submitted to and approved in writing by the Local Planning Authority.

These should include:

- o Bat bricks and/or boxes within the new development
- o Bird boxes

The approved mitigation measures shall be carried out prior to the occupation of the dwelling.

*Reason: To create biodiversity enhancements, in accordance with the National Planning Policy Framework.*

12. 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.*

13. The car parking and manoeuvring areas shall be marked out in accordance with the approved plan before the use of the premises hereby permitted becomes operative and permanently maintained thereafter for communal use only and no spaces shall be reserved for individual premises.

*Reasons: To allow for the effective use of the parking areas.*

14. Cycling facilities shall be provided in accordance with a scheme to be approved by the Local Planning Authority and the cycling facilities to be provided in accordance with the approved plan, before the use of the premises hereby permitted becomes operative and permanently maintained thereafter.

*Reasons: To allow for the effective use of the parking areas the promotion of sustainable forms of transport and aid social inclusion.*

15. The retail unit hereby permitted shall only operate between 07:00 and 21:00 on Mondays to Sundays.

*Reason: In the interests of the amenity of the area and adjoining and nearby residential properties.*

16. The development hereby approved shall be used for Class E purposes and for no other purpose of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order).

*Reason: To define the development.*

## **RELEVANT HISTORY OF THE SITE**

**Ref:** 13/00708/FUL **Decision:** PERFPP **Decision Date:** 30 August 2013  
**Description:** Erection of three retail units (Class A1) with access, parking and landscaping.

**Ref:** 15/00514/DIS **Decision:** PEDISZ **Decision Date:** 22 June 2015  
**Description:** Application to discharge conditions 4 (material samples), 6 (landscaping), 14 (Construction Method Statement), 15 (fences and walls), 17 (permeable materials) 18 (ground

contamination), 19 (gas control measures), 20 (parking) and 21 (lighting) attached to planning approval 13/00708/FUL

**Ref:** 15/00591/FUL **Decision:** PERFPP **Decision Date:** 28 October 2015

**Description:** Section 73 application to vary condition 16 (surface water drainage) and condition 17 (permeable hard-standing areas) attached to planning approval 13/00708/FUL

**Ref:** 16/00058/FUL **Decision:** PERFPP **Decision Date:** 2 March 2016

**Description:** Section 73 application to vary conditions 7 (BREEAM), 8 (Design Stage Assessment) and 9 (letter of assurance) attached to planning approval 15/00591/FUL

**Ref:** 16/00104/DIS **Decision:** PEDISZ **Decision Date:** 4 April 2016

**Description:** Application to discharge conditions 12 (noise assessment) and 17 (gas protection measures) attached to planning approval 16/00058/FUL

**Ref:** 17/00736/FUL **Decision:** PERFPP **Decision Date:** 12 January 2018

**Description:** Construction of a new single storey unit for flexible use as retail or financial and professional (classes A1 and A2) and alterations to the car park layout.

This page is intentionally left blank



	Asset Development & Project Management Project title <b>Proposed New Retail Unit - Keepers Wood Way, Chorley</b>
	drawing title <b>Proposed Site Layout Plan</b>
Identification MP126 (PL) 101 Rev B	JULY 2017 NH 1:200/A2 Drawing reference

This page is intentionally left blank



**APPLICATION REPORT – 24/00868/FUL**

**Validation Date: 17 October 2024**

**Ward: Chorley North West**

**Type of Application: Full Planning**

**Proposal: Change of use of no. 11 St Georges Street to a 16no. bedroom house in multiple occupation, the erection of a single storey rear extension and a first floor rear extension**

**Location: Printing.com 11 St Georges Street Chorley PR7 2AA**

**Case Officer: Chris Smith**

**Applicant: MESSERS MJ & S McVERRY**

**Agent: Mr Lee Fenton**

**Consultation expiry: 7 November 2024**

**Decision due by: 12 December 2024**

---

**RECOMMENDATION**

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

**SITE DESCRIPTION**

2. The application site is located within the settlement area of Chorley as defined by the Chorley Local Plan 2012-2026 on the northern side of St George's Street within the St George's Conservation area. The site contains a two storey, Grade II listed, mid terraced property. There are also Grade II listed buildings on either side of the site and to the south on the opposite side of St. George's Street. The immediate locality is a densely built-up urban environment containing a mix of uses typically found within a town centre including commercial services, restaurants, residential properties and the Grade II listed St George's Church at the eastern end of St George's Street.
3. The property is currently vacant, however, its last use, and current lawful planning use, is as a printing and stationery business. This has been the lawful use of the property since the grant of planning application ref: 81/00397/FUL, and there have been no intervening uses between the time of this application and the current application.

**DESCRIPTION OF PROPOSED DEVELOPMENT**

4. The application seeks planning permission for the change of use of no. 11 St George's Street to a 16no. bedroom house in multiple occupation along with the erection of a single storey rear extension and a first-floor rear extension.
5. 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 following concerns raised by the Council's Heritage Adviser regarding the internal configuration of the development and the proposal to block the existing front entrance. Subsequent to this, amended floorplans were submitted reducing the number of rooms from 17 to 16 to enable the retention of the front entrance.

## REPRESENTATIONS

6. One representation has been received citing the following grounds of objection to the proposed development:
  - The Council has not provided a comprehensive list of existing houses in multiple occupation
  - This lack of transparency leaves the community unaware of the density of HMOs
  - Application should be postponed until this information has been provided
  - Lack of infrastructure to support the proposed development.
  - Police do not respond to minor crimes.
  - Long waiting time for GP appointments
  - Increased demand for public transport will contribute to CO2 and NOX emissions
  - Sewage
  - Energy supply

## CONSULTATIONS

7. Chorley Council's Environment Health Officer – Have stated that they have no objections to the proposed development, however, there remains insufficient detail in terms of the Council's HMO minimum amenity standards specifically in terms of the shared facilities and space, kitchen facilities, fire safety and ventilation, however, these matters can be further reviewed at the HMO licence application stage.
8. Lancashire Highway Services (LCC Highways) – Have 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.

## PLANNING CONSIDERATIONS

### Principle of the development

9. Paragraph 90 of The National Planning Policy Framework (The Framework) states that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management, and adaptation. Planning policies should:
  - f) recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.
10. The lawful use of the site is for a stationery and printing business, which is considered to be an employment use and must therefore be considered in relation to Policy 10 of the Central Lancashire Core Strategy (2012).
11. Policy 10 of the Central Lancashire Core Strategy states that all existing employment premises and sites last used for employment will be protected for employment use. There will be a presumption that 'Best Urban' and 'Good Urban' sites will be retained for B use class employment use. Proposals on all employment sites/premises for re-use or redevelopment other than B use class employment uses will be assessed under the following criteria:
  - (a) There would not be an unacceptable reduction on the type, quality or quantity of employment land supply:**
12. The proposed development would result in the loss of approximately 295 square metres of employment floorspace. Given that the adopted Core Strategy sets the overall employment requirement for Chorley as 112ha to 2026, this is considered to be a very modest amount of floorspace and its loss would not result in an unacceptable reduction in the type, quality or quantity of employment land supply in the borough. There remains an ample choice of employment land offering various sizes, types and tenures.

**(b) The provision and need for the proposed use:**

13. It is also considered that there would be social and economic benefits through the provision of 16no. new dwelling units, 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.

**(c) The relative suitability of the site for employment and for the alternative use:**

14. The application site is a mid-terrace property that has been used as a stationery and printing business for a considerable period of time. Prior to this the property had been used as a store/ancillary offices as part of a butchers on Chapel Street and it is noted that St George's Street contains a variety of commercial uses including a dentist, offices and a restaurant. The site is clearly a suitable one for the current lawful employment use and whilst its loss would be regrettable, there are many vacant premises in Chorley town centre of a similar type, size and quality, which could potentially be used for a printing business.
15. Furthermore, it could be argued that the last lawful use of the site as a printing business would in fact be within the former Use Class B1(c) 'industrial processes which can be carried out in a residential area without detriment to its amenity' and which has now been incorporated into the new Use Class E. Policy 10 pre-dates the changes to the use class order and makes no reference to Class E. Furthermore, there are a range of permitted changes of use that can take place in relation to Class E, which would result in the loss of an employment use to another use. It is therefore debatable as to whether the assessment set out under policy 10 can be applied in this instance, and notwithstanding this a realistic fall-back position exists whereby a change of use could take place in any event.

**(d) The location of the site and its relationship to other uses:**

16. The use would not have any impact on other uses within the area. It is considered that it would complement the other uses.

**(e) Whether the ability to accommodate smaller scale requirements would be compromised;**

17. The application site currently provides a modest amount of employment floorspace and therefore its loss would compromise smaller scale requirements to some extent. The impact would, however, be limited and the ability to re-use the building for employment uses in future would not be compromised as the building would require very little alteration to accommodate such use.

**(f) There would be a net improvement in amenity:**

18. It is not considered that the proposed development would represent a more intensive use of the site than the current lawful use of the site as a printing business, and, therefore, it is not considered that the proposed development would have a significantly greater or more adverse impact the amenity of the area than the previous use. Furthermore, it is considered that there would be a net improvement in amenity, particularly during daytime hours, on the basis that the proposed use would generate less vehicular traffic and fewer comings and goings during these hours than the previous use.
19. Given that the application site is a relatively small employment premises, its loss would be limited and the ability to use the building for employment uses in the future would not be comprised. It is considered, therefore, that the development is in compliance with policy 10 of the Central Lancashire Core Strategy and that the proposed change of use is acceptable in principle.

Design and impact on the character of the area

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:

a) 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.

21. Some relatively minor elevational alterations to the front elevation of the existing building are proposed, including the re-instatement of the original front entrance door and the painting and sanding of the existing original windows. It is considered that these alterations would make a positive contribution to the visual appearance of the building by reinstating and helping to maintain some of the buildings original features. Rooflights would also be added in addition to the reinstatement of windows in the north facing rear elevation and side facing east elevation. Subject to the use of appropriate heritage fittings and an appropriate quality of finish, including deep window and door way reveals, it is not considered that the proposed development would be harmful to the character of the listed building or it's surroundings. It is recommended that conditions requiring details of window and door fittings is attached to any grant of planning permission.

22. Whilst the proposed development would involve the erection of a single storey rear extension and a first-floor rear extension, which in terms of design and facing materials would represent contemporary additions that would contrast with the more traditional aesthetic of the existing building, the additions would be contained to the rear of the building where they would be well screened and largely concealed from the streetscene.

23. On the basis of the above the development would not be harmful to the character of the area, thereby complying with Chorley Local Plan policy BNE1.

Impact on the amenity of neighbouring occupiers

24. 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:

b) the development would not cause harm to any neighbouring property by virtue of overlooking, overshadowing or by creating overbearing impacts.

25. The immediate locality contains a mix of uses and is mainly characterised by densely built-up terraced properties located along both side of St George's Street and also to the rear (north) at Chapel Street. To the front (south) the site faces directly towards the neighbouring property at no. 22 St George's Street. While the resultant building would contain habitable room windows at first floor level, it is not considered that any impacts upon the amenity of neighbouring occupiers as a result of privacy loss, would be significantly greater or worse than any impacts which would have previously occurred, and which could still occur as a result of the existing lawful use of the building as a printing business. To its rear (north) the site faces directly towards no. 28 Chapel Street which contains a retail unit. To the east the site adjoins with a language school at no. 13 St George's Street, however, any impacts on this neighbour or the occupiers of the dwelling at no. 9 St George's Street to the west, are considered to be no greater than those which previously occurred as a result of the use of the site as a printing business.

26. In consideration of the amenity of future occupiers of the building it is noted that there is a high concentration of rooms relative to the overall floor space of the building. A number of bedrooms only just meet the minimum standards set out in the Council's 'Houses In Multiple Occupation – Guide & Amenity Standard 2024', whilst several bedrooms and the kitchens are entirely reliant on rooflights for light and ventilation. This results in a less than ideal form

of accommodation that would not provide desirable standards of habitation, however, there are no planning standards by which such accommodation could be clearly resisted in the assessment of a planning application. Whilst it is noted that the Council's Environment Health Officer has stated that they have no objections these matters would be further reviewed at the HMO licence application stage.

27. Having regard to the above, the proposal is considered to accord with Chorley Local Plan policy BNE1 in respect of amenity.

Impact on designated heritage assets

28. 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.
29. The National Planning Policy Framework (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.
30. Paragraph 212 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.
31. Paragraph 213 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.
32. Paragraph 215 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.
33. 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.
34. 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.
35. 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.
36. The key considerations in respect of the impact of the proposal on the heritage asset are whether the proposed development would:
- Whether the proposed development would harm the significance of the setting of the listed buildings – nos. 9 to 27 St George's Street and the Church of St George.
  - Whether the proposed development will harm the significance of the listed building 'The Old Coach House' (nos. 16 to 28 St George's Street).
  - Whether the proposed development will harm the character or appearance of the St George's Conservation Area.

### **Assessment**

#### *The impact on the listed building -*

37. The existing property is a mid-nineteenth century townhouse in Flemish bond on a stone plinth with a moulded stone doorcase and it fronts the north side of St George's Street in Chorley Town Centre. The property's significance is based largely on its historic, aesthetic and group values, primarily evidenced through the building's fabric, materials, architectural form and design and its group value within the terrace and surrounding listed properties. An attached former coach house to the rear has been much altered and has shuttered openings. As a listed building in a Conservation Area, high significance is attributed to the property.
38. It is considered that the proposed development would ensure that the building is brought into an active use which is the best way to help sustain the significance of the listed building and its importance to the Conservation Area. With regards to the proposed rear extensions, the coach house at the rear of the building is a 19<sup>th</sup> century brick built ancillary building historically connected to the terrace, however, it has been much altered and surrounded by modern infill development on all sides except from the front (east) and still has a historic yard and access from St Georges Street. The proposed extensions would be located on either side of the central outshut which will in effect provide the appearance of a flush gable frontage. The proposed extensions will be clad with standing seam zinc effect cladding to provide distinction from the old and new and the cladding will extend to the ground floor on

the north side. Overall, given the cumulative development to the rear, it is not considered that these elements will cause any further harm to the listed building.

39. Internally, the proposed plans show that the building will be heavily sub-divided to provide the multiple units. In this regard, it is considered that the proposed development will erode the significance of the listed building somewhat. However, the front entrance and hallway and left side 'service alley' is to be retained and as a result the historic plan form of the building would be retained. With regards to internal features, it is noted that photographic evidence submitted with the application shows that original timber carpentry and plaster corncicing appear to be limited to the front room of the property and the hallway, whilst at the rear of the property, it is evident that the building has been altered substantially overtime which has led to the loss of the majority of historic features. The plans submitted with the application denote the position of the historic features and propose to retain them in their entirety. Consequently, from a heritage perspective it is considered that the internal configuration would cause no additional harm to the significance of the listed building. Furthermore, it is noted that the property's significance is based largely on its group value within the terrace and surrounding listed properties rather than its historic internal features.

*The impact on the conservation area and the setting of the listed buildings -*

40. The character of the St George's Street Conservation Area is defined in its eclectic mix of nineteenth century public, commercial and domestic buildings built around St George's Church. It is considered that the significant character of the Conservation Area derives from the strong focal point that the church provides in the view down St Georges Street and the frontage properties of St George's Street, Church Street and Chapel Street.
41. It is considered that, the proposals for the rear would have no impact on the Conservation Area or the setting of the listed buildings. The original front entrance door to the property is to be reinstated and it is considered that this would have a positive impact on the Conservation Area.

*Conclusion –*

42. Having regard to the above, the proposed development is considered to meet the statutory test 'to preserve' and would cause no discernible harm to the character and appearance of the St George's Conservation Area and there would be no discernible harm caused to the collective significance of the listed buildings.
43. It is considered that the proposal would meet the statutory test of the Act 'to preserve' and is acceptable in design terms. The proposed development accords with the objectives of Chapter 16 of the Framework, policy BNE8 of the Chorley Local Plan and Policy 16 of the Central Lancashire Core Strategy.

Parking and highway safety

44. 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.
45. The application site does not contain any parking provision and the application does not propose any. However, LCC Highways have stated that they do not have any objections to the proposed development and that they 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. They have also stated that the site is within a sustainable area. Indeed, the site is located within Chorley Town Centre immediately to the south of the primary shopping area and it is within walking distance of a wide range of shops, services, amenities, and public transportation links which are typically found within a town centre including a bus station and

a busy regional railway station. Consequently, it is considered that a relaxation in the car parking standards can be made as per the provisions of policy ST4 of the Chorley Local Plan 2012-2026.

46. Whilst it is acknowledged that there is limited off-street car parking availability within the immediate area, the site is positioned within a sustainable location in Chorley Town Centre and it is not, therefore, considered that the proposed development would prejudice highway or pedestrian safety.

#### Community Infrastructure Levy

47. 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.

#### Other matters

#### Agent of change –

48. Paragraph 200 of the Framework states that planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.
49. The Framework recognises that a random distribution of noise sensitive accommodation throughout town centres which are more likely to contain long established late-night bars and entertainment uses, can add to tensions which could result in these entertainment activities being curtailed in the future through statutory noise nuisance action and enforcement. Due to the location of the application site in Chorley Town Centre there is potential for there to be noise impacts on the intended occupiers of the development from commercial premises. There is a well-established drinking establishment and restaurant (The Cosmopolitan) to the east of the site at no. 30 St George's Street. The venue operates during late night-time hours and there is, therefore, potential for there to be noise impacts on any future occupiers of the proposed development as a result of the activities associated with these neighbouring uses.
50. The application has been supported by the provision of a noise assessment technical note by Miller Goodall. The technical note states that noise survey works were previously undertaken on the 10<sup>th</sup> and 13<sup>th</sup> May 2024 in relation to the conversion of no. 28 St George's Street to an HMO which was approved by the Council under planning application ref: 24/00073/FUL. This property adjoins directly with the Cosmopolitan. Noise logging was undertaken within no. 28 St George's Street over a typical weekend to ensure that a representative period of operation was recorded within the building. It was considered that more noise would transfer directly through the party wall than would pass out from the Cosmopolitan to the environment as noise sources would be retained within the establishment. The Planning Officer's Committee Report for planning application ref: 24/00073/FUL concluded that the amenity of the future occupiers of the proposed HMO at no. 28 St George's Street, would not be harmed by the adjoining business, although this was subject to the implementation of suitable mitigation measures including the installation of suitable stud walls.
51. Due to the degree of separation between the site and the Cosmopolitan (approximately 28m) and given that unlike no. 28 St George's Street the site does not adjoin with this commercial premises, it is not considered that the amenity of the future occupiers of the HMO at no. 11 St George's Street would be significantly or adversely harmed by this



neighbouring business or any other neighbouring businesses. Consequently, the proposed development (the agent of change) is unlikely to lead to any unreasonable restrictions being placed upon existing neighbouring businesses.

## CONCLUSION

52. The proposed development is acceptable in principle, and it would not have an unacceptable adverse impact on the character and appearance of the existing site or the surrounding area, whilst it would have the benefit of providing a viable end use to a disused listed building. It would not cause any significant harm to the amenity of neighbouring residents, whilst there are no clear grounds to resist the sub optimal level of accommodation that would be provided for future occupiers. There are no adverse impacts in relation to matters of highway safety or the significance of the identified heritage assets.

53. It is, therefore, considered that on balance the development is acceptable and it is recommended that the application is approved, subject to conditions.

**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:** 81/00397/FUL **Decision:** PERFPP **Decision Date:** 19 May 1981  
**Description:** Change of use to small offset printing and stationery business

**Ref:** 24/00646/FUL **Decision:** WDN **Decision Date:** 27 September 2024  
**Description:** Change of use of no. 11 St Georges Street to a 20no. bedroom house in multiple occupation, the erection of a single storey extension and a first floor extension to the side (east) elevation and the installation of two roof dormer extensions to the rear (north) elevation

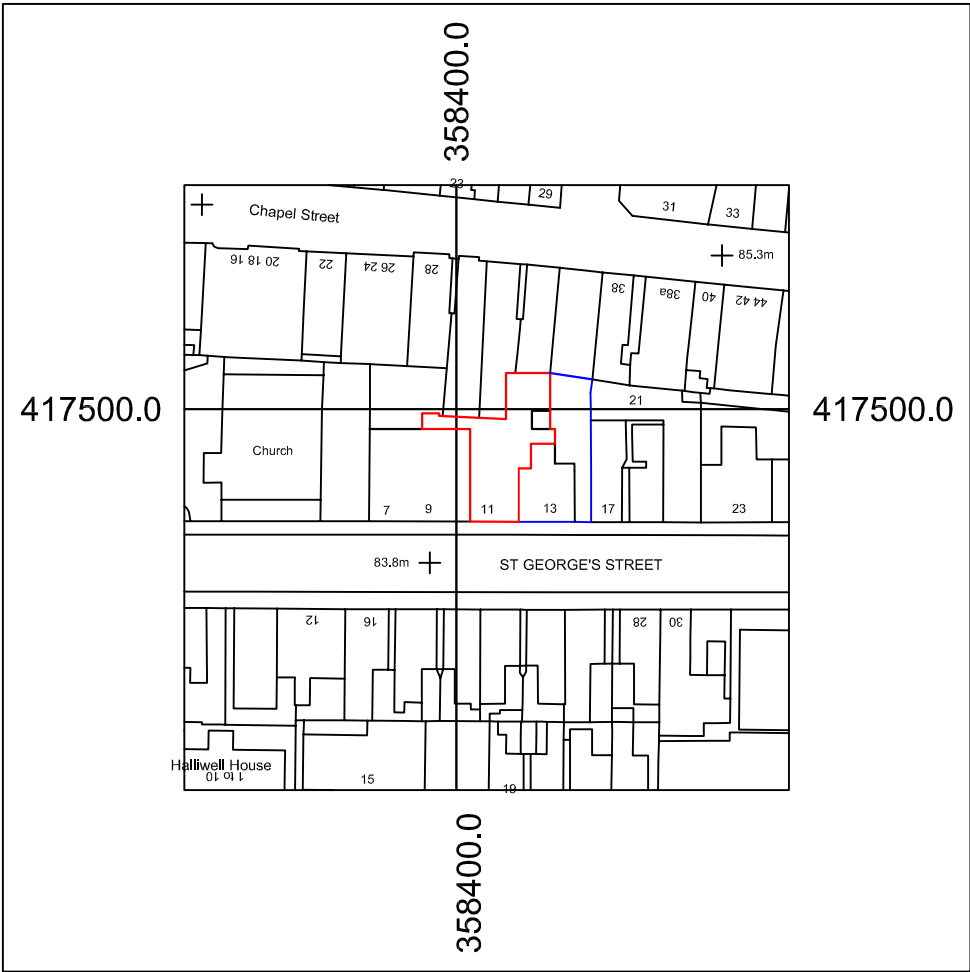
**Ref:** 24/00647/LBC **Decision:** WDN **Decision Date:** 27 September 2024  
**Description:** Application for listed building consent for the change of use of no. 11 St Georges Street to a 20no. bedroom house in multiple occupation, the erection of a single storey extension and a first floor extension to the side (east) elevation and the installation of two roof dormer extensions to the rear (north) elevation

## Suggested Conditions

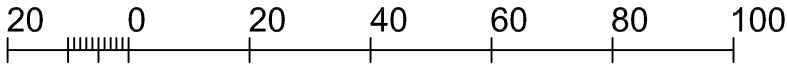
To follow.

This page is intentionally left blank

# Stanfords Planning Map Data



1:1250



Metres



Production Date: 26 June 2024

Top Left: 358355 417537 Bottom Right: 358455 417437

© Crown copyright and database rights 2024 Ordnance Survey OS100035409.

Reproduction in whole or in part is prohibited without the permission of Ordnance Survey

This page is intentionally left blank

**APPLICATION REPORT – 24/00869/LBC**

**Validation Date: 17 October 2024**

**Ward: Chorley North West**

**Type of Application: Listed Building**

**Proposal: Application for listed building consent for the change of use of no. 11 St Georges Street to a 16no. bedroom house in multiple occupation, the erection of a single storey rear extension and a first floor rear extension**

**Location: Printing.com 11 St Georges Street Chorley PR7 2AA**

**Case Officer: Chris Smith**

**Applicant: MESSERS MJ & S McVERRY**

**Agent: Mr Lee Fenton**

**Consultation expiry: 7 November 2024**

**Decision due by: 12 December 2024**

---

**RECOMMENDATION**

1. It is recommended that listed building consent is granted.

**SITE DESCRIPTION**

2. The application site is located within the settlement area of Chorley as defined by the Chorley Local Plan 2012-2026 on the northern side of St George's Street within the St George's Conservation area. The site contains a two storey, Grade II listed, mid terraced property. There are also Grade II listed buildings on either side of the site and to the south on the opposite side of St. George's Street. The immediate locality is a densely built-up urban environment containing a mix of uses typically found within a town centre including commercial services, restaurants, residential properties and the Grade II listed St George's Church at the eastern end of St George's Street.

**DESCRIPTION OF PROPOSED DEVELOPMENT**

3. The application seeks listed building consent for the change of use of no. 11 St George's Street to a 16no. bedroom house in multiple occupation along with the erection of a single storey rear extension and a first-floor rear extension. The proposal would also result in a number of bricked up window openings becoming reinstated and rooflights installed.

**REPRESENTATIONS**

4. One representation has been received citing the following grounds of objection to the proposed development:
  - The Council has not provided a comprehensive list of existing houses in multiple occupation.
  - This lack of transparency leaves the community unaware of the density of HMOs
  - Application should be postponed until this information has been provided
  - Lack of infrastructure to support the proposed development.

- Police do not respond to minor crimes.
- Log waiting time for GP appointments
- Increased demand for public transport will contribute to CO2 and NOX emissions
- Sewage
- Energy supply

#### **PLANNING CONSIDERATIONS**

5. 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.
6. The National Planning Policy Framework (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.
7. Paragraph 212 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.
8. Paragraph 213 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.
9. Paragraph 215 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.
10. 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.
11. 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.
12. 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.
13. The key considerations in respect of the impact of the proposal on the heritage asset are whether the proposed development would:
- Whether the proposed development would harm the significance of the setting of the listed buildings – nos. 9 to 27 St George's Street and the Church of St George.
  - Whether the proposed development will harm the significance of the listed building 'The Old Coach House' (nos. 16 to 28 St George's Street).
  - Whether the proposed development will harm the character or appearance of the St George's Conservation Area.

### **Assessment**

#### *The impact on the listed building -*

14. The existing property is a mid-nineteenth century townhouse in Flemish bond on a stone plinth with a moulded stone doorcase and it fronts the north side of St George's Street in Chorley Town Centre. The property's significance is based largely on its historic, aesthetic and group values, primarily evidenced through the building's fabric, materials, architectural form and design and its group value within the terrace and surrounding listed properties. An attached former coach house to the rear has been much altered and has shuttered openings. As a listed building in a Conservation Area, high significance is attributed to the property.
15. It is considered that the proposed development would ensure that the building is brought into an active use, which is the best way to help sustain the significance of the listed building and its importance to the Conservation Area. With regards to the proposed rear extensions, the coach house at the rear of the building is a 19<sup>th</sup> century brick built ancillary building historically connected to the terrace, however, it has been much altered and surrounded by modern infill development on all sides except from the front (east) and still has a historic yard and access from St Georges Street. The proposed extensions would be located on either side of the central outshut which will in effect provide the appearance of a flush gable frontage. The proposed extensions will be clad with standing seam zinc effect cladding to provide distinction from the old and new and the cladding will extend to the ground floor on the north side. Overall, given the cumulative development to the rear, it is not considered that these elements will cause any further harm to the listed building.

16. Internally, the proposed plans show that the building will be heavily sub-divided to provide the multiple units. In this regard, it is considered that the proposed development will erode the significance of the listed building somewhat. However, the front entrance and hallway and left side 'service alley' is to be retained and as a result the historic plan form of the building would be retained. With regards to internal features, it is noted that photographic evidence submitted with the application shows that original timber carpentry and plaster cornicing appear to be limited to the front room of the property and the hallway, whilst at the rear of the property, it is evident that the building has been altered substantially overtime which has led to the loss of the majority of historic features. The plans submitted with the application denote the position of the historic features and propose to retain them in their entirety. Consequently, from a heritage perspective it is considered that the internal configuration would cause no additional harm to the significance of the listed building. Furthermore, it is noted that the property's significance is based largely on its group value within the terrace and surrounding listed properties rather than its historic internal features.

*The impact on the conservation area and the setting of the listed buildings -*

17. The character of the St George's Street Conservation Area is defined in its eclectic mix of nineteenth century public, commercial and domestic buildings built around St George's Church. It is considered that the significant character of the Conservation Area derives from the strong focal point that the church provides in the view down St Georges Street and the frontage properties of St George's Street, Church Street and Chapel Street.
18. It is considered that, the proposals for the rear would have no impact on the Conservation Area or the setting of the listed buildings. The original front entrance door to the property is to be reinstated and it is considered that this would have a positive impact on the Conservation Area.
19. Having regard to the above, the proposed development is considered to meet the statutory test 'to preserve' and would cause no discernible harm to the character and appearance of the St George's Conservation Area and there would be no discernible harm caused to the collective significance of the listed buildings.

## CONCLUSION

20. It is considered that the proposal would meet the statutory test of the Act 'to preserve' and is acceptable in design terms. The proposed development accords with the objectives of Chapter 16 of the Framework, policy BNE8 of the Chorley Local Plan and Policy 16 of the Central Lancashire Core Strategy.

**RELEVANT POLICIES:** The Planning (Listed Building and Conservation Areas) Act 1990 states that the Local Planning Authority has a primary duty in relation to listed buildings to 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. Policy 16 of the Central Lancashire Core Strategy, 'Heritage Assets' and Policy BNE8, 'Protection and Enhancement of Heritage Assets' of the Adopted Chorley Local Plan 2012 - 2026 seek to protect and enhance the Borough's heritage. Also, of relevance is the Framework (National Planning Policy Framework), section 16.

## RELEVANT HISTORY OF THE SITE

**Ref:** 81/00397/FUL **Decision:** PERFPF **Decision Date:** 19 May 1981  
**Description:** Change of use to small offset printing and stationery business

**Ref:** 24/00646/FUL **Decision:** WDN **Decision Date:** 27 September 2024  
**Description:** Change of use of no. 11 St Georges Street to a 20no. bedroom house in multiple occupation, the erection of a single storey extension and a first floor extension to the side (east) elevation and the installation of two roof dormer extensions to the rear (north) elevation

**Ref:** 24/00647/LBC **Decision:** WDN **Decision Date:** 27 September 2024



**Description:** Application for listed building consent for the change of use of no. 11 St Georges Street to a 20no. bedroom house in multiple occupation, the erection of a single storey extension and a first floor extension to the side (east) elevation and the installation of two roof dormer extensions to the rear (north) elevation

Suggested Conditions

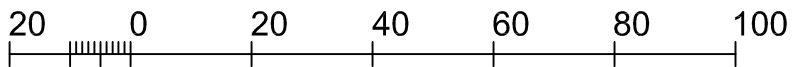
To follow.

This page is intentionally left blank

# Stanfords Planning Map Data



1:1250



Metres



Production Date: 26 June 2024

Top Left: 358355 417537 Bottom Right: 358455 417437

© Crown copyright and database rights 2024 Ordnance Survey OS100035409.

Reproduction in whole or in part is prohibited without the permission of Ordnance Survey

This page is intentionally left blank

**APPLICATION REPORT – 24/01031/FUL**

**Validation Date: 2 December 2024**

**Ward: Chorley North West**

**Type of Application: Full Planning**

**Proposal: Change of use of nos. 61 to 63 St Thomas Road from offices (Use Class E) to a 15no. bedroom house in multiple occupation (HMO) along with the provision of secure cycle storage, bin storage and erection of boundary fencing**

**Location: Age UK Lancashire 61 - 63 St Thomas Road Chorley PR7 1JE**

**Case Officer: Chris Smith**

**Applicant: Rolldean Estates Limited**

**Agent: Astonwood Architectural Design**

**Consultation expiry: 31 December 2024**

**Decision due by: 14 February 2025 (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 settlement area of Chorley as defined by the Chorley Local Plan 2012-2026 on the southern side of the A581 St Thomas's Road approximately 170m to the west of the Chorley town centre boundary. The site is a vacant two-storey end terrace property with a basement. Its last use was as offices, which remains the lawful use of the building. The immediate locality is a densely built-up urban area characterised by a variety of uses including commercial premises along both sides of St Thomas's Road and residential properties to the south at Bank Street and Ashfield Road. The site is also located within an area designated as a 'Locally Important Area' under Policy BNE8 of the Council's Local Plan 2012-2026.
3. Planning permission was granted in March 2024, ref. 24/00036/FUL, for the change of use of the building from offices (Use Class E) to supported living / care home (Use Class C2), including erection of a timber fence to the side of the property and new cycle parking and bin storage areas. It is not considered that this use has been implemented.

**DESCRIPTION OF PROPOSED DEVELOPMENT**

4. The application seeks planning permission for the change of use of nos. 61 to 63 St Thomas Road from offices (Use Class E) to a 15no. bedroom house in multiple occupation (HMO) along with the provision of secure cycle storage, a bin store and the erection of boundary fencing.
5. It should be noted that the proposed development has been amended since first being received by the Council. The original scheme involved the removal of 2no. trees located along the boundary of the site. However, on being notified that the development would be

subject to mandatory biodiversity net gain if the trees were to be removed, the applicant's agent submitted an amended site plan to show that the trees would be retained.

## REPRESENTATIONS

6. Three representations have been received citing the following grounds of objection to the proposed development –
  - Development will change the character of the area
  - Noise and nuisance
  - Parking
  - Crime, disorder and anti-social behaviour
  - Overdevelopment
  - Development would not be in keeping with the area

## CONSULTATIONS

7. Chorley Council's Environmental Health Officer – Have stated that they have no objection in principle to the proposed development, however, they would signpost the applicant to information contained on the Council's website regarding HMO licenses as this will be a requirement should the planning application be approved.
8. Lancashire Highway Services (LCC Highways) – Have 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.

## PLANNING CONSIDERATIONS

### Principle of the development

9. The application site is located in the core settlement area of Chorley. Policy V2 of the Chorley Local Plan 2012 - 2026 states that within the settlement areas excluded from the Green Belt, and identified on the Policies Map, there is a presumption in favour of appropriate sustainable development.
10. The site is also an employment premises as it has been used as offices. The adopted Core Strategy sets the overall employment requirement for Chorley as 112 ha to 2026. Table 2 within Chapter 6 of the Local Plan provides an employment land supply in Chorley for the period 2010 – 2026 as 100.61ha. This figure does not take into account vacant stock in the Borough.
11. The proposed use of the building would result in the loss of approximately 685 square metres of employment use. Given that this is a very small loss, it is not considered that the proposed development would result in an unacceptable reduction in the type, quality or quantity of employment land supply.
12. Policy 10 of the Central Lancashire Core Strategy states that all existing employment premises and sites last used for employment will be protected for employment use. There will be a presumption that 'Best Urban' and 'Good Urban' sites will be retained for B use class employment use. Proposals on all employment sites/premises for re-use or redevelopment other than B use class employment uses will be assessed under the following criteria:
  - (a) **There would not be an unacceptable reduction on the type, quality or quantity of employment land supply:**
13. It is not considered that the loss of such a small area of office floorspace would result in an unacceptable reduction in the type, quality or quantity of employment land supply in the borough. There remains an ample choice of employment land offering various sizes, types and tenures.

**(b) The provision and need for the proposed use:**

14. It is also considered that there would be social and economic benefits through the provision of 15no. new dwelling units, 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. Further, the Council cannot demonstrate an adequate supply of housing and the shortfall is significant.

**(c) The relative suitability of the site for employment and for the alternative use:**

15. The application site is an end terrace property which has been used for offices for a considerable period of time although it is noted that planning application ref: 75/00229/FUL was refused by the Council on the basis that the proposal would result in an undesirable loss of residential accommodation. Whilst the application was subsequently allowed following an appeal, what the application does demonstrate is that historically the site has been used for residential purposes prior to its conversion to offices. It is considered, therefore, that the site would be suitable for the proposed residential use which would also be in keeping with the residential character of the immediate locality.

**(d) The location of the site and its relationship to other uses:**

16. The use would not have any impact on other uses within the area. It is considered that it would complement the other uses.

**(e) Whether the ability to accommodate smaller scale requirements would be compromised;**

17. The application site currently provides a small amount of office floorspace and therefore its loss would compromise smaller scale requirements to some extent. The impact would, however, be limited and the ability to re-use the building for employment uses in future would not be compromised as the building would require very little alteration to accommodate the proposed use.

**(f) There would be a net improvement in amenity:**

18. It is not considered that the proposed development would represent a more intensive use of the site than the current lawful use of the site as offices, and, therefore, it is not considered that the proposed development would have a significantly greater or more adverse impact on neighbouring amenity than the previous use of the site. Furthermore, it is considered that there would be a net improvement in amenity, particularly during daytime hours, on the basis that the proposed use would generate less vehicular traffic and fewer comings and goings during these hours than the previous office use.
19. Whilst it is acknowledged that there would be some loss of employment space as a result of the proposal, an ample choice of employment land would remain in the immediate locality including a large office building not far away from the site at no. 10 Ashfield Road. Given that the application site is a small-office premises, its loss would be limited and the ability to use the building for employment uses in the future would not be compromised. The loss of this site as an employment site was considered to be acceptable by the Council last year by virtue of planning permission ref. 24/00036/FUL. The Council cannot demonstrate an adequate supply of housing and the shortfall is significant and the proposed change of use would lessen this shortfall. It is considered, therefore, that the development is in compliance with policy 10 of the Central Lancashire Core Strategy.

**Design and impact on the character of the area**

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:

a) 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.

21. No external alterations to the existing building would be required in order to facilitate the proposed development. However, the scheme involves the erection of an approximately 1.8m high timber fence along the western site boundary facing towards Ashfield Road and part of the front (northern) boundary facing towards St Thomas's Road, in order to facilitate the provision of an outside communal amenity area for residents of the development. It is considered that the style and design of the fencing would be suitably domestic and that it would not, therefore, appear out of place given the predominantly residential characteristics of Ashfield Road to the west of the site. Although it would be built along part of the front site boundary facing towards St Thomas's Road which is mainly characterised by properties with open frontages, the fence would occupy a small section of the boundary thus maintaining an active street frontage that would be in keeping with the character of the immediate locality. The communal amenity area, bin store and a secure cycle store to be located to the side (west) of the building would be screened by the approximately 1.8m high timber panel fence.
22. On the basis of the above the proposed development would not be harmful to the character of the area, thereby complying with Chorley Local Plan policy BNE1.

#### Impact on the amenity of neighbouring occupiers

23. 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:

b) the development would not cause harm to any neighbouring property by virtue of overlooking, overshadowing or by creating overbearing impacts.

24. The immediate locality contains a mix of uses including several commercial properties on either side of the site along St Thomas's Road and residential properties to the south west at Ashfield Road. However, it is considered that the previous use of the site as offices would have generated frequent comings and goings which would have resulted in a degree of adverse impact on neighbouring amenity and the proposed development would introduce a less intensive and more low-key use which would be more in keeping with the predominantly residential characteristics of the immediate locality. Whilst the introduction of an outdoor communal amenity area would generate a degree of noise and disruption, it is considered that this would be comparable to and not significantly greater than the levels of noise and disruption generated by existing residential gardens in the area.
25. The proposed development would not involve the insertion of any additional windows, and, therefore, it is not considered that any impacts on neighbouring amenity as a result of privacy loss would be notably greater or more adverse than the previous use as offices. It is also noted that the site has been previously used for residential occupation as demonstrated by planning application ref: 75/00229/FUL.
26. Having regard to the above, the proposal is considered to accord with Chorley Local Plan policy BNE1 b) in respect of amenity.

#### Parking and highway safety

27. 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.



28. 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 residential (Use Class C3) in all other areas outside Chorley Town Centre as being 1 space per bedroom. However, the 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.
29. LCC Highways have 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. Whilst the proposed development would involve the provision of 8no. off road car parking spaces at the rear of the site which is below the car parking standards as per the provisions of Policy ST4 of the Chorley Local Plan 2012-2026, LCC Highways stated that as the site is located within a sustainable location, no off street parking would be required. Indeed, the site is located approximately 170m to the west of the town centre boundary and it is, therefore, within walking distance of a wide range of shops, services, amenities, and public transportation links which are typically found within a town centre including a bus station and a railway station. Furthermore, it is not anticipated that there would be a material change in the amount of traffic in the vicinity of the site as a result of the development or that the proposed development would attract a greater number of vehicles than the previous use of the building as offices. Consequently, it is considered that a relaxation in the car parking standards can be made as per the provisions of policy ST4 of the Chorley Local Plan 2012-2026.
30. Whilst it is acknowledged that there is limited off-street car parking availability within the immediate area, the building is positioned within a sustainable location and it is not therefore considered that the proposed development would prejudice highway or pedestrian safety.

#### Impact on a locally important area

31. The site is located within an area that is designated as a 'Locally Important Area'. Paragraph 7.32 of the Local Plan states that "not all of Chorley's heritage is nationally designated and it is important that we recognise the value of our 'local' historic environment in planning for the future" and paragraph 7.34 states that "there may be areas that are considered to be historically significant on a more local level, in effect being 'Locally Important Areas'. These include, for example, areas of lower density housing where the character and distinctiveness of the houses and private residential gardens is worthy of extra protection from development pressures".
32. As mentioned earlier in the report, no external alterations are required in order to facilitate the proposed change of use, and the resultant building would not have a significantly greater or more adverse impact on the character of the immediate locality including the 'Locally Important Area' than the existing building. The proposed boundary treatments would not appear out of place within the residential context of the immediate locality and it is not considered that they would have an adverse visual impact on the 'Locally Important Area'.

#### Trees

33. The site plan submitted with the application shows that two mature trees located to the side (west) of the property are to be retained. In comments relating to planning permission ref: 24/00036/FUL, the Council's Tree Officer stated that one of the trees is a mature beech and is a good specimen and its removal would have a significant negative impact on public visual amenity. These comments are still considered to be relevant and, therefore, the retention of the trees, and their protection during construction is to be secured by a planning condition.

#### Community Infrastructure Levy

34. 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.

#### Other matters

35. With regards to mandatory Biodiversity Net Gain (BNG), it is noted that the application form submitted with the planning application states that the development is exempt from the requirement to provide BNG on the basis that it complies with the de-minimis exemption. Whilst the proposed development would involve the erection of a boundary fence, cycle store and a bin store, these structures would be built on an area of existing hardstanding which is a sealed surface assigned a zero score in the statutory biodiversity metric and, therefore, exempted from the 10% net gain requirement.

#### **CONCLUSION**

36. The proposed development is acceptable in principle and would not result in an unacceptable loss of employment land, any significant harm to the character and appearance of the existing site or the surrounding area, nor would it cause any significant harm to the amenity of neighbouring residents, highway safety or the locally important area. It is, therefore, considered that the development accords with policy 10 of the Central Lancashire Core Strategy 2012 and policies V2 and BNE1 of the Chorley Local Plan 2012 – 2026, subject to conditions.

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

**Ref:** 77/00395/FUL **Decision:** PERFPP **Decision Date:** 2 August 1977  
**Description:** Change of use of house to offices

**Ref:** 87/00228/FUL **Decision:** PERFPP **Decision Date:** 15 June 1987  
**Description:** Change of use of private dwelling to offices provision of rear parking and modification of rear vehicular access

**Ref:** 04/00193/INV **Decision:** PCO **Decision Date:**  
**Description:** Formation of ramp/handrail access,

**Ref:** 04/00893/FUL **Decision:** PERFPP **Decision Date:** 1 October 2004  
**Description:** Formation of ramp/handrail access,

**Ref:** 05/00012/ADV **Decision:** PERADV **Decision Date:** 24 February 2005  
**Description:** One illuminated projecting sign between 61/63 at first floor level, one to go to the side of front door at No 63 and one to go on the side wall on Ashfield Road,

**Ref:** 09/00746/ADV **Decision:** PERADV **Decision Date:** 20 November 2009  
**Description:** Provision of non-illuminated projecting sign

**Ref:** 5/1/00246 **Decision:** PERFPP **Decision Date:** 28 April 1950  
**Description:** Conversion of dwellinghouse into two flats.

**Ref:** 24/00036/FUL **Decision:** PERFPP **Decision Date:** 11 March 2024  
**Description:** Change of use from offices (Use Class E) to supported living / care home (Use Class C2), including erection of a timber fence to the side of the property and new cycle parking and bin storage areas.

**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	Rolldeen/01	2 December 2024
Block Plan	Rolldeen/02	2 December 2024
Proposed Floorplans	Rolldeen/07	2 December 2024
Boundary Fence Details	Rolldeen/10	2 December 2024
Proposed Elevations	Rolldeen/08	2 December 2024
Existing and Proposed Basement Floorplans	Rolldeen/09	2 December 2024
Proposed Site Plan	Rolldeen/06 A	22 January 2025

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

4. A scheme for the landscaping of the development shall be submitted prior to the commencement of the development. These details shall include all existing trees and hedgerows on the land; detailing any to be retained, together with measures for their protection in the course of development; indicate 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.

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.

*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.*

5. The cycle storage facilities identified on approved drawing ref. 'Rolldeen/06 Rev A', received on 22nd January 2025, shall be installed and ready for use before the use of the premises hereby permitted becomes operative and permanently maintained thereafter.

*Reason: To allow for the effective use of the parking areas the promotion of sustainable forms of transport and aid social inclusion.*

6. The trees identified on approved drawing ref. Rolldeen/06 Rev: A, received on 22nd January 2025, shall be retained and during the construction period, all trees to be retained shall be

protected in accordance with British Standard BS 5837:2012 or any subsequent amendment to the British Standards.

*Reason: To safeguard the trees to be retained.*

#### RELEVANT HISTORY OF THE SITE

**Ref:** 77/00395/FUL **Decision:** PERFPP **Decision Date:** 2 August 1977  
**Description:** Change of use of house to offices

**Ref:** 87/00228/FUL **Decision:** PERFPP **Decision Date:** 15 June 1987  
**Description:** Change of use of private dwelling to offices provision of rear parking and modification of rear vehicular access

**Ref:** 04/00193/INV **Decision:** PCO **Decision Date:**  
**Description:** Formation of ramp/handrail access,

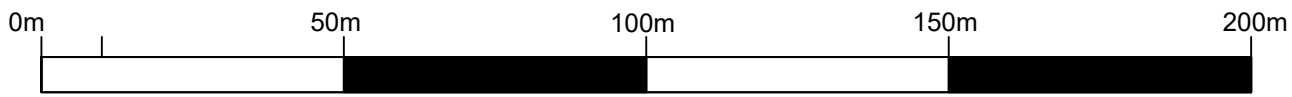
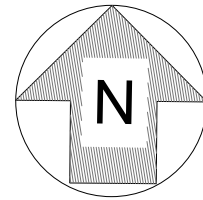
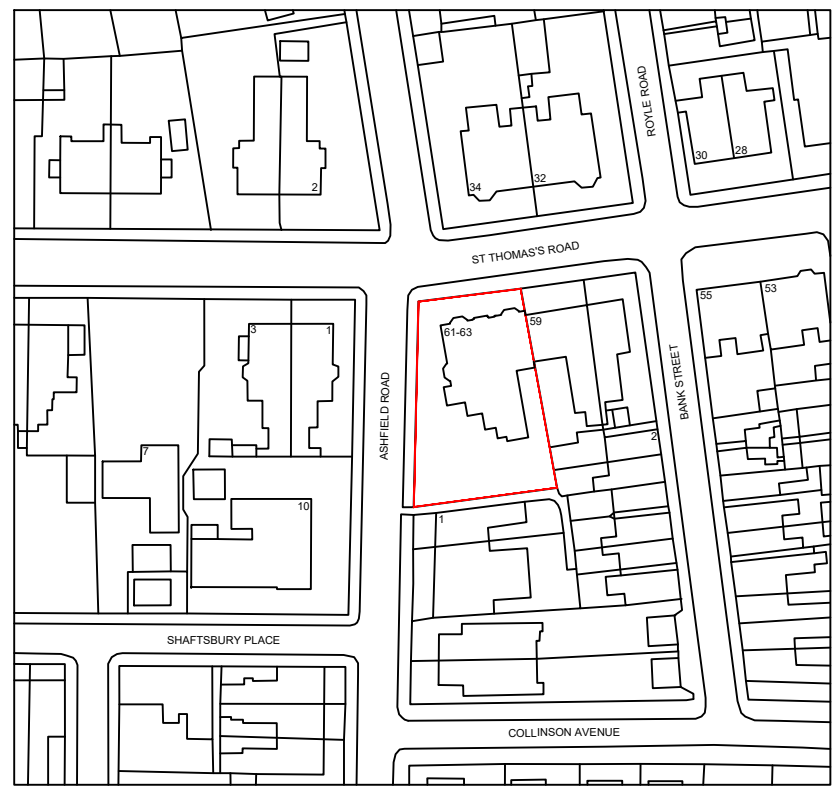
**Ref:** 04/00893/FUL **Decision:** PERFPP **Decision Date:** 1 October 2004  
**Description:** Formation of ramp/handrail access,

**Ref:** 05/00012/ADV **Decision:** PERADV **Decision Date:** 24 February 2005  
**Description:** One illuminated projecting sign between 61/63 at first floor level, one to go to the side of front door at No 63 and one to go on the side wall on Ashfield Road,

**Ref:** 09/00746/ADV **Decision:** PERADV **Decision Date:** 20 November 2009  
**Description:** Provision of non-illuminated projecting sign

**Ref:** 5/1/00246 **Decision:** PERFPP **Decision Date:** 28 April 1950  
**Description:** Conversion of dwellinghouse into two flats.

**Ref:** 24/00036/FUL **Decision:** PERFPP **Decision Date:** 11 March 2024  
**Description:** Change of use from offices (Use Class E) to supported living / care home (Use Class C2), including erection of a timber fence to the side of the property and new cycle parking and bin storage areas.



1 : 1250

Approved under app ref:  
24/00036/FUL

Rev.	Description	By	Date
<b>Project</b> Proposed Development 61-63, St Thomas Road Chorley Lancashire PR7 1JE		<b>Drawing Title</b> Location Plan	
<b>Drawing No.</b> Rolldeen/01		<b>Rev.</b>	
<b>Drawn by</b> P.E.		<b>Scale</b> 1:1250@A4	<b>Date</b> Sept '24
1. Figured dimensions to be followed in preference to scale. 2. All dimensions to be checked on site prior to the commencement of any work. Any discrepancies to be reported immediately & resolved prior to work commencing 3. This drawing is the copyright of Mr Paul Erskine and may not be copied or used without prior consent			

This page is intentionally left blank

**APPLICATION REPORT – 24/01059/FUL**

**Validation Date: 11 December 2024**

**Ward: Croston, Mawdesley And Euxton South**

**Type of Application: Full Planning**

**Proposal: Change of use from residential to mixed use of residential and dog minding business (retrospective) and extensions to existing buildings**

**Location: Holker Cottage Holker Lane Ulnes Walton Leyland PR26 8LL**

**Case Officer: Mike Halsall**

**Applicant: Sarah Clarke**

**Agent: Mr Chris Weetman**

**Consultation expiry: 7 January 2025**

**Decision due by: 14 February 2025 (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 in the Green Belt on the northern side of Holker Lane in a rural part of the Parish of Ulnes Walton. The application site relates to two parcels of land with a path connecting the two. The eastern parcel relates to land to the east of the applicant's dwelling of Holker Cottage, which includes outbuildings (one of which is unauthorised, as explained below) and a grassed field. The western parcel relates to a car parking area to the west of the dwelling, which is set to hardstanding and includes the site access point from Holker Lane.
3. The land surrounding the application site is agricultural, other than the neighbouring dwellings of Nook Farm immediately to the west, beyond which is a substantially sized horticultural glasshouse development, and 'The Bungalow' on the opposite side of Holker Lane to the western parcel of the site.
4. Two planning applications, submitted retrospectively, relating to this site were refused by the Council in March 2023, and were for a change in use of land to a dog day care facility and the erection of a building to be used in connection with the dog day care facility. The Council also issued enforcement notices in relation to the two unauthorised developments for which planning permission was sought. The applicant lodged appeals against both refusals and the enforcement notices and the Planning Inspectorate subsequently dismissed the appeals and upheld the enforcement notices, albeit giving the applicant 12 months to continue operating whilst they sought new premises. The descriptions of development of each application and the reasons for refusal are as follows:

**App ref. 22/01217/FUL** - Change of use of land to the east of Holker Cottage from agriculture to a dog day care facility and change of use of car park to the west of Holker

Cottage from domestic (Use Class C3) to a mixed use of domestic car parking (Use Class C3) and car parking associated with the dog day care facility (retrospective)

Reasons for refusal:

1. The proposal is inappropriate development in the Green Belt, which is harmful by definition. There would also be other harm through impacts on openness and residential amenity. The applicant has not demonstrated that there are very special circumstances that would outweigh the definitional harm to the Green Belt and other harm and, therefore, the development is contrary to the provisions of Chapter 13 of the National Planning Policy Framework.
2. It is considered that the development by reason of its proximity to noise sensitive residential properties would have an unacceptable adverse impact on the amenity of neighbouring occupiers as a result of noise disturbance caused by excessive amounts of dog barking. Satisfactory mitigation measures could not be put in place to reduce any detrimental impact to the occupiers of such properties, contrary to policy BNE1 of the Chorley Local Plan 2012 - 2026.

In dismissing the appeal against this refusal, the Inspector concluded (appeal ref. APP/D2320/W/23/3321577) that the change in use of the land was inappropriate development in the Green Belt and that very special circumstances required to clearly outweigh the harm to the Green Belt have not been demonstrated. Consequently, the proposal conflicts with the objectives of the Framework to protect the Green Belt. However, the Inspector also concluded that the development does not cause unacceptable harm to the living conditions of the occupants of neighbouring residential properties, with regard to noise, thereby disposing of the Council's second reason for refusal above. Further detail is provided later in this report.

**App ref. 22/01296/FUL** - Erection of building for use in connection with dog day care business (retrospective)

Reason for refusal:

1. The proposal is inappropriate development in the Green Belt, which is harmful by definition. There would also be other harm through impacts on openness and encroachment of the countryside. There are no very special circumstances that would outweigh the identified harm and, therefore, the development is contrary to the provisions of Chapter 13 of the National Planning Policy Framework.

In dismissing the appeal against this refusal, the Inspector concluded (appeal ref. APP/D2320/W/23/3321575) that the building was inappropriate development in the Green Belt and very special circumstances required to clearly outweigh the harm to the Green Belt have not been demonstrated. Consequently, the proposal conflicts with the objectives of the Framework to protect the Green Belt.

## **DESCRIPTION OF PROPOSED DEVELOPMENT**

5. The applicant now seeks planning permission for the change of use from residential to a mixed use of residential and dog minding business (retrospective) and for the extension of existing buildings. The buildings in question are four outbuildings labelled Outbuildings A to D on the submitted plan entitled 'Proposed Site Plan' ref. DPB/SC/24/04 PA.
6. The planning application does not seek planning permission to retain the building that was the subject of refused planning application ref. 22/01296/FUL and subsequent dismissed appeal ref. APP/D2320/W/23/3321575.

The business operates as follows:



- The business has operated from the site since mid-2018 and has seen a significant increase in demand for the service since the pandemic.
- It is operated by the applicant and two local volunteers. The day care activity takes place only on weekdays between the hours of 7:30am and 6:00pm.
- The facility offers a niche doggy day care facility in that the dogs are cared for in a sensory outdoor natural environment rather than being kept indoors for the duration of the day.
- The site was first licensed by the Council's Environmental Health team for the hosting of up to 8 dogs and then subsequently for 20 dogs.
- Dog agility/exercise equipment such as tunnels and slides are used occasionally on the land but are not kept upon it on a permanent basis.
- Located to the north-east of the dwelling are four small buildings which are used in connection with the doggy day care business.

#### RELEVANT HISTORY OF THE SITE

**Ref:** 98/00435/FUL **Decision:** PERFPP **Decision Date:** 15 September 1998  
**Description:** Two storey side extension and alterations,

**Ref:** 22/01217/FUL **Decision:** REFFPP **Decision Date:** 24 March 2023  
**Description:** Change of use of land to the east of Holker Cottage from agriculture to a dog day care facility and change of use of car park to the west of Holker Cottage from domestic (Use Class C3) to a mixed use of domestic car parking (Use Class C3) and car parking associated with the dog day care facility (retrospective)

**Ref:** 22/01296/FUL **Decision:** REFFPP **Decision Date:** 24 March 2023  
**Description:** Erection of building for use in connection with dog day care business (retrospective)

#### REPRESENTATIONS

7. One neighbour objection has been received, which raises issues of noise and disturbance, traffic and parking, character, Green Belt harm and lack of adequate consultation. They also state that they have not lodged complaints relating to noise from the facility as they were under the impression the operations would be ceasing due to the appeal decision. Videos and photographs have also been provided which show some vehicles queueing to enter the site.
8. The statutory consultation and publicity requirements have been undertaken in relation to this planning application. Other issues raised within the neighbour objection are addressed later in this report.

#### CONSULTATIONS

9. Ulnes Walton Parish Council: have not responded.
10. Lancashire Highway Services (LCC Highway Services): have responded with no objection, although have suggested conditions relating to providing adequate vehicle turning and parking areas and improvements to the site access arrangements.
11. Regulatory Services - Environmental Health Officer: has responded as follows:

*"Thank you for your consultation regarding this proposal. I have been made aware of the planning inspectors comments with respect to noise and note that the acoustic report submitted in support of this application is the same one submitted with the previous applications. I have no further comments/ concerns regarding the quality and content of the report, other than those submitted previously, even withstanding the comments from the planning inspector. I can confirm that we have not received any further noise complaints regarding dog barking from this premises since March 2023."*

The Environmental Health Officer's comments, along with a response from the applicant's noise consultant, in relation to the previous application are as follows:

*"Thank you for your consultation regarding this further supporting information. I have read the acoustic report prepared by Martec Environmental Consultants Ltd (ref: 20230201 9341 Leyland Dogs.docx) and dated 1st February 2023.*

*Prior to the commissioning of the report, I spoke to the applicant Sarah Clarke at length regarding the existing noise nuisance investigation and the concerns that have been raised by local residents, in particularly the noise of dog barking during drop off and collection times. Sarah admitted that she was conscious that these parts of the day were sometimes quite loud and I expressed that hopefully the acoustic report would provide practical and effective noise mitigation measures to reduce the levels of noise affecting the local residents. Unfortunately, the report did not highlight any such measures and the findings concluded that the dog barking associated with the proposed activities were found to be acceptable and the levels of dog barking noise did not exceed the measured existing background noise levels.*

*I have concerns regarding the statistical significance of the measured noise levels within the report and therefore the same concerns with the conclusions which have been drawn. The report lacks key information in order for me to confirm whether the likely proposed activities would cause an excessive disturbance on nearby local residents.*

*The report fails to highlight how many dogs were present on the days that the monitoring was carried out. I am aware that the maximum permitted is currently 20, but if there were only limited numbers of dogs on the days when monitoring was carried out, then the results would not be representative of the worst case scenario or even normal operating activities.*

*The report highlights (page 12) that recordings had been listened to and that the loudest noise source, which was also noted on collection of the equipment appears to have been some mobile plant in use at a neighbours' property. There is no further clarification about what the noise source was, how long it had been going on for, where it was in relation to the measurement point, how loud it was or even how this would have affected the significance of the noise levels which has been used to determine that this proposed activity would be acceptable. If this noise source had been operating during the background noise monitoring, then this would have significantly increased this level.*

*I have visited the nearby noise sensitive properties since the production of the acoustic report and have spoken to the residents on numerous times regarding their concerns during the ongoing noise nuisance investigation. Anecdotal evidence suggests that the noise levels were significantly reduced around the period of monitoring and that in general the level of noise can vary drastically due to the amount and type of dogs that they have on any day.*

*In summary, I have concerns regarding the significance of the findings of the report and the potential for excessive noise disturbance from dog barking at the site due to the close proximity of the local residents, especially in the summer months when they have their windows open."*

The applicant provided a rebuttal to the above as follows:

*"I attach our rebuttal provided by Martec Environmental Consultants.*

*Key points are:*

- The EHO's conclusions appear to be based solely on observations of the residents and this 'anecdotal' evidence is not a firm basis to conclude that the applications should be refused on noise grounds.*

- *The noise assessment failed to find significant or unreasonable disturbance and thereby noise mitigation measures are not required– if mitigation was found to be necessary within the noise survey results, then of course mitigation measures would have been presented within the report.*

- *The neighbour's mobile plant was the loudest noise source encountered during the monitoring, but it had no significant effect on the measurements either of the dogs or of the background levels.*

- *The noise monitoring period was representative of the site and the doggy day care business. Three of the days during the noise recording period, the site was at capacity.*

*I trust that the Council's EHO will review their initial comments in light of the attached document and if still minded to recommend the applications for refusal, then this is on the basis of factual evidence rather than anecdotal comments from the opposing neighbours.*

*My client will appeal the decision if the application for the land is refused".*

The Council's Environmental Health Officer provided a further response, as follows:

*"Thanks for forwarding the supplementary statement from the acoustic consultant and from the applicant. The additional information was certainly helpful and it was clearly never my intention to solely base my conclusions on anecdotal evidence, hence the reason why the specific information was requested which was missing from the report. It is not reasonable for me to assume or speculate regarding the effect of the additional loud noise source on either the background or source measurements just because the initial report failed to clarify this matter. I also note that on half of the days when the noise measurements of the dogs barking, that the premises was less than half of capacity and therefore it wouldn't represent a worst case scenario. I do have some concerns that the dogs used for the purpose of carrying out the noise assessment may not be representative (in terms of barking) of dogs using the field, as it is simply one relatively short sample period and that more barking may occur on occasions, especially when the premises is at full capacity throughout the week.*

*It is clear that dog barking from this activity will be able to be heard at the two closest nearby noise sensitive dwellings as I have witnessed this myself. The extent of the dog barking and whether this constitutes a significant or unreasonable disturbance or a statutory nuisance will only be able to be determined in the summer months."*

12. Greater Manchester Ecology Unit: no objection subject to informative notes and conditions being attached to any grant of planning permission in relation to safeguarding protected species and securing biodiversity enhancements.

### **PLANNING CONSIDERATIONS**

13. The Inspector's appeal decision is a key material consideration in the determination of this application.

### **Principle of the development in the Green Belt**

14. National guidance on Green Belt is contained in Chapter 13 of the Framework which states:

*"142. The government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.*

*143. Green Belt serves five purposes:*

- a) to check the unrestricted sprawl of large built-up areas;*
- b) to prevent neighbouring towns merging into one another;*

- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

153. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness 55 . Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

154. Development in the Green Belt is inappropriate unless one of the following exceptions applies:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.
- h) Other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These are:
  - i. mineral extraction;
  - ii. engineering operations;
  - iii. local transport infrastructure which can demonstrate a requirement for a Green Belt location;
  - iv. the re-use of buildings provided that the buildings are of permanent and substantial construction;
  - v. material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
  - vi. development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order."

15. The proposal falls to be considered against two of the above exceptions, the change in use of land, which relates to exception 154(h)(v) and the extension of four buildings, which relates to exception 154(c) of the Framework above. As such, these are addressed separately below.

#### Change in use of land

16. Exception 154(h)(v) relates to material changes in use of land where they preserve its openness and do not conflict with the purposes of including land within it, identified at paragraph 143 of the Framework.

#### Openness

17. In relation to impacts on the openness of the Green Belt, it is important to note that the Framework contains no specific definition of openness and so this is a subjective judgement. Openness is generally considered to be the absence of development and it has

spatial and visual dimensions, relating not only to physical size and scale but also visual appearance and use. For openness to be preserved, there must be no greater impact on openness than the existing development.

18. At the time of the appeal the Inspector assessed the appeal scheme against the same exception of the Framework and concluded the following with regards to openness at paragraphs 9 to 19:

*“9. The development includes the use of an existing parking area to the west of the dwelling, Holker Cottage, for staff/customers and land to the east of the dwelling. The land to the east comprises a fenced off area containing a small stable block and a larger building, which is the subject of appeal A and C.*

*10. With regard to Appeals B and D, these relate to the material change of use of the land only, not the erection of the large building. Therefore, in accordance with paragraph 155(e) of the Framework, whether the material change of use amounts to inappropriate development depends on whether the proposal preserves the openness of the Green Belt or conflicts with the purposes of including land within it.*

*11. The Framework indicates that openness is an essential characteristic of the Green Belt with a key objective being to keep land permanently open. Openness has both a visual and spatial dimension and the absence of visual intrusion does not, in itself, mean that there is no impact on the openness of the Green Belt.*

*12. The appellant confirms the land was previously used for agriculture. The site is well screened from views off Holker Lane by way of high hedging and close boarded timber fencing. The existing stable block is used for storage/comfort room/indoor area as part of the business and, notwithstanding the use of the unauthorised larger building, the rest of the business area is open land. Therefore, the general operation of the business has no effect on the openness of the Green Belt.*

*13. However, it is not simply the characteristics of the business itself that need to be considered but also the activities associated with it. The appellant confirms they have a license for up to 20 dogs. This would equate to approximately 40 additional traffic movements in and out of the appeal site and along Holker Lane each day. These are likely to be at peak morning and evening hours as people are dropping their dogs off/collecting them on their way to/on their way home from work. Such an increase in traffic movements to/from the site would result in a large number of cars parked on the site and along the lane during these peak hours, far in excess of what one would expect from the residential/agricultural use of the land. As such, it would diminish the openness of the Green Belt. Therefore, the development does not preserve the openness of the Green Belt and as such does not comply with paragraph 155(e) of the Framework.*

*14. The appellant has referred me to an appeal decision relating to land for a dog exercise area. However, the development appears to have been on a significantly smaller commercial scale to the development that is the subject of the appeals before me, with the Inspector specifically referring to minimal vehicle movement. Consequently, they found it preserved the openness of the Green Belt. Moreover, the development was subject to a number of conditions, including limiting the hours of operation, the number of canines, the number of people accompanying them and the number of private vehicles. The imposition of such conditions in the appeals before me would likely result in unacceptable harm to the viability of the business and therefore would not be appropriate.*

*15. With regard to Appeals A and C, these relate to the erection of the building used in association with the dog day care business. The appellant contends the building is in connection with an existing use of land or a change of use. However, the exception in paragraph 154(b) of the Framework only relates to specific uses of land, which are listed as outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments. It is a closed list. Whilst there is a dog exercise area, this is used by staff as part of the dog day care business. It is not for private or public hire. Consequently, the development is not for outdoor recreation. As the development is also not for outdoor sport, a cemetery, burial ground or an allotment it therefore does not meet the requirements of paragraph 154(b).*

*16. With regard to the effect of the building on the openness of the Green Belt, the building is well screened by the high hedging, with only glimpsed views of it through gaps in the hedge and from within the site itself. Overall, I find that the building does not represent an unacceptable visual intrusion.*

17. Nevertheless, in terms of the spatial dimension of openness, the erosion of three-dimensional space arising from the erection of the building would itself result in an erosion of openness. Consequently, whilst the building would not represent a visual intrusion, it would diminish the openness of the Green Belt.

18. The appellant argues the land could be intensively farmed, which could have a greater effect on the openness of the Green Belt than the appeal development. That may be, however, the Framework specifically states that buildings for agriculture are not inappropriate development in the Green Belt.

19. I find therefore, the material change of use of the land and the erection of the building do not meet the requirements of any of the exceptions listed in paragraph 154 or 155 of the Framework. Therefore, they are inappropriate development in the Green Belt, which, by its very definition, is harmful to the Green Belt and should not be approved except in very special circumstances.”

19. The Inspector drew their conclusion on the impact on openness from the change of use aspect of the proposal based upon 40 vehicle movements during peak hours, i.e. people dropping and collecting their dogs before and after work, respectively. The Inspector concluded that the resultant increase in traffic movements would result in a large number of cars parked on the site and along the lane during these peak hours, far in excess of what one would expect from the residential/agricultural use of the land. As such, they concluded that this activity would diminish the openness of the Green Belt.
20. The applicant has submitted additional evidence in support of the current planning application in the form of a drop-off and pick-up log for three days of operations. This shows that drop-offs and pick-ups are staggered and the most that take place within a ten-minute window are four customers. Although this only relates to one week's worth of bookings, it casts significant doubt on the Inspector's method for assessing the scheme. That said, the Inspector did not have the benefit of the additional pickup and drop-off log evidence during the appeal and so had to assess the scheme under a worst-case scenario.
21. It is noted that video and photographic evidence has been provided by a neighbour that shows three cars arriving / leaving at the same time, causing a car having to reverse onto Holker Lane from the site and one queuing on Holker Lane. However, this is considered to be more of a highway safety issue, rather than demonstrating Green Belt harm, and is addressed later in this report. It is considered that the logs submitted by the applicant, and to some extent the video / photographic evidence of the neighbour, show there is not a large amount of cars parked along the lane and the cars should be capable of being accommodated within the site car park, if it were better managed. Again, this is addressed later in the report.
22. Whilst this aspect of the proposal is finely balanced, it is considered that the applicant has submitted sufficient evidence to overcome the Inspector's reason for dismissing the appeal in relation to the harm to openness from the change of use aspect of the appeal scheme. It is, therefore, considered that the proposal would preserve the openness of the Green Belt, subject to conditions limiting the number of dogs at the site at any one time and securing a more efficient parking arrangement.

Purposes of including land within the Green Belt

23. Paragraph 143 of the Framework sets out the five Green Belt purposes, which the scheme is assessed against as below:

*Purpose 1 (to check the unrestricted sprawl of large built-up areas)*

The proposal does not relate to a large built up area. The immediate locality is rural in character.

*Purpose 2 (to prevent neighbouring towns merging into one another)*

The application site is equidistant between the rural settlement areas of Croston to the west and Euxton to the east and is of sufficient distance from these settlements to ensure that

the development of the site would not result in the neighbouring towns merging into one another.

*Purpose 3 (to assist in safeguarding the countryside from encroachment)*

The existing site is a car park (western parcel) and an open area of agricultural land (eastern parcel). The proposal relates to a change in use of land and extensions to buildings within a previously developed part of the application site. The proposal would therefore not in itself result in encroachment of the countryside.

*Purpose 4 (to preserve the setting and special character of historic towns)*

This does not apply as the site is not located near a historical town.

*Purpose 5 (to assist in urban regeneration, by encouraging the recycling of derelict and other urban land)*

It is not considered that the proposed development would conflict with this purpose.

24. It is not considered that the proposal would conflict with any of the five purposes of including land in the Green Belt.

Conclusion

25. The change of use aspect of the proposal is finely balanced, but would not be inappropriate development in the Green Belt as it would meet the exception at paragraph 154(h)(v) relating to material changes in use of land where they preserve its openness and do not conflict with the purposes of including land within it.

Extensions to buildings

26. The application proposes extensions to four existing buildings. Paragraph 154(c) of the Framework provides that the extension or alteration of a building is not inappropriate development in the Green Belt, provided it does not result in disproportionate additions over and above the size of the original building. The guidance contained within the Council's Rural Development SPD provides that increases of up to 50% are not considered disproportionate. The proposed extensions to the existing buildings fall below 50% and so are not considered to represent disproportionate additions and are not inappropriate development in the Green Belt.

Impact on neighbour amenity

27. 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 (amongst other things):

- b) The development would not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or overbearing;  
g) The proposal would not cause an unacceptable degree of noise disturbance to surrounding land uses;"

28. The application is supported by the same noise assessments as the previous planning application. Whilst it is noted that objections have been received from a neighbour on noise grounds, the Inspector's conclusion on the appeal scheme at paragraphs 20 to 25 of the decision are as follows:

*"20. A Noise Assessment, dated 1 February 2023, prepared by Martec Environmental Consultants Ltd. measured the sound generated by the dog day care facility over the period of a week in January 2023. The results of the assessment are that at the times dogs were recorded barking, this did not exceed the background noise levels. As such, it would not be unacceptably harmful to the living conditions of neighbouring residents.*

*21. The noise was measured from a location in the northwest corner of the car park, which is significantly closer to the source of noise than neighbouring residential properties.*

*Consequently, the noise measured in the assessment would likely be greater than if the measurements were taken directly from the neighbouring properties. I have not been presented with any substantive evidence that would contradict these findings.*

*22. The Council state the assessment was based on a relatively short sample period and that for over half of the days it was surveyed the facility was at less than half of its full capacity. Nevertheless, it was at full capacity on three of the days and the capacity throughout the period of the survey appears to be representative of the business. There is nothing to suggest that had it been at full capacity on all of the days then the results would be materially different.*

*23. I also note the Council's comment that the extent of the dog barking and whether this constitutes a significant or unreasonable disturbance or a statutory nuisance will only be able to be determined in the summer months. However, there is no explanation why it would be any different in the summer months compared to the winter months.*

*24. I note the anecdotal evidence received from neighbouring residents that the noise is causing them harm and that Council officers have witnessed dogs barking during visits to the appeal site, on one occasion for a 15-20 minute period. However, it is not disputed that the dogs bark, or even that their barking can be heard from neighbouring residential properties. The question is whether the barking would be unacceptably harmful to the occupants of these properties. It is notable to add that during my site visit, which was when there were approximately 20 dogs on the site, on my arrival into the fenced off area where the majority of the dogs were free to roam, a couple of the dogs barked for a few seconds but the staff promptly controlled them and then they were silent for the remainder of my visit.*

*25. I find therefore, based on the evidence before me, the development does not cause unacceptable harm to the living conditions of the occupants of neighbouring residential properties, with regard to noise. As such, it complies with Policy BNE1 of the Chorley Local Plan (LP) 2015, which seeks to ensure development does not cause an unacceptable degree of noise disturbance to surrounding land uses."*

29. The Council's Environmental Health Officer is still concerned that the development may constitute a significant or unreasonable disturbance to neighbouring residents from dog barking, although they also note that no complaints have been received since March 2023. This, however, could be due to the fact that the Inspector's decisions meant the neighbours were anticipating the use to cease within 12 months in any case.
30. Regardless of the above, the Inspector was clear that the development does not cause unacceptable harm to the living conditions of the occupants of neighbouring residential properties, with regard to noise. The current proposal does not materially differ to the appeal proposal in terms of noise related aspects, e.g. number of dogs, the running of the site, or the hours of operation. As such, it is considered to comply with Policy BNE1 of the Chorley Local Plan 2015-2026, which seeks to ensure development does not cause an unacceptable degree of noise disturbance to surrounding land uses.

#### **Design and impact on the character and appearance of the immediate locality**

31. 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 (amongst other things):
  - a) 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.
32. The change in use of land aspect of the proposal would involve some paraphernalia that would be brought onto the site when in use. The existing rural character of the field would largely therefore be retained, and the car park would still be a car park. The building extensions are relatively modest and would be seen in the context of the dwelling and existing buildings. It is recommended that a condition be attached to any grant of planning permission to ensure that materials match those of the existing buildings. It is, therefore, an



acceptable form of development with regards to policy BNE1(a) of the Chorley Local Plan 2012-2026.

### **Highway safety**

33. 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.
34. It is noted that video and photographic evidence has been provided by a neighbour, which shows three cars arriving / leaving at the same time, causing a car having to reverse onto Holker Lane from the site and one queuing on Holker Lane.
35. LCC Highways have 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. They also stated that improvement to the site access and turning arrangements would be required and conditions are recommended in this respect.
36. Given the evidence submitted by a neighbour, a further condition is recommended to ensure the car parking area is for customers use only, to ensure the occupants of Holker Cottage do not use the car park, thereby reducing the availability of spaces for customers. Concern has been raised by a neighbour in relation to highway safety and it is considered that the proposed highways and parking related conditions would mitigate this to an acceptable level. The proposal is considered to be acceptable in this regard and complies with this aspect of policy BNE1 of the Local Plan.

### **Flood risk and drainage**

37. 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 with foul and surface water drained on separate systems and in the most sustainable way possible. It is noted that neighbour objections refer to unsuitable methods of managing foul water.
38. 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.
39. It is considered that the above can be adequately controlled by planning condition/s.

### **CONCLUSION**

40. It is considered that the decision is finely balanced but that it meets with the exceptions of paragraphs 154(c) and 154(h)(v) of the Framework and therefore does not represent inappropriate development in the Green Belt. The proposal would not cause unacceptable harm to neighbour amenity, the character of the area, drainage or highway safety. The proposal therefore complies with the Development Plan and is recommended for approval.

**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 months from the date of this permission.

*Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004 and shortened from the standard three years as a result of enforcement action in relation to a separate building at the site.*

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

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

Title	Plan Ref	Received On
Site Location Plan	SAA.3803.2	11 December 2024
Proposed Site Plan	DPB/SC/24/04 PA	11 December 2024
Existing and Proposed Elevations	DPB/SC/24/05 PA	11 December 2024

3. Prior to the first use of the approved extended buildings, two bird boxes and two bat boxes shall be installed in the existing buildings or in adjacent trees and retained as such thereafter.

*Reason: To create biodiversity enhancements, in accordance with the National Planning Policy Framework.*

4. The 5-bay car park to the west of the Holker Cottage shall be used solely for customers of the approved dog daycare facility. The layout of the car park shall include provisions to enable vehicles to enter and leave the highway in forward gear and such provisions shall be laid out with parking spaces marked out and the vehicular turning space shall be laid out and be available for use before any development commences and a suitable turning area is to be maintained thereafter.

*Reason: Vehicles reversing to and from the highway are a hazard to other road users, for residents and construction vehicles.*

5. 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.*

6. All external facing materials of the development hereby permitted shall match in colour, form and texture to those on the existing buildings 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: In the interests of the visual amenity of the area in general and the existing buildings in particular.*

7. The use of land relating to dog day care hereby permitted shall only be in use between the hours of 07:30 and 18:00 hours Monday to Friday. The business will not be open on weekends and Bank Holidays.

*Reason: in accordance with Policy BNE1 of the Chorley Local Plan to safeguard the amenities of neighbouring residents.*

8. The number of dogs at the site shall be restricted to no more than 20 at any one time.

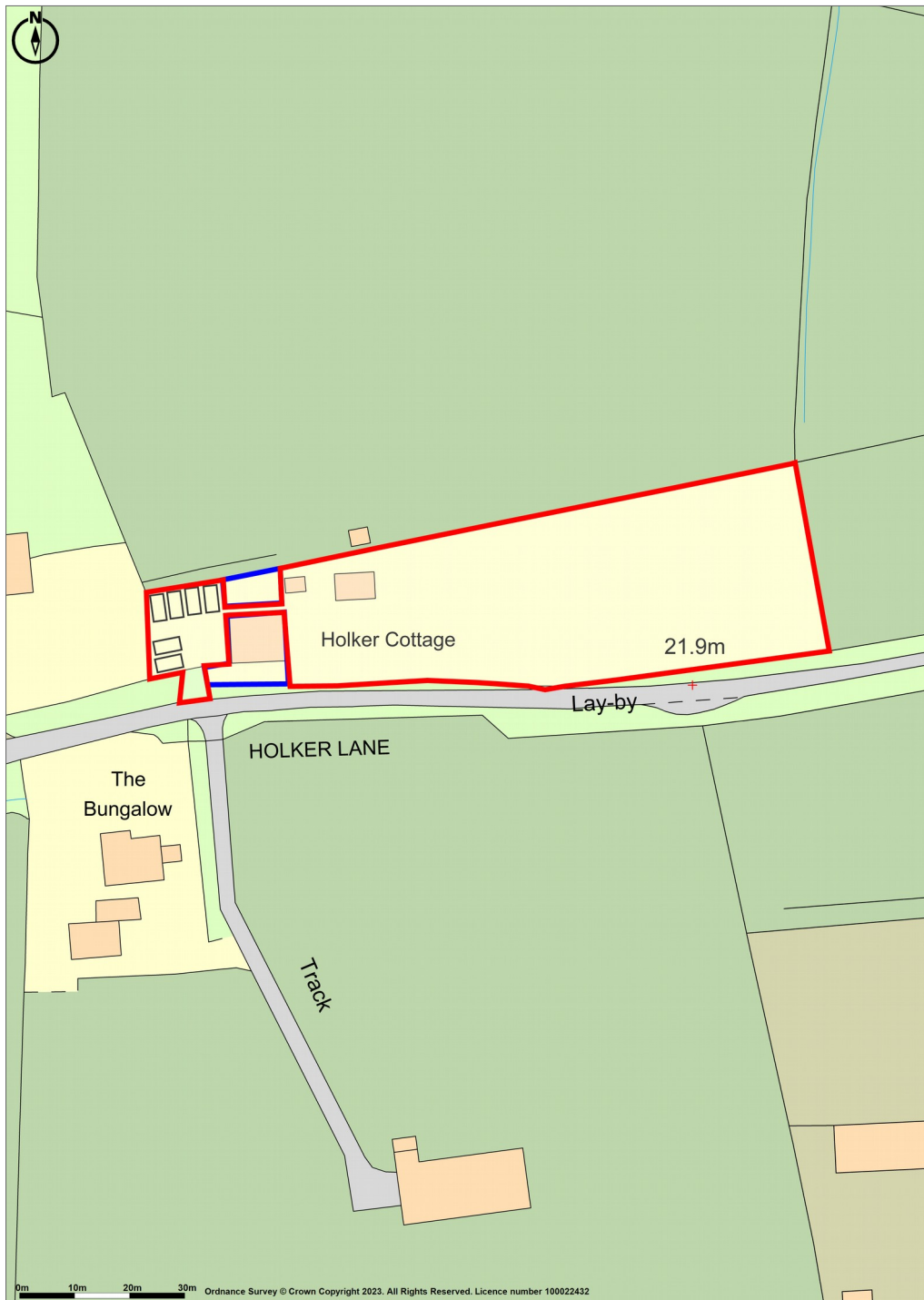
*Reason: in accordance with Policy BNE1 of the Chorley Local Plan to safeguard the amenities of neighbouring residents.*

9. A written log shall be kept of all dogs kept at the site each day and that log shall be available for inspection by Council officers at all times.

*Reason: in accordance with Policy BNE1 of the Chorley Local Plan to safeguard the amenities of neighbouring residents.*

This page is intentionally left blank

Site Location Plan,  
Land to the East of Holker Cottage, Holker Lane, Ulnes Walton, PR26 8LL  
Plan Ref: SAA.3803.2



This page is intentionally left blank