



# Development Control Committee

Agenda and Reports

For consideration on

## Tuesday, 4th October 2011

In the Council Chamber, Town Hall, Chorley

At 6.30 pm

## **PROCEDURE FOR PUBLIC SPEAKING AT MEETINGS OF THE DEVELOPMENT CONTROL COMMITTEE**

- Persons must give notice of their wish to address the Committee, to the Democratic Services Section by no later than midday, one working days before the day of the meeting (12 Noon on the Monday prior to the meeting).
- One person to be allowed to address the Committee in favour of the officers recommendations on respective planning applications and one person to be allowed to speak against the officer's recommendations.
- In the event of several people wishing to speak either in favour or against the recommendation, the respective group/s will be requested by the Chair of the Committee to select one spokesperson to address the Committee.
- If a person wishes to speak either in favour or against an application without anyone wishing to present an opposing argument that person will be allowed to address the Committee.
- Each person/group addressing the Committee will be allowed a maximum of three minutes to speak.
- The Committees debate and consideration of the planning applications awaiting decision will only commence after all of the public addresses.

**The following procedure is the usual order of speaking but may be varied on the instruction of the Chair**

### **ORDER OF SPEAKING AT THE MEETINGS**

1. The Director Partnership, Planning and Policy or her representative will describe the proposed development and recommend a decision to the Committee. A presentation on the proposal may also be made.
2. An objector/supporter will be asked to speak, normally for a maximum of three minutes. There will be no second chance to address Committee.
3. A local Councillor who is not a member of the Committee may speak on the proposed development for a maximum of five minutes.
4. The applicant or his/her representative will be invited to respond, for a maximum of three minutes. As with the objector/supporter there will be no second chance to address the Committee.
5. The Development Control Committee, sometimes with further advice from Officers, will then discuss and come to a decision on the application.

There will be no questioning of speakers by Councillors or Officers, and no questioning of Councillors or Offices by speakers.

23 September 2011

Dear Councillor

## **DEVELOPMENT CONTROL COMMITTEE - TUESDAY, 4TH OCTOBER 2011**

You are invited to attend a meeting of the Development Control Committee to be held in the Council Chamber, Town Hall, Chorley on Tuesday, 4th October 2011 at 6.30 pm.

**Members of the Committee are recommended to arrive at the Town Hall by 6.15pm to appraise themselves of any updates received since the agenda was published, detailed in the addendum, which will be available in the Members Room from 5.30pm.**

### **A G E N D A**

1. **Apologies for absence**

2. **Minutes (Pages 1 - 4)**

To confirm the minutes of the Development Control Committee on 6 September 2011 (enclosed) and the 15 September 2011 (to follow).

3. **Declarations of Any Interests**

Members are reminded of their responsibility to declare any personal interest in respect of matters contained in this agenda. If the interest arises **only** as result of your membership of another public body or one to which you have been appointed by the Council then you only need to declare it if you intend to speak.

If the personal interest is a prejudicial interest, you must withdraw from the meeting. Normally you should leave the room before the business starts to be discussed. You do, however, have the same right to speak as a member of the public and may remain in the room to enable you to exercise that right and then leave immediately. In either case you must not seek to improperly influence a decision on the matter.

4. **Planning applications to be determined**

The Director of Partnerships, Planning and Policy has submitted five reports for planning applications to be determined (enclosed).

Please note that copies of the location and layout plans are in a separate pack (where applicable) that has come with your agenda. Plans to be considered will be displayed at the meeting or may be viewed in advance by following the links to the current planning applications on our website.

[http://planning.chorley.gov.uk/PublicAccess/TDC/tdc\\_home.aspx](http://planning.chorley.gov.uk/PublicAccess/TDC/tdc_home.aspx)

- (a) 11/00635/FUL - Golden Lion Hotel, 369 Blackburn Road, Higher Wheelton, Chorley (Pages 5 - 14)

**Proposal:**

Erection of 2 no. of 3 bedroom detached dwellings on part of the existing car park belonging to the Golden Lion Public House.

**Recommendation**

Permit (Subject to Legal Agreement)

- (b) 11/00636/FULMAJ - Mawdesleys Eating House and Hotel, Hall Lane, Mawdesley (Pages 15 - 28)

**Proposal**

Demolition of restaurant and hotel buildings and erection of care home.

**Recommendation**

Permit Full Planning Permission

- (c) 11/00667/FULMAJ - Moss Side Farm, Bury Lane, Withnell, Chorley (Pages 29 - 40)

**Proposal**

Erection of a 26 bed accommodation unit extension to existing club house and function facility.

**Recommendation**

Permit (after referral to Secretary of State).

- (d) 11/00225/FUL - Land formerly Radburn Works, Sandy Lane, Clayton-le-Woods, Chorley (Pages 41 - 48)

**Proposal**

Section 73 application to vary condition 14 of planning permission 10/00115/REMMAJ by amending the highway improvement works on Radburn Bridge

**Recommendation**

Permit Full Planning Permission

- (e) 11/00581/COU - Lancaster House Farm, Preston Road, Charnock Richard, Chorley (Pages 49 - 54)

**Proposal**

Change of use of existing building from agricultural use to fencing and garden furniture workshop.

**Recommendation**

Permit Full Planning Permission.

5. **Enforcement Item - 7 Glamis Drive, Chorley** (Pages 55 - 58)

Report of the Director of Partnerships, Planning and Policy (enclosed).

6. **Planning Appeals and Notifications** (Pages 59 - 60)

Report of the Director of Partnerships, Planning and Policy (enclosed).

7. **Any other item(s) that the Chair decides is/are urgent**

Yours sincerely



Gary Hall  
Chief Executive

Cathryn Filbin  
Democratic and Member Services Officer  
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### **Distribution**

1. Agenda and reports to all members of the Development Control Committee, (Councillor Harold Heaton (Chair), Councillor Geoffrey Russell (Vice-Chair) and Councillors Ken Ball, Henry Counce, Matthew Crow, David Dickinson, Dennis Edgerley, Christopher France, Marie Gray, Alison Hansford, Hasina Khan, Paul Leadbetter, Roy Lees, June Molyneaux and Mick Muncaster) for attendance.
2. Agenda and reports to Lesley-Ann Fenton (Director of Partnerships, Planning and Policy), Jennifer Moore (Head of Planning), Chris Moister (Head of Governance), Paul Whittingham (Development Control Team Leader), Alex Jackson (Senior Lawyer) and Cathryn Filbin (Democratic and Member Services Officer) for attendance.
3. Agenda and reports to Development Control Committee reserves, (Councillors Alistair Bradley and Simon Moulton) for information.

**This information can be made available to you in larger print  
or on audio tape, or translated into your own language.  
Please telephone 01257 515118 to access this service.**

આ માહિતીનો અનુવાદ આપની પોતાની ભાષામાં કરી શકાય છે. આ સેવા સરળતાથી મેળવવા માટે કૃપા કરી, આ નંબર પર ફોન કરો: 01257 515822

ان معلومات کا ترجمہ آپ کی اپنی زبان میں بھی کیا جاسکتا ہے۔ یہ خدمت استعمال کرنے کیلئے براہ مہربانی اس نمبر پر ٹیلیفون

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**Development Control Committee****Tuesday, 6 September 2011**

**Present:** Councillor Harold Heaton (Chair), Councillor Geoffrey Russell (Vice-Chair) and Councillors Henry Caunce, David Dickinson, Dennis Edgerley, Christopher France, Marie Gray, Alison Hansford, Hasina Khan, Paul Leadbetter, Roy Lees, June Molyneaux and Mick Muncaster

**Substitutes:** Councillor Alistair Bradley

**Officers in attendance:** Lesley-Ann Fenton (Director of Partnerships, Planning and Policy), Paul Whittingham (Development Control Team Leader), Alex Jackson (Senior Lawyer), Nicola Hopkins (Principal Planning Officer (Major Projects)) and Cathryn Filbin (Democratic and Member Services Officer)

**Also in attendance:** Councillor Pat Case CBE, and Councillor Mark Perks

**11.DC.87 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Ken Ball and Matthew Crow.

**11.DC.88 MINUTES**

**RESOLVED – That the minutes of the Development Control Committee on 9 August 2011 be confirmed as a correct record and signed by the Chair.**

**11.DC.89 DECLARATIONS OF ANY INTERESTS**

In accordance with the provisions of the Local Government Act 2000, the Council's Constitution and the Members Code of Conduct, Councillor Christopher France declared a prejudicial interest in relation to the agenda item 4(e) 11/00437/FUL – Matrix Dental Laboratory, 87 School Lane, Brinscall, Chorley and left the meeting for the duration of that item.

Councillor Alison Hansford informed the meeting that she had met with residents/applicants on the following planning applications:

- 11/00437/FUL – Matrix Dental Laboratory, 87 School Lane, Brinscall, Chorley
- 11/00635/FUL – Golden Lion Hotel, 369 Blackburn Road, Higher Wheelton Chorley.

**11.DC.90 PLANNING APPLICATIONS TO BE DETERMINED**

The Director of Partnerships, Planning and Policy submitted reports on eight applications for planning permission to be determined.

In considering the applications, the Committee took into account the agenda reports, the addendum, and the verbal representations or submissions provided by officers and individuals.

- a) **Application:** 11/00484/COU - Heath Paddock Hut Lane, Heath Charnock, Chorley **Proposal:** Change of use of land for the siting of 2 static caravans and 4 touring caravans for residential use, the storage of 2 touring caravans when not in use for working away, retention of double utility block, the provision of double stable block, retention of reduced area of hard surface for exercising horses, retention of hard standing for 3 vehicles plus horse box trailer to north of site and provision of new hard standing for 3 vehicles plus horse box trailer together with retention of existing..

**RESOLVED (unanimously) – That Members of the Committee were minded to refuse the outline planning application for the reasons outlined in the addendum.**

- b) **Application:** 11/00053/FULMAJ - Land 200m South West of Whinney Cottage, 4 Whinney Lane, Euxton, Chorley **Proposal:** Change of use of agricultural land, involving levelling the site and drainage, to create 6 playing pitches, changing pavilion, 90 space car park and new access with associated roadway.

**RESOLVED (10:0:4) – To refuse planning permission for the reason detailed in the report.**

- c) **Application:** 11/00466/FUL - Go Ape, Rivington Lane, Rivington, Bolton **Proposal:** Retrospective application for the building up (raising) and enlargement of two zipwire landing sites at Go Ape course (landing area for site 2 located near site 3, and landing area for site 3 located near site 4).

**RESOLVED (11:0:3) – To grant retrospective planning permission subject to a condition detailed in the report.**

- d) **Application:** 11/00574/OUT - Balshaw Villa, Balshaw Lane, Euxton, Chorley **Proposal:** Outline application for the erection of 2 no. two storey detached dwellings and provision of public greenspace in place of private garden (all matters reserved apart for access)

**RESOLVED (unanimously) – To refuse planning permission for the reasons detailed within the report.**

- e) **Application:** 11/00437/FUL - Matrix Dental Laboratory, 87 School Lane, Brinscall, Chorley **Proposal:** Application to vary condition no. 5 of planning permission no. 10/00901/FUL (which permitted the use of the property as a dental laboratory) to enable the hours of the dental laboratory to be 8am to 8pm Monday to Friday only.

**RESOLVED (11:0:1) – To grant planning permission subject to a condition detailed within the report and the additional condition request by Members of the Committee at the meeting which are as follows:**

1. **There shall be no deliveries or visits made to the Dental Lab by service vehicles between the hours of 08:30am and 09:30am and between the hours of 15:30pm and 16:30pm.**



**Reasons: In the interests of highway safety, the amenities of local residents and in accordance with Policy Nos. EM2 and TR4 of the Adopted Chorley Borough Local Plan Review.**

2. Within 3 months of the date of this permission hereby granted, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include details of the 'Staff Parking Policy' and measures to reduce the staff reliance on their cars by promoting sustainable transport. Once agreed in writing, the Travel Plan shall be maintained throughout the lifetime of the development and to the satisfaction of the Local Planning Authority.

**Reasons: To address this specific local traffic problem associated with this application and to comply with saved Policy TR4 of the Chorley Local Plan Review.**

- f) **Application:** 11/00635/FUL - Golden Lion Hotel, 369 Blackburn Road, Higher Wheelton, Chorley **Proposal:** Erection of 2 no. 3 bedroom detached dwellings on part of the existing car park belonging to the Golden Lion Public House.

**RESOLVED (12:0:1) – To defer a decision on the application to allow Members of the Committee to visit the site of the proposals.**

- g) **Application:** 11/00480/FULMAJ - Burrows (Grass Machinery) Ltd, Wigan Road, Clayton-le-Woods, Leyland **Proposal:** Demolition of Burrows Grass Machinery and removal of car sales forecourt and demolition of The New Bungalow and erection of 13 no. detached two storey dwellings and associated infrastructure.

**RESOLVED (unanimously) – To grant planning permission subject to a Section 106 legal agreement and conditions detailed within the report.**

- h) **Application:** 11/00494/FULMAJ - Land between Froom Street/Crosse Hall Lane, Chorley (report enclosed) **Proposal:** Erection of 23 dwellings (amendment to layout, design, landscaping and external appearance approval as part of planning approval 02/00680/REMMAJ and 07/01051/FULMAJ)

**RESOLVED (unanimously) – To grant planning permission subject to a Section 106 legal agreement and conditions as detailed within the report and additional conditions within the addendum.**

#### 11.DC.91 PLANNING APPEALS AND NOTIFICATIONS

The Director of Partnerships, Planning and Policy submitted a report giving notification of an appeal that had been lodged against the refusal of planning permission, and one application granted by Lancashire County Council.

**RESOLVED – That the report be noted.**

Chair

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**Item 1**                      **11/00635/FUL**

**Case Officer**            **Caron Taylor**

**Ward**                        **Wheelton And Withnell**

**Proposal**                 **Erection of 2 no. of 3 bedroom detached dwellings on part of the existing car park belonging to the Golden Lion Public House.**

**Location**                **Golden Lion Hotel 369 Blackburn Road Higher Wheelton Chorley Lancashire**

**Applicant**                **Daniel Thwaites Brewery**

**Consultation expiry: 17 August 2011**

**Application expiry: 8 September 2011**

### **Proposal**

1. Erection of 2 no. 3 bedroom detached dwellings on part of the existing car park belonging to the Golden Lion Public House.
2. Two previous applications for three dwellings on the site have been withdrawn (10/00795/FUL and 11/00195/FUL).

### **Recommendation**

3. It is recommended that this application is granted planning approval subject to conditions and an associated Section 106 Agreement

### **Main Issues**

4. The main issues for consideration in respect of this planning application are:
  - Principle of the development
  - Background information
  - Housing Development
  - Density
  - Levels
  - Impact on the neighbours
  - Design
  - Open Space
  - Trees and Landscape
  - Ecology
  - Flood Risk
  - Traffic and Transport
  - Public Right of Way
  - Drainage and Sewers

### **Representations**

5. Seventeen letters of objection have been received on the following grounds:
  - Congestion problems for car parking will increase and result in people parking in surrounding roads. It will also result in the access to the lane being blocked making it one way. This will mean that cars will have to wait on the A674 causing a traffic hazard and a danger for walkers. Parking will also block field gates in the lane;
  - Brown House Lane is a public footpath and parking will cause a danger to pedestrians;
  - Additional luxury housing is not a priority;

- They erected a garage on the site 25 years ago because parking in front of 368 Blackburn Road across from the Golden Lion was almost impossible due to the public visiting the pub. This will be worse if they lose most of their car park;
- The existing car park is often full to capacity, with the growing popularity of the pub with patrons subsequently parking in the adjacent Brown House Lane. Although the applicant's traffic counts show the capacity will be adequate they know from experience this is very unlikely to be the case. It is a very popular pub;
- The car park is used not only by patrons of the pub but also by local and walkers as there is no other off road parking in the village;
- The parking for the houses would be nose to tail resulting in backing out on to the lane and as more cars park in the lane access is becoming more of a problem. Refuge, agricultural and brewery wagons struggle to gain access and emergency services will also struggle;
- To create the number of parking spaces proposed the grass verge is to be removed. Every inch of greenery will be removed which will look out of place at a country pub and be detrimental to the area. When the original car park was approved it was a condition that the verge along Brown House Land would be screened with a hedge – this was planted but never maintained. There should be sufficient space left for screening around the car park;
- The parking spaces proposed are of the minimum size required so 4x4s will have trouble parking;
- LCC has recommended and maintained that more spaces would be required to sustain an increased footprint to the Golden Lion. There are 34 current spaces, the parking standards require up to 35 spaces. A reduction to 32 is incompatible with current customer usage and where will visitors to the new properties park if both parking spaces are occupied;
- The proposal will change the character of the area;
- The garages on the site are still in full use by residents who lease the plots off the brewery and have spent a lot of money erecting them. Removal of the garages will only increase the pressure on parking spaces in Brown House Lane;
- Some of the garages are used as storage for the cottages that only have small back gardens;
- The access road is very busy as a number of allotments and people keeping horses and other properties and businesses. It is not lightly used as stated in the application;
- They have doubts about the properties being able to access the mains sewer in the area as it is at a higher elevation than the application site which should be confirmed before permission is approved and any changes to the plans necessary included. Any disruption in flow would impact on the properties on Blackburn Road and Lawton Close;
- The proposed properties will obscure the existing view from the properties on Blackburn Road;
- The proposal will set a precedent and lead to further development in the future;
- The application states that the stream that runs along the eastern boundary of the car park will be covered over. This stream is fed by a watercourse which runs beneath the basements of the cottages on Blackburn Road. Should the covered section become blocked it is likely to cause a backup of the watercourse and lead to flooding. Poultry from the nearby farm also use the stream;
- The applicants states the proposal provides affordable housing to meet recognised local need, however there are still several houses in the village that have been for sale for many months and they argue this does not show a local need for more large houses;
- Green Belt - Although the site is previously developed land they feel there is a dramatic difference between a car park with little visual impact on the outlook and two large properties in this small lane;
- There is currently a small recycling facility in the car park which it is stated will be repositioned but the proposed plans do not seem to indicate where this will be, the facility is well used and it would be a shame if it were to be removed;
- Ecology - The car park and waste land around it provide a miniature wildlife reserve. A pair of Tawny Owls uses the car park as part of their hunting territory and another set and a pair of barn owls nests either side of the car park. There are also a number of different types of birds and bats using the mature trees around the car park;

- The houses will overlook and cause privacy issues to surrounding properties;
- The proposal will put pressure on the existing infrastructure – water pressure or sewerage the latter have been blocked in the past;
- The submitted transport statement understates the number of users of Brown House Land. It also uses TRICS information which is not accurate for this location as the pub has had an extension and is successful at a time when most others are not;
- What materials would be used for the buildings? Stone would be in keeping;
- Development should be stopped to keep our villages from becoming little towns;

An additional three letters of objection have been received in relation to this application, the points of which are summarised below. The letters form a petition signed by 28 residents from 22 properties.

The letters can be summarised as follows:

- The houses will overlook and cause privacy issues for Nos. 354 and 357 Blackburn Road;
- The houses will replace garages used for storage that the village uses;
- The houses will take away the existing view;
- Parking in the area is a serious issue, with cars often parking on the lane;
- Highway safety is a known problem in the area;
- The properties will not sell;
- Restricted access through parked cars will cause problems for the nearby farm;
- The development will result in flooding problems;
- The development will place a strain on local services, particularly the local sewer;
- The area is rural and should remain that way;
- There will no space for residents to store their bins (which are currently stored at the edge of the car park) or recycle;
- The development will result in traffic congestion on Brownhouse Lane which will cause congestion onto Blackburn Road;
- The development will cause serious local parking issues;
- The Golden Lion was recently extended to allow greater usage so reducing the size of the car park could cause parking problems;
- The reduction in parking spaces will cause issues with large brewery vehicles delivering and manoeuvring at the site;
- Pedestrians using the lane will be in danger of vehicles manoeuvring;
- The existing car park already overflows onto the lane and a reduction in parking spaces will worsen the problem;
- Larger cars and 4x4 Vehicles will not be able to park in the parking spaces provided thereby further reducing the off-road parking available;
- Trees and verges will be removed surrounding the car park.

A separate letter has been received from the occupier of No. 2 Fishwick Lane objecting to the proposal for the following reasons:

- Planning permission has been refused previously on this site because of problems of access and parking;
- Other residential development in the surrounding area has also been refused.

6. A letter of objection has been received from Cllr Hansford on the following grounds:

Concerns about the evidence supporting the application:

- The applicant states that there is light usage of this lane and that there are only a few properties, but in addition to the properties there are a large number of allotments on the lane not mentioned in the application and are used by people living throughout the borough as they are privately owned and leased so regularly accessed via vehicles;
- The applicant talks about knocking down the garages which they themselves state are in current use so this would only further emphasise the current parking issue that Wheelton has in relation to the lack of parking facilities throughout the village as where will the vehicles currently using this site go?;
- The width of the lane is that where there is only access for one vehicle at a time and as

there are no passing places further up on the lane where the public house is situated this is going to cause further problems with the increased volume of traffic going down the lane as well as the amount of ramblers that use this lane to access numerous public footpaths within the area. The applicant talks about making enough access space for two car passing places in accordance with a city plan that was undertaken by their consultants however as this is a rural location it does not take into account the 7.5 ton vehicles used as horse boxes or the tractors which would be accessing the lane as well as your usual traffic;

- A little while ago the same public house applied for a extension as they where unable to cope with the demand of the people using the facility especially when they have their promotional steak nights on a Tuesday and Thursday evening, this was granted and since then the trade has increased further and this is acknowledged by the applicant. Therefore how can they now look at reducing the amount of car places available especially when on these evenings there are not enough parking spaces now and a noticeable increase in the amount of traffic parking on Blackburn Road and the surrounding areas. She also questions the suggestion made by the applicant that the closure of the Golden Lion was under review and if this was still a current suggestion?
- A plan of a typical day was submitted with a average number of 12 vehicles which she would like to question when this was done as usually even on a lunch time there is a minimum of 15 vehicles parked in the car park and if they took into account the amount of weekend traffic or when they have a match being played as the Golden Lion makes full use of their sky sports promotions and would ask for a recalculation of this figure done by LCC Highways;
- Within the design and access statement it states at 2.4.02 that "Low fencing & hedgerows are proposed as a natural boundary between the three Housing plots. I would question why Three not two?
- Within the same document at 3.1.05 it states that buses run along Blackburn Road every ten minutes which is not the case and there is actually no bus service at all to Withnell Fold so that also has a problem for the quote at 3.1.06 that states the local village school situated in Withnell Fold is only 1 mile away and there is a bus to access this facility every ten minutes, again this is incorrect and there is no bus at all to Withnell Fold. There is a bus 124 that goes from Chorley interchange to Blackburn every hour and this accesses Wheelton, goes along Blackburn Road to Brinscall and Abbey Village onto Blackburn. Therefore making the provision of cars more important as bus service is very limited within the area and even more so on a Sunday and evenings;
- There is also an additional report by Brian Evans which again states that there are three detached houses and 26 car parking spaces which is not in keeping with the application so I would ask that this report is either amended or removed;
- She would like to know if the person who has the ownership of the lane has given permission for the lane to be used by the residents of these properties as currently the lane is unadopted and is not maintained by Chorley or Lancashire Councils.

Cllr Hansford therefore suggests that the application is refused upon the issues of highways grounds and also the increase of parking that would occur due to erection of these buildings and the problems it would create throughout the village not just within this small area. If by any chance the officer decides that this application should be approved they would ask that the application is then taken to the Development Control Committee giving the local residents an opportunity to speak of their strong objections to this development.

7. Wheelton Parish Council make the following comments on the application:  
Whilst they have still left 31 car parking spaces- however is the layout compliant with national/local statutory requirements?
8. They are still asking to put two houses on site - our preferred option is one house for the location of this site because the access to the lane is still restricted, where will their overflow parking take place? They cannot guarantee being able to park on the pub car park again because the extension to the Golden Lion was because it was so popular hence the pub car park should be filled to capacity if its as popular as the brewery say! Where will residents park their cars once the garages are demolished?

**Consultations****9. Lancashire County Council (Highways)**

Do not object to the proposal. The development should have a negligible impact on highway safety and highway capacity in the immediate vicinity of the site. At the time of the site visit there was a significant level of on street parking in the vicinity of the access road junction with Blackburn Road, however, the proposals provide adequate off road parking provision for the type and size of development. As such they do not consider that the addition of the dwellings will exacerbate the situation. It is noted that the existing car park for The Golden Lion will be reduced by one parking space to that which is existing. Given the minor reduction in parking provision they do not object to the proposed alteration to the Golden Lion car park. They recommend conditions to be applied to any approval.

**10. United Utilities**

Have no objection to the proposal providing it drains on a separate system with only foul drainage connected to the foul sewer. Surface water should be discharged to a soakaway and or water course and may require the consent of the Environment Agency. No surface water will be allowed to discharge to the public sewerage system.

**11. Environment Agency**

Have no objection in principle to the proposed development but note that it is proposed to discharge foul and surface water to the existing sewer. The site is adjacent to an ordinary watercourse and United Utilities may request that, if possible, the applicant discharge clean, uncontaminated surface water from the proposed development to the watercourse. Any surface water discharge to the adjacent ditch should be restricted to Greenfield rates and, in the case of the car park, should be via trapped gullies. Any works to the watercourses within or adjacent to the site which involve infilling, diversion, culverting or which may otherwise restrict flow, require the prior formal Consent of the Environment Agency under Section 23 of the Land Drainage Act 1991. Culverting other than for access purposes is unlikely to receive Consent, without full mitigation for loss of flood storage and habitats. Details of any proposed new surface water outfalls, which should be constructed entirely within the bank profile, must be submitted to us for approval in accordance with the Water Resources Act 1991.

**12. Chorley's Waste & Contaminated Land Officer**

Request a condition in relation to ground contamination.

**Assessment**Principle of the development

13. The application site is an area of land to the rear of the Golden Lion Public House and access from Brown House Lane, Higher Wheelton. It is currently occupied by the pub car park and a row of garages and is therefore previously developed land. All the land is owned by Daniel Thwaites Brewery, the land the garages are on being leased by the brewery.
14. The application site is within the settlement of Higher Wheelton apart from a very small triangular part at the northern end of the site that is in the Green Belt (and will form a small part of the garden of the property). Policy GN4 of the Local Plan covers development in Higher Wheelton and states that the re-use of previously development land will be permitted, bearing in mind the scale of any proposed development in relation to its surroundings and the sustainability of the location.
15. An amended plan has been received reducing the size of the garden of plot 1 slightly by taking the small triangle of land in the Green Belt out of the garden. All the garden is now within the settlement boundary and is looked upon favourably.
16. The proposal is therefore considered acceptable in principle, subject to the other aspects of the proposal also being acceptable.

Levels

17. Brown House Lane drops down from its junction with Blackburn Road and so the properties will be at a lower level than the pub.

Impact on the neighbours

18. The main impact of the proposals in terms of neighbour amenity will be to number 6 Lawton Close which bounds with the site to the west. This property has a garage in its rear garden to the side of the property and is at a slightly higher level than the application site. There will be 13.2m between the rear windows of the property on Plot 1 and the boundary with this property and 12m between Plot 2 and this property which complies with the interface guidelines. There are habitable room windows in the side elevation of 6 Lawton Close which Plot 2 will face towards, however there will be 21m between the proposed property and 6 Lawton Close as the case officer has south an amended plans moving the property forwards by half a metre towards Brown House Lane. This relationship is considered acceptable. It is not considered the proposal will have a detrimental impact on the amenity of any other properties.

Design

19. In terms of design the dwellings will have a front gable with a canopy over the front door and side carport built of materials to match the property. The rear and frontage of the dwellings will be faced in stone with stone quoins details with render to the side elevations. This mix of materials is found elsewhere in the village and although the design of the dwellings is modern it is considered the traditional materials chosen will allow the properties to sit more comfortably beside the older properties on Blackburn Road. The properties will not be readily visible in the context of the properties on Lawton Close. The design of the properties is considered to be acceptable in relation to HS4.

Trees and Landscape

20. A tree survey has been submitted with the application. The existing trees on the southern boundary of the site are proposed to be retained. It is proposed to remove four existing trees, three sycamores and a cherry on the east boundary of the site, it is not considered that these trees would warrant a tree preservation order. Although the tree survey recommends removal of further trees along this boundary and replacement with better trees, the proposed layout proposes to retain them in the new scheme and they will fall within the gardens of the proposed properties. Conditions requiring tree protection measures are proposed and the proposal is therefore considered acceptable in relation to policy EP9.
21. The verge around the existing car park will be removed allowing its enlargement and objectors have complained that this will result in all the greenery being lost and ruining the character of a country pub as the car park will appear very urban. Views of the car park from outside the immediate vicinity are limited and it is not readily visible from Blackburn Road. The trees on the southern boundary will be retained and although it is accepted limited opportunity for planting within the new car park layout it is not considered that the application could be refused on these grounds.

Ecology

22. In terms of ecology, objectors have stated that wildlife use the trees around the car park. Only four trees are proposed to be removed, with the rest to be retained it is not considered that the proposal will have a detrimental impact on ecology.

Flood Risk and Drainage

23. The site is not within a flood zone area as identified by the Environment Agency. Between the eastern embankment and the boundary there is a narrow watercourse in a ditch.
24. United Utilities have not objected to the application subject to conditions.
25. The Environment Agency have noted that the site is adjacent to an ordinary watercourse and stated that United Utilities may request that, if possible, the applicant discharge clean, uncontaminated surface water from the proposed development to the watercourse. They state any surface water discharge to the adjacent ditch should be restricted to Greenfield rates and, in the case of the car park, should be via trapped gullies. Any works to the watercourses within or adjacent to the site which involve infilling, diversion, culverting or which may otherwise restrict flow, require the prior formal Consent of the Environment



Agency under Section 23 of the Land Drainage Act 1991. Culverting other than for access purposes is unlikely to receive Consent, without full mitigation for loss of flood storage and habitats. Details of any proposed new surface water outfalls, which should be constructed entirely within the bank profile, must be submitted to us for approval in accordance with the Water Resources Act 1991.

26. To respond to the comments above a condition is proposed requiring full details of the foul and surface water arrangements to be submitted to the Council including any treatment of the watercourse on the site.
27. The case officer has checked with building control and the main sewer is to the rear of the Golden Lion pub, however building control state that the sewage can be pumped from the properties if necessary. This would not need a separate planning application.
28. The applicant has also clarified the relationship of the scheme to the existing ditch/stream. They state that between their client's boundary and Lawton Close there is a strip of land running this distance and this is what the ditch runs along, it is therefore outside the red edge of the application. The proposal will in no way effect the line of the of the ditch/stream as there is no construction taking place outside of their clients red boundary line nor immediately within.

#### Traffic and Transport

29. The proposed dwellings each have three dwellings and therefore require two off road parking spaces each in line with the parking standards. One of these spaces will be provided under a carport and the other in front of it. It is considered that the properties are more likely to use the spaces within the carport than if it was a garage and therefore it is considered that a condition would be appropriate to prevent it being converted to a garage if the application is approved. The parking at the properties complies with the relevant policies and is therefore considered acceptable in terms of parking provision.
30. The current car park for the pub has 33 parking spaces, however at least one of these spaces is unusable due to it having recycling containers on it, effectively giving the current car park 32 usable spaces. The car park as proposed would also have 32 spaces, which has been achieved by rearranging its layout and also removing the verge from around the edge.
31. The pub will therefore effectively have the same number of spaces as it has at present and although it is accepted that the current car park is full to capacity at certain times the proposal will not make this worse in terms of the change to the car park itself.
32. The proposal will however, also result in the loss of five (one double) garages. It is noted from the representations received to the application that at least one of these is used as storage rather than for the parking of a vehicle. The garages are on land owned by the applicant (brewery). Therefore if the application was refused on the grounds that the garages would be lost, the brewery could end the lease of the land resulting in the garages being lost anyway and therefore overcoming this issue. It is not therefore considered that the Council could substantiate a refusal on these grounds.
33. The applicant proposes to re-site the recycling receptacles that are on the present car park and a condition is proposed requiring details of this to be provided.

#### Public Right of Way

34. Brown House Land is a public right of way, however the proposal will not result in blocking or diverting of the footpath.

#### Section 106 Agreement

35. As the proposal is for two new dwellings there is a requirement for a commuted sum towards public open space. This would be secured through a Section 106 legal agreement.

#### **Overall Conclusion**

36. The proposed development is acceptable in principle under policy GN4 of the Local Plan.

The main issue with the application is highways and parking. The proposed properties have the necessary relevant parking spaces for their size. Although it is accepted that there will be loss of one parking space in the pub car park as a result of the scheme, it will effectively be the same size, as one of the current spaces is unusable due to recycling receptacles placed in it. Therefore although it is accepted that the current car park is often full and requires parking on the road, the parking situation for the pub will remain as at present. The loss of the garages to the north of the site is unfortunate but as the land is only leased to them by the applicant this could be ended anyway (not just as a result of the proposal), resulting in them having to find alternative parking. It is therefore not considered that the Council could substantiate a refusal on highways grounds and the application is recommended for approval subject to conditions and a section 106 agreement.

### **Planning Policies**

#### National Planning Policies:

PPG2, PPS3, PPS9, PPG13, PPG25

#### Adopted Chorley Borough Local Plan Review

Policies: GN4, DC1, EP4, EP18, HS4, TR4

### **Planning History**

10/00679/FUL Proposed single storey front extension. Permitted 22 September 2010.

10/00795/FUL 3no new 4 bedroom detached dwellings on part of the existing car park to the Golden Lion Public House. Withdrawn 5 November 2010.

11/00195/FUL Erection of 3 No detached dwellings on land to the rear of the Golden Lion Public House (re-submission of application 10/00795/FUL). Withdrawn 28 April 2011.

### **Recommendation: Permit (Subject to Legal Agreement) 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 development hereby permitted shall not commence until details of the re-siting of the recycling receptacles on the existing carpark have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.  
*Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.*
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (Schedule 2, Part 1, Class A) or any Order revoking or re-enacting the Order, the carports hereby permitted shall not be converted to living accommodation or be enclosed to form garages. They shall be left open for the parking of cars.  
*Reason: To ensure the properties permitted have sufficient off road parking, to discourage on-road parking and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.*
4. The site must be drained on a separate system with only foul drainage connected into the foul sewer.  
*Reason: To secure proper drainage and in accordance with Policy EP17 of the Adopted Chorley Borough Local Plan Review.*

5. No development shall take place until details of the proposed surface water drainage arrangements have been submitted to and approved by the Local Planning Authority in writing. This shall include details of any treatment to the ditch within the application site. Any surface water discharged to the adjacent ditch should be restricted to Greenfield rates and, in the case of the car park, should be via trapped gullies. No part of the development shall be occupied until the approved surface water drainage arrangements have been fully implemented.  
*Reason: To secure proper drainage and to prevent flooding and in accordance with PPS25 and Policy Nos. EP18 of the Adopted Chorley Borough Local Plan Review.*
6. Before the dwellings hereby permitted are commenced the car park hereby approved shall be surfaced or paved, drained and marked out all in accordance with the approved plan. The car park and vehicle manoeuvring areas shall not thereafter be used for any purpose other than the parking of and manoeuvring of vehicles.  
*Reason: To ensure adequate on site provision of car parking and manoeuvring areas and in accordance with Policy No. TR4 of the Adopted Chorley Borough Local Plan Review.*
7. During the construction period, all trees to be retained, as shown on the approved plans, shall be protected by 1.2 metre high fencing as specified in paragraph 8.2.2 of British Standard BS5837:2005 at a distance from the tree trunk equivalent to the outermost limit of the branch spread, or at a distance from the tree trunk equal to half the height of the tree (whichever is further from the tree trunk), or as may be first agreed in writing with the Local Planning Authority. No construction materials, spoil, rubbish, vehicles or equipment shall be stored or tipped within the area(s) so fenced. All excavations within the area so fenced shall be carried out by hand.  
*Reason: To safeguard the trees to be retained and in accordance with Policy No. EP9 of the Adopted Chorley Borough Local Plan Review.*
8. The development hereby permitted shall not commence until full details of the all hard ground-surfacing materials (notwithstanding any such detail shown on previously submitted plans and specification) have been submitted to and approved in writing by the Local Planning Authority. This shall include details of the surfacing of the car park and specifically the materials to be used within the roof protection areas of the trees shown to be retained on the approved plans. The development shall only be carried out in conformity with the approved details.  
*Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area and in accordance with Policy Nos. GN5 and EP9 of the Adopted Chorley Borough Local Plan Review.*
9. Before the development hereby permitted is first commenced full details of the proposed finish floor levels (all relative to ground levels adjoining the site) shall have been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on previously submitted plan(s). The development shall only be carried out in conformity with the approved details.  
*Reason: To protect the appearance of the locality, in the interests of the amenities of local residents and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.*
10. Before the dwellings hereby permitted are first occupied, their driveways shall be surfaced or paved, drained and marked out all in accordance with the approved plan. The driveway shall not thereafter be used for any purpose other than the parking of and manoeuvring of vehicles.  
*Reason: To ensure adequate off-road car parking is provided and in accordance with Policy No. TR4 of the Adopted Chorley Borough Local Plan Review.*
11. No development shall take place until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail which may have previously been submitted. The scheme shall 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.

*Reason: In the interests of the amenity of the area and in accordance with Policy No.GN5 of the Adopted Chorley Borough Local Plan Review.*

12. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in 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, unless the Local Planning Authority gives written consent to any variation.

*Reason: In the interest of the appearance of the locality and in accordance with Policy No GN5 of the Adopted Chorley Borough Local Plan Review.*

13. The approved plans are:

Plan Ref.	Dated:	Title:
09/1261-02 Rev D	24 August 2011	Proposed Street Elevation Site Plan
09/1261-03 Rev C	13 July 2011	Floor Plans & Elevations

*Reason: To define the permission and in the interests of the proper development of the site.*

14. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) there shall not at any time in connection with the development hereby permitted to be erected or planted or allowed to remain upon the land hereinafter defined any building, wall, fence, hedge, tree, shrub or other device over 1m above road level. The visibility splay to be the subject of the condition shall be that land in front of a line drawn from a point 2.4m measured along the centre line of the proposed driveway from the continuation of the nearer edge of the carriageway of the access road to points measured 25m in each direction along the nearer edge of the carriageway of the access road, from the centre line of the driveway.

*Reason: To ensure adequate visibility at the street junction or site access and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.*

15. The development hereby permitted shall not commence until samples of all external facing materials to the proposed building(s) (notwithstanding any details shown on previously submitted plan(s) and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out using the approved external facing materials.

*Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.*

**Item 2**                      **11/00636/FULMAJ**

**Case Officer**            **Caron Taylor**

**Ward**                      **Eccleston And Mawdesley**

**Proposal**                **Demolition of restaurant and hotel buildings and erection of care home**

**Location**                **Mawdesleys Eating House And Hotel Hall Lane Mawdesley Ormskirk Lancashire**

**Applicant**               **Stocks Hall Care Homes Ltd**

**Consultation expiry: 17 August 2011**

**Application expiry: 13 October 2011**

### **Proposal**

1. The application is for the demolition of the existing restaurant and hotel buildings and the erection of a care home.

### **Recommendation**

2. It is recommended that this application is granted planning approval subject to conditions.

### **Main Issues**

3. The main issues for consideration in respect of this planning application are:
  - Principle of the development
  - Background information
  - Levels
  - Impact on the neighbours
  - Design
  - Trees and Landscape
  - Ecology
  - Flood Risk
  - Traffic and Transport
  - Drainage and Sewers

### **Representations**

4. No letters have been received from residents.
5. Mawdesley Parish Council supports the application and is pleased that the building has been moved back at the road bend. They do however request that the screening/frontage be amended. The existing planning is nothing like the original screening that was required when the restaurant started. The roadside frontage, and the proposed one are very urban in a rural location.
6. They state the siting of a limestone rockery of such a scale and so prominent is totally out of character in the area, which is predominantly sandstone and does not blend in with the surroundings. They assume that existing stone would be used but it appears to require more water worn limestone than is available which is environmentally unacceptable and should be discouraged.
7. As the new development has a visually increased bulk with the gable end in the centre, it is more important than ever to provide suitable screening to soften and reduce the roadside

impact. The new use of the site will not require the kerb attraction that a restaurant needed so does not need to be so open and visible.

8. They ask that the whole frontage going round into the access road, including where the dwarf wall is, should be a mixed field hedge, approximately 5 ft high with hedgerow trees (they provide a suggested mix). The hedge could be lower on the bend if required. This would provide adequate screening, blend in with the surroundings in character and be in keeping. It would also require far less maintenance than the suggested scheme. If a more formal design is required from the development this could be achieved inside the hedge without impacting on the roadscape.
9. They state the limestone bank opposite the site is on the property where the developer of the Eating house lives. He did this landscaping at the same time as the Eating house, so that should not be taken as indicative of anything else in the village. It is just his particular taste and business needs.

### **Consultations**

10. **Lancashire County Council (Ecology)**

State that the proposals have the potential to result in significant impacts on biodiversity, including protected and priority species. However, it appears that adequate mitigation and compensation can be delivered to fully offset impacts, and therefore the proposals should be in accordance with the requirements of biodiversity planning policy, guidance and legislation. They recommend conditions if the Council approves the application.

11. **The Environment Agency**

Have no comments to make on the application.

12. **The Architectural Design and Crime Reduction Advisor**

They advise that if the planning application be approved they would ask that the developers and architects work with the Architectural Liaison Adviser with a view to the development being built with as many secured by design principles as possible. This would ensure the safety of the staff and residents. Access control and property storage is always an issue along with security of controlled drugs. CCTV can be of considerable assistance when residents go missing and with the access control.

13. **United Utilities**

Have no objection to the proposal provided that surface water should not be allowed to discharge to the combined sewer as stated in the planning application. This prevents foul flooding and pollution of the environment. They therefore request a condition to be attached to the application requiring the developer to contact the Local Authority confirming how surface water will be managed.

14. They also state the site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge directly in to the adjacent watercourse and may require the consent of the Environment Agency.

15. **Chorley Council Policy and Design Team**

State that the proposal is generally successful and responds to issues raised at pre-application stage.

16. They commend the reference to the Mawdesley Village Design Statement in the submitted Design and Access Statement and the influence this has had on detailed design considerations/solutions.

17. They state the images provided may not do the proposed boundary wall and associated rockery justice. The visuals give the impression of a very open frontage where the building dominates although the Village Design Statement cites open aspects as a characteristic of the area. Given the scale and massing of this proposed development perhaps a 1.5m sandstone wall would be a more successful boundary treatment. In order to create a bit of variety the wall could be combined with more substantial trees in front of it (in the area

identified as rockery) which would combine with those planted to break up the car parking to create the appropriate soft landscape context for this greenbelt development. They are aware that the Parish Council has proposed a 5ft hedgerow which would also be an acceptable solution.

18. They are not convinced that the Georgian Style entrance treatment is appropriate. It seems that a barn conversion aesthetic is a 'more acceptable form of development' in the village according to the Village Design Guide, so perhaps these could be changed accordingly. Alternatively, removing the stone quoins (Georgian Aesthetic is not particularly relevant to Mawdesley) and giving the entrance a more contemporary treatment (simple, modern aesthetic) would be an acceptable compromise.
19. The brick should be chosen to match the 'Mawdesley Red Brick' and samples provided for window and roof materials.

#### **Lancashire County Council (Highways)**

20. Originally objected to the application however following further information submitted by the agent the now make the following comments:
21. In terms of the access arrangements, the geometry of the revised access incorporating a 7.3m wide access with 7.5mR radii would now be deemed acceptable for the purpose of the proposed development. The formation of the new access and alterations to existing to be undertaken as part of a S278 Agreement with the Highway Authority.
22. Note is taken that refuge wagons will not be required to reverse further than the south west corner and that the rear of the site that is the residential care home site, will be serviced by utilising smaller vans.
23. Therefore on the basis of the latest information that has been provided they are satisfied that the site can be accessed and serviced in a safe manner in which case they now have no overriding objection to the proposed development in principle.
24. In terms of the proposed level of car parking on site, they have no great issue.
25. They ask for conditions and informative notes to be attached to any grant of permission.
26. **Lancashire County Council Sustainable Travel Team**  
The majority of the content within the submitted Interim Framework Travel Plan is acceptable.
27. However Point 3.5 within the document states that 4 cycle parking stands will be provided for staff / visitors, It does not indicate if this will be covered and secure. Which we would expect. Once this has been clarified we would request that as a condition of planning approval a Full Travel Plan should be developed.
28. They request a contribution of £6,000 to enable Lancashire County Council Travel Planning team to provide a range of services as described in 2.1.5.16 of the Planning Obligations in Lancashire paper dated September 2008.
29. **Chorley's Waste & Contaminated Land Officer**  
Ask for a condition in relation to ground contamination.
30. **Chorley's Arboricultural Officer**  
This is a large sprawling site but the trees on it are easily categorised. The Oak tree T1 at the front of the site is the only tree here covered by TPO but is in very poor condition. This has been deteriorating for many years and is now at the point where replacement is a good option.
31. On the eastern side of the site are a row of conifers. These have been damaged along one side due to a fire on site. There is a medium sized Willow here also that is just off site.

32. The majority of the trees are on the southern end of the site and are mainly Alders by the stream away from the proposed development. Only the dead and diseased trees here are marked for removal.
33. The western side of the site has a Whitebeam, a Rowan and a Silver birch in a group and if possible it would be good to keep these.
34. Overall, they feel that there are no real issues from an arboricultural standpoint and so they have no objection to the application.
35. **Central Lancashire Primary Care Trust**  
State the surgery in Eccleston cannot take on any extra patients at the present time due to lack of space in the current premises. The PCT are endeavouring to address this by extending the existing Health Centre. This would give the practice additional capacity and enable them to take on additional patients.
36. Dr K Garg and Dr A Garg practice at the Croston Medical Centre which covers the Mawdesley area. Both doctors have advised that they have sufficient capacity to cope with increased patient numbers and are quite happy to accept new registrations from the new care home.

### **Applicants Case**

37. Mawdesley Eating House and Hotel has grown incrementally from small beginnings over the last thirty-five years via a large number of individual planning permissions. There were twenty instalments between the late 1970s and 2008. It started with a restaurant use in the former Towngate Barn but has become a major hotel development. However, externally, it is a mismatch of styles with the run of suburban motel rooms being the dominant visual element. There are buildings of one, two and two and a half storeys, plus a large car park on the frontage. The premises have been unused since the occupier went into receivership two and a half years ago and are a deteriorating eyesore. The premises were on the market for sale throughout 2009 with Grimleys acting as agents and there were no other takers. The premises had traded poorly prior to receivership due to a severe decline in the market, the poor quality of construction, the awkward layout (motel is separate from the restaurant), the multiple changes in internal levels (there are 20 sets of steps) and the poor and tired finishes in public areas. All these defects are visible today plus some areas of flat roof have collapsed and vandal fire damage has destroyed the former motel office building. Hence the purchaser has now fenced off the site to prevent further damage, vandalism and theft of lead. The applicants agreed to buy the site in December 2009 but legal problems with the title (another disincentive to prospective purchasers) were severe and took another nine months to sort out.
38. The applicants are Stocks Hall Care Homes Ltd. They have five premises in the north-west with a total of 270 beds providing care and rehabilitation for all ages of clients in a quality environment. They employ over 450 staff, so the new use will provide a good level of local employment. It is estimated that between 70 and 80 jobs will be created. The group offers a mixed range of residential care both for the elderly, some of whom have dementia, and for younger physically disabled. It is likely that the Mawdesley premises will provide for a mixed range of residents depending on the needs presented once the facility is open.
39. The initial appraisal of the new owner's intention to convert this rabbit warren into a modern care home identified levels/substandard room sizes/ restaurant building as key challenges. Since that time a more detailed assessment of the fabric has demonstrated that it is not possible to meet the required Health Standards by mere adaptation of the existing fabric and thus it is proposed to replace most of the buildings on site.
40. In terms of a pure change of use, it is clear that the hotel use has finished; the market will not support re-occupation; the Council will not allow housing to replace it; therefore an appropriate new use is urgently needed. A health user of the type proposed retains a business use which has a low impact and provides a community service and local employment without a significant traffic effect. The site also provides an attractive semi-rural



environment to aid the rehabilitation of patients.

41. The current character of the existing building with a heavily altered barn, flat roofed extensions, a dominating modern suburban motel, does not provide a good guide for its replacement. So far as possible the Architect has used the Village Design Statement and has produced an attractive design in a coherent form with a palette of locally found materials including weathered brick, white render, pitched slate roofs, small dormers, all on a retained footprint and with publicly, a two storey form.
42. It is proposed to retain the leisure element of the existing building, i.e. the most westerly 27 metre length of the main hotel and in due course refurbish that to match the appearance of the new building. Although no internal details are included, details of the changes to the external elevations do form part of this application.
43. All the other existing buildings are to be demolished and replaced on a similar footprint. It is mainly a two storey building with a ground floor of 1923 sqm, and a smaller attic floor of 1420 sqm with bedrooms lit by dormers. There is a small basement at present, but this will be replaced by a much larger one under the southern part of the building. The basement will be used for services including kitchen, laundry, storage, therapy rooms plus boilers, water tank and back-up generator.
44. The residents' rooms plus lounges will be on the ground and first floor providing 52 en-suite rooms. The existing car park is retained but remodelled to include new landscaping and will provide 52 car spaces, plus space for servicing at the rear of the premises. Because land is lower at the rear the building will appear to be 3-storey there because of the basement. Overall on this elevation it will be 10 metres high, but only 7 metres high (i.e. 2-storey) on the front and other public elevations, as the attic rooms are visually contained within the roof space.
45. To achieve a level internal floor the whole building is set as low as possible and at its north eastern corner it will be set down lower than the barn as exists on the site by 700mm and set back from the road by 1 metre more than existing so that a pavement of 1.8m width can be formed on the site frontage to help pedestrian safety. The new building is also inset 8 metres compared with existing from the access track on its eastern boundary, thus creating a garden area. This will provide a major visual and amenity improvement, plus it makes visibility westwards from that private access point much better.
46. The effect of this adjustment in levels is to provide a balancing effect as the western end of the new building will have a roof up to 2200mm higher than existing. This is shown on the elevations. In overall terms the new build represents an increase in visible volume of about 13%.
47. A palette of traditional materials including brick and render for walls and slate for the roof is proposed based on an assessment of the village character. Stone quoins will frame the two storey lounge projections. A stone wall will define part of the frontage to Hall Lane and be used within the site to form a dry moat for basement access.

## **Assessment**

### Principle of the development

48. The application site is in the Green Belt in an area largely characterised by ribbon development outside the village settlement of Mawdesley focussed around Hall Lane, Bluestone Lane, Dark Lane and Ridley Lane.
49. The proposal is inappropriate development in the Green Belt in accordance with Planning Policy Guidance Note 2: Green Belts. Inappropriate development should not be permitted, except in very special circumstances. Very special circumstances will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

50. In terms of the purposes of including land in the Green Belt one of these is to 'assist in safeguarding the countryside from encroachment' as the most important attribute of Green Belts is their openness.
51. As the proposal has been found to be inappropriate development in the Green Belt there need to be material considerations in favour of the development if it is to be permitted that amount to very special circumstances. In this regard, that there is an existing building on the site and it is therefore brownfield land has to be taken into account.
52. The proposed building has a similar footprint to that which exists. The land level of the site - there is approximately a 3.5m difference in levels from the highest and lowest points of the existing buildings floor levels, being higher in the northwest corner and dropping away to the southwest - necessitated the building that exists having a large number of internal stairs, which is one of the reasons that renovation and conversion of the existing building is not a feasible option for the current proposed use as a care home. This can be seen in the staggered roof ridges of the existing building. The proposed building design solves this problem by being set down into the land at the north eastern corner by 700mm more than the existing barn building, therefore allowing a level floor throughout the building and an even roof ridge.
53. Although this will result in the western end of the new building having a roof up to 2200mm higher than the existing, it is considered it will result in a visual improvement on the design of the existing building, being viewed as a cohesive design rather than several differing elements at different levels attached to each other. The majority of the increase in floor space will be created by taking advantage of the site levels by having a larger basement than exists. This will result in the building appearing as two-storey at the front from Hall Lane and three-storey at the rear.
54. Although the proposal will result in a visual volume increase of approximately 13% with the basement enlargement on top of this, the building will be set further back (by approximately 1m) from the road than the existing building allowing widening of the pavement. In addition, the east elevation of the proposed building will be set 8m further away from the boundary and the nearest property than the existing, reducing the visual massing of the building from this side and improving the visibility on to Hall Lane from the access track down the side of the building serving the property known as Brookside. Both of these factors are considered to be material considerations in favour of the proposal.
55. In addition, the proposal is for a care home, a form of economic development. PPS4 states that Local Authorities should treat applications that secure sustainable economic growth favourably. In addition the Coalition Government has stated that the answer to development should wherever possible be 'yes' except where this would compromise the key sustainable development principle set out in national planning policy and that this comprises a material consideration in planning decisions and that local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development.
56. The draft National Planning Policy Framework (NPPF) is also a material consideration to be taken into account, although it is considered it can only be given limited weight at the current time as it is only out for consultation. However it is considered that the proposal complies with the thrust of the Framework, a key point of which is that there is a presumption of sustainable development.
57. Overall, although the proposal is in principle inappropriate development in the Green Belt, that there is an existing building on the site is considered a material consideration that amounts to amounts to very special circumstances in favour of the proposal. In addition it is not considered that the proposal will result in other harm to the Green Belt, in this case it is not considered it compromises the openness of the Green Belt to a greater extent than the existing building, as although the ridge of the building is higher at one end the visual massing will be reduced by setting the building away from Hall Lane by 1m and 8m away from the east boundary. The scheme also brings the advantage of widening the footway to Hall Lane. The Governments clear statement on permitting sustainable development is also considered

a material consideration constituting a very special circumstance. Therefore although the proposal is inappropriate development it is considered that very special circumstances sufficient to outweigh its inappropriateness have been demonstrated. The proposal is therefore considered acceptable in principle in accordance with PPG2 and Local Plan Policy DC1 and the draft NPPF.

#### Levels

58. As has been discussed above, the site levels are a major hindrance to the reuse of the existing building and so the new building will take advantage of them by appearing two-storey at the front and three-storey at the rear, with the building set down into the land at the northwest corner of the site to allow an equal floor level through the building.

#### Impact on the neighbours

59. There are no properties opposite the site or to the majority of rear, however there are residential properties to both sides. Birch House is to the west and is a replacement dwelling permitted in 2009. It has small WC and utility room windows and the side of a bay window at ground floor and a small window serving a playroom in the roof space on its side elevation facing towards the development. It has a driveway and large double garage closest to the site boundary. This property is nearest to the leisure centre part of the existing building that will remain, but will be detached from the main building and although it will have its roof raised by approximately 1.3m there will be approximately 23m from the west elevation of the leisure building to the boundary with this property, a relationship that is considered acceptable.

60. To the east of the site the two nearest properties are Brookside, a bungalow accessed down a track to the side of the existing building, partly to the rear of the existing building and Towngate Farmhouse a two-storey dwelling accessed directly off Hall Lane. The proposed building will not be closer to Brookside than the existing building and the building will be brought 8m further away from the east boundary therefore improving the front outlook for this property. The relationship with this property is therefore considered acceptable. Towngate Farm is situated on Hall Lane itself and has a ground floor and first floor window in its west elevation. The existing building is 4.3m away from these windows separated by the track serving Brookside. The proposed building will be 8m further away, therefore 12.5m from the windows of this property and its garden boundary. Although there will be more windows in the east elevation of the proposed building than the existing, it is considered on balance that moving the building away from this property is an acceptable relationship. None of the neighbouring properties have objected to the proposal. A condition will be applied in relation to details of fencing and walling to be agreed to ensure an acceptable relationship with the neighbouring properties.

#### Design

61. The design has been the result of pre-application discussions and is considered favourably. Although not an adopted Supplementary Planning Document it is commended that it has drawn reference from the Mawdesley Village Design Statement.

62. There has been some discussion in the course of the application regarding the proposed frontage boundary treatment and the Parish Council has requested that the screening/frontage be amended. They state the existing roadside frontage and the proposed one are very urban in a rural location and the siting of a limestone rockery of such a scale and so prominent is totally out of character in this area, which is predominantly sandstone and does not blend in with the surroundings. They assume that existing stone would be used but it appears to require more water worn limestone than is available which is environmentally unacceptable and should be discouraged. The applicant has confirmed that no additional limestone would be used, the existing on site would be utilised.

63. The Parish Council feel that the new development has a visually increased bulk with the gable end in the centre and it is more important than ever to provide suitable screening to soften and reduce the roadside impact. The new use of the site will not require the kerb attraction that a restaurant needed so does not need to be so open and visible (see their detailed comments in the consultees section).

64. The comments of the Parish Council were forwarded to the agent and they state that where the frontage runs close to the building it will not be possible to have a hedge because they are already setting back the development to create a proper footway and want to maximise visibility around the bend for safety reasons. Also there is a level change at that point with the building set slightly lower so the proposed wall acts as a low retaining wall. In the building there are some windows and they would not wish to block the light with a high hedge. Therefore at that point they do not think that a soft solution is practicable. For the main frontage that borders the car park the Architect had a close look at the context as offered by Hall Lane and also what was said in the Village Design Statement, they also described the existing situation in the Design and Access statement which accompanied the application. That concluded that there were a variety of materials and treatments to frontages and there was no consistency. In particular on this stretch of Hall Lane there were areas of soft banking which gave a sort of 'cutting' effect. Almost opposite the site there is limestone within a landscaped bed. So they feel they had considered and discussed the frontage treatment prior to the submission. In the space they have available we wished to help to screen the parked cars so a low retaining wall is proposed on the edge of the car park whilst on the outside soil would be banked against it. This banking would have planted material on it plus individual native species of trees. They state they have to keep visibility from the site entrance which limits the tree cover we can employ, but we are happy to discuss species with the Parish Council. On the submitted illustration of the proposal there are some pieces of limestone and these are already on site so the intention was simply to reuse them in the banking. They state they are aware of the natural sandstone further along Hall Lane, and the hedge opposite the site, but the proposed new building is providing a fresh context and we believe that the proposal is appropriate to that context.
65. The Parish Council has responded stating the limestone bank opposite the site is on the property where the developer of the Eating House lives. He did this landscaping at the same time as the Eating House, so that should not be taken as indicative of anything else in the village. It is just his particular taste and business needs.
66. The Council's Urban Designer comments that the images provided may not do the proposed boundary wall and associated rockery justice. The visuals give the impression of a very open frontage where the building dominates although the Village Design Statement cites open aspects as a characteristic of the area. Given the scale and massing of this proposed development perhaps a 1.5m sandstone wall would be a more successful boundary treatment. In order to create a bit of variety the wall could be combined with more substantial trees in front of it (in the area identified as rockery) which would combine with those planted to break up the car parking to create the appropriate soft landscape context for this greenbelt development. They are aware that the Parish Council has proposed a 5 ft hedgerow which would also be an acceptable solution.
67. It is considered that a 1m wall rather than a hedge is the most appropriate boundary treatment where the building comes close to Hall Lane as there will be a retaining wall and it will be close to windows serving bedrooms and a communal lounge. However regarding the boundary to the car park a number of solutions could be appropriate. It is not considered that what is proposed is unacceptable, but the Parish Council's solution of a hedge could also be acceptable. The applicant has helpfully offered to have further discussions regarding the matter and therefore it is suggested that a condition be applied in relation to this boundary (the part in front of the car park) to allow these further discussion to take place.
68. With regard to the treatment of the entrance to the building on balance the design is considered acceptable and the Parish Council have not raised this as an issue.
69. The application proposed to use a red brick and a slate roof which is considered appropriate to Mawdesley. Due to the number of windows proposed the choice of window is considered important to the success of the building. The applicant is proposing Rahau (brand name) heritage sliding sash windows. Although a uPVC window, these benefit from the traditional design details and sightlines of a timber box sash window and are considered acceptable.
70. The design of the building is therefore considered acceptable and in accordance with Policy

GN5 of the Local Plan.

### Trees and Landscape

71. The application is accompanied by an arboricultural survey. There is a protected Oak tree on the frontage of the site covered by TPO 10 Mawdesley (1993). This tree is proposed to be removed and a replacement planted. The applicant's arboriculturalist states that the tree is in a deteriorating state. The Council's own Arboricultural Officer has been consulted on the application and agrees it is in very poor condition and replacement is a good option (which will be the subject of a condition).
72. Other than this the application does propose removal of several trees along the brook to the rear of the site due to their condition, which can be readily seen on site, and other species inappropriate to the location. A row of leylandii is also to be removed to the east of the site. The proposal is considered acceptable in relation to trees and in accordance with policy EP9.

### Ecology

73. An ecology report has been carried out to the satisfaction of the County Ecologist and conditions will be applied to ensure the mitigation measures proposed are implemented as part of the development. These include two bat roosts, one within the cavity access at the top of the west facing gable and the other in the form of a stand alone wooden structure situated in the south west corner of the site with a loft space and timber cladding to three elevations. The proposal is therefore considered acceptable with regard to PPS9.

### Flood Risk

74. The site is not within a Flood Zone 2 or 3 area and does not require a flood risk assessment. The Environment Agency have however been consulted on the planning application and have no comments to make. The proposal is therefore considered acceptable in relation to flood risk.

### Traffic and Transport

75. A Transport Statement and Framework Travel Plan accompany the application. The existing access on to Hall Lane is extremely wide and the applicant originally proposed to reduce this to 5.5m with 4.5mR radii. However, LCC Highways considered this was too narrow and following their comments the applicant has amended the proposed access to 7.3m wide with a 7.5mR radii with which Highways are not happy. Following further information being received from the applicant they are now satisfied with the serving arrangements of the building and have no objection to the proposal subject to suggested conditions being applied.
76. LCC Travel Plan team have requested a condition securing the production of a Full Travel Plan. They have also requested a commuted sum of £6000 to enable Lancashire County Council Travel Planning team to provide a range of services as described in the Planning Obligations in Lancashire paper dated September 2008. However, Chorley Council has not signed up to this document and the applicant had advised that they wish to commission the private consultancy who undertook the Framework Travel Plan accompanying the application to also undertake the production and monitoring of a Full Travel Plan for them. As the requirements of a Full Travel Plan can be secured by condition it is considered that the Council cannot insist that the applicant uses LCC to provide these services.
77. The applicant has advised that staff cycle parking will be provided within the building, but public cycle stand will be of the Sheffield stand type adjacent to the entrance. These will not be covered as they feel this will ruin the front facade of the building but they will be positioned to provide good natural surveillance. This provision is considered acceptable.

### Contamination

78. The Council's Contaminated Land Officer has recommended a condition requiring a report to identify any potential sources of contamination on the site and where appropriate, necessary remediation measures due to the size and sensitive end-use of the site. This is proposed to be applied.

Sustainable Resources

79. Policy SR1 of the Council's adopted Supplementary Planning Document (SPD) requires a number of criteria to met relating to the use of energy, water and renewable, including a requirement to reduce carbon emissions through the installation of low carbon energy sources (to demonstrate a 15% reduction in the predicted energy consumption by the use of identified low carbon technologies). The application is accompanied by a statement how this policy will be met.
80. Although the orientation of the new building is restricted by the footprint of the existing building it will benefit from the installation of Air Source Heat Pump, Solar Hot Water, and Photovoltaic technologies which will result in a 15% reduction in carbon emissions. The building will also have reduced water consumption by the implementation of grey water systems and the provision of external and internal recycling storage facilities.
81. The proposal is also required to meet BREEAM 'very good'. This can be controlled by condition.

Drainage and Sewers

82. United Utilities have no objection to the proposal subject to conditions the proposal is therefore considered acceptable in relation to PPS23 and PPS25.

**Overall Conclusion**

83. Although inappropriate development in the Green Belt it is considered that there are very special circumstances to outweigh the presumption against it. The design and other details of the proposal are also considered acceptable subject to conditions and the application is therefore recommended for approval.

**Other Matters**Public Consultation

84. The applicant advises that an exhibition of the proposal was held at the site on 16 June 2011. Members of the Parish and Borough Councils were invited, the event was advertised on site, and local residents were invited by post. The event was well attended by about 70 people including Parish Councillors, two Borough Councillors and local residents and business owners. Visitors were invited to comment. Plans were also supplied to the Parish Council.

**Planning Policies**National Planning Policies:

PPG2, PPS4, PPS9, PPS22, PPS23, PPS25

Adopted Chorley Borough Local Plan Review

Policies: GN5, DC1, EP9, EP18, TR4

Chorley's Local Development Framework

- Policy SR1: Incorporating Sustainable Resources into New Development
- Sustainable Resources Development Plan Document
- Sustainable Resources Supplementary Planning Document

**Planning History**

There is an extensive planning history relating to the existing building of the site. It is not considered necessary to list it here as the proposal includes demolition of the building.

**Recommendation: Permit Full Planning Permission  
Conditions**

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

Plan Ref.	Received On:	Title:
1039-PL-03 Rev C	1 September 2011	Proposed Site Plan
1039-PL-07	13 July 2011	Proposed Generic Elevations Leisure Centre

1039-PL-06	13 July 2011	Proposed Floor Plans Generic
1039-PL-05	13 July 2011	Proposed Site Sections Generic Elevations
1039-PL-04	13 July 2011	Proposed Nursing Home Elevations

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

2. The boundary treatments as shown on drawing number 1039-PL-03 Rev C shall have been erected in conformity with the approved details prior to occupation of the building hereby approved.  
*Reason: To ensure a visually satisfactory form of development, to provide reasonable standards of privacy to adjacent properties and in accordance with Policy No.GN5 of the Adopted Chorley Borough Local Plan Review.*
3. The development hereby permitted shall not commence until full details of the colour, form and texture of all hard ground- surfacing materials (notwithstanding any such detail shown on previously submitted plans and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in conformity with the approved details.  
*Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area and in accordance with Policy Nos. GN5 of the Adopted Chorley Borough Local Plan Review.*
4. Before the development hereby permitted is first occupied, the car park and vehicle manoeuvring areas shall be surfaced or paved, drained and marked out all in accordance with the approved plan and the cycle stand provided. The car park, bicycle stands and vehicle manoeuvring areas shall not thereafter be used for any purpose other than the parking of and manoeuvring of vehicles or bicycles.  
*Reason: To ensure adequate on site provision of car parking and manoeuvring areas and in accordance with Policy No. TR4 of the Adopted Chorley Borough Local Plan Review.*
5. The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plan 1039-PL-03 Rev C.  
*Reason: To protect the appearance of the locality and in the interests of the amenities of local residents and in accordance with Policy Nos. GN5 of the Adopted Chorley Borough Local Plan Review.*
6. The external works to the leisure building as shown on drawing number 1039-PL-07 shall be carried out within two years of the commencement of the development.  
*Reason: To ensure the leisure building is altered to match the new care home building hereby permitted to ensure the design of the two buildings is complementary and in accordance with Policy GN5 of the Adopted Chorley Borough Local Plan Review.*
7. The development must not proceed without the prior acquisition of a licence from Natural England for the derogation of the protection of bats under the Habitats Directive. The proposed measures given in paragraphs 12.3 and 12.4 of the report 'Former Mawdesley Hotel, Hall Lane, Mawdesley, Nr Ormskirk, L40 2QZ. Ecological Scoping Survey' (The Tyrer Partnership, September 2011) for the avoidance of impacts on protected and priority species (and avoidance of any breach of the Conservation of Habitats and Species Regulations 2010) must be implemented in full.  
*Reason: To ensure protected species are protected during building works and in accordance with PPS9.*
8. Tree felling, vegetation clearance works, demolition work or other works that may affect nesting birds will be avoided between March and August inclusive, unless the absence of nesting birds has been confirmed by further surveys or inspections that have been submitted to and approved in writing by the Council.  
*Reason: To ensure breeding birds are protected during construction and in accordance with PPS5.*

9. During the construction period, all trees and hedges to be retained shall be protected by 1.2 metre high fencing as specified in paragraph 8.2.2 of British Standard *BS5837:2005 Trees in relation to construction - Recommendations* at a distance from the tree trunk equivalent to the outermost limit of the branch spread, or at a distance from the tree trunk equal to half the height of the tree (whichever is further from the tree trunk), or as may be first agreed in writing with the Local Planning Authority. No construction materials, spoil, rubbish, vehicles or equipment shall be stored or tipped within the area(s) so fenced. All excavations within the area so fenced shall be carried out by hand.

*Reason: To safeguard the trees to be retained and in accordance with Policy No. EP9 of the Adopted Chorley Borough Local Plan Review.*
10. Japanese knotweed (*Fallopia japonica*) is present within the site. This shall be eradicated from the site and working methods shall be adopted to prevent the spread of this species.

*Reason: To ensure the eradication of Japanese Knotweed in accordance with the Wildlife and Countryside Act 1981 (as amended) and PPS9.*
11. No development shall take place until details of the proposed surface water drainage arrangements have been submitted to and approved by the Local Planning Authority in writing. Surface water should discharge directly in to the adjacent watercourse and may require the consent of the Environment Agency. No part of the development shall be occupied until the approved surface water drainage arrangements have been fully implemented.

*Reason: To secure proper drainage and to prevent flooding and in accordance with PPS25.*
12. No part of the development hereby approved shall commence until a scheme for the construction of the site access and footway improvement works (reinstate) has been submitted to, and approved by the Local Planning Authority in writing. The development shall only be carried out in accordance with the approved details.

*Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.*
13. No part of the development hereby approved shall be occupied or opened for trading until the access works as shown on the approved site plan have been constructed and completed in accordance with the approved details.

*Reason: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.*
14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 there shall not at any time in connection with the development hereby permitted be erected or planted or allowed to remain upon the land hereinafter defined any building, wall, fence, hedge, tree, shrub or other device. The visibility splay to be the subject of this condition shall be that land in front of a line drawn from a point 2.4m measured along the centre line of the proposed road from the continuation of the nearer edge of the carriageway of Hall Lane to points measured 120m in the westerly direction and 90m in the easterly direction along the nearer edge of the carriageway of Hall Lane, from the centre line of the access, and shall be constructed and maintained at footway/verge level.

*Reason: To ensure adequate visibility at the site access and in accordance with policy TR4 of the Adopted Chorley Borough Local Plan Review.*
15. 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.*

16. A Full Travel Plan shall be developed along the following timescales:
- Travel Plan Co-ordinator/s appointed and LCC's Travel Plan team informed of contact details at least 1 month prior to occupation.
  - Travel Questionnaire undertaken within 3 months of occupation
  - A Full Travel Plan submitted to the Planning authority within 6 months of occupation of the building hereby permitted.

The Full Travel Plan needs to include the following as a minimum:

- Details of Travel Plan coordinator
- Details of Travel questionnaire results
- Details of cycling, pedestrian and public transport links to and through the site
- Details of the provision of secure covered cycle parking
- SMART Targets for non-car modes of travel
- Action plan of measures to be introduced
- Details of arrangements for monitoring and review of the Travel Plan for a period of at least 5 years.

The building hereby permitted shall only be occupied in accordance with the Full Travel Plan.

*Reason: To encourage the use of sustainable and alternative methods of transport and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.*

17. No development shall take place until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail which may have previously been submitted. The scheme shall indicate all existing trees and hedgerows on the land; detail 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. It shall specifically include detail of a replacement tree for the Oak tree to be removed on the site frontage. The scheme shall specifically include details of the landscaping of the site (including any walls) to the frontage of the site in front of the approved car park.

*Reason: In the interests of the amenity of the area and in accordance with Policy No.GN5 of the Adopted Chorley Borough Local Plan Review.*

18. The approved details of landscaping shall be carried out in 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: In the interest of the appearance of the locality and in accordance with Policy No GN5 of the Adopted Chorley Borough Local Plan Review.*

19. Due to the size and sensitive end-use, the development hereby permitted shall not commence until the applicant has submitted to and had approved in writing by the Local Planning Authority a report to identify any potential sources of contamination on the site and where appropriate, necessary remediation measures. The report should include an initial desk study, site walkover and risk assessment and if the initial study identifies the potential for contamination to exist on site, the scope of a further study must then be agreed in writing with Local Planning Authority and thereafter undertaken and shall include details of the necessary remediation measures. The development shall thereafter only be carried out following the remediation of the site in full accordance with the measures stipulated in the approved report.

*Reason: In the interests of safety and in accordance with PPS23.*

20. Surface water must not discharge to the combined sewer. This site must be drained on

a separate system, with only foul drainage connected into the foul sewer.

*Reason: To prevent foul flooding and pollution of the environment and in accordance with PPS25.*

21. The building hereby permitted shall be built to BREEAM 'very good' and the measures set out in the Ashmount Consulting Engineers report dated July 2011 shall be incorporated into the building to reduce the carbon emission of predicted energy use by at least 15%.

*Reason: To ensure the development is in accordance with Government advice contained in Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1 and in accordance with Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.*

22. The development hereby permitted shall not commence until samples of the external facing materials to the proposed building(s) (notwithstanding any details shown on previously submitted plan(s) and specification) have been submitted to and approved in writing by the Local Planning Authority. This shall include brick, slate and render samples and details of the windows to be used (including their reveal). The development shall only be carried out using the approved external facing materials.

*Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy Nos. GN5 of the Adopted Chorley Borough Local Plan Review.*

<b>Item 3</b>	<b>11/00667/FULMAJ</b>
<b>Case Officer</b>	<b>Mrs Nicola Hopkins</b>
<b>Ward</b>	<b>Brindle And Hoghton</b>
<b>Proposal</b>	<b>Erection of a 26 bed accommodation unit extension to existing club house and function facility</b>
<b>Location</b>	<b>Moss Side Farm Bury Lane Withnell Chorley PR6 8SW</b>
<b>Applicant</b>	<b>Oak Royal Country Club</b>

**Consultation expiry: 17 August 2011**

**Application expiry: 19 October 2011**

### **Proposal**

1. The application proposes the erection of an extension to the existing club house at Oak Royal Golf Course to accommodate a 26 bedroom hotel. The total footprint of the development will be 440m<sup>2</sup> which incorporates the main service areas (foyer, lounge, rest rooms and additional kitchen space) at ground floor level with 26 ensuite bedrooms at first and second floor level (with a total combined floor area of 1231m<sup>2</sup>).
2. Oak Royal Golf Course is a nine hole golf course located within the Green Belt close to Withnell. There is extensive planning history associated with this site which is set out below.
3. The existing site comprises of a club house which incorporates large bar and restaurant area, first floor function room and golf shop. The golf course is a nine hole golf course with presently 150 members and a pay and play facility, the course has an optional 18 hole layout also. There are two fishing lakes on site, a course lake and a fly lake, these are accessed off Bolton Road. Currently a redundant building is being converted into three holiday cottages.

### **Recommendation**

4. The development involves the erection of a hotel within the Green Belt. As such the development is a departure from the Local Plan. By virtue of Section 77 of the Town & Country Planning Act 1990 and Circular 02/09 The Town & Country Planning (Consultation) (England) Direction 2009, certain departure applications are subject to referral to the Secretary of State.
5. Circular 02/09 sets out which types of application require referral to the Secretary of State and include Green Belt development. "Green Belt development" means development which consists of or includes inappropriate development on land allocated as Green Belt in an adopted local plan and which consists of the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more;
6. The development will create a floorspace of more that 1,000 square metres. As such Members should note that if they are minded to approve the application, the application would be referred to the Secretary of State for his consideration as to whether he wishes to call in the application for his determination. Alternatively, if members are minded to refuse the application, then the matter would not be referred, and a decision notice of refusal would be issued.

### **It is recommended that:**

7. the Director of Partnerships, Planning & Policy notifies the Secretary of State that the Development Control Committee is MINDED TO APPROVE the application, subject to the conditions listed in this report;  
and
8. IF the Secretary of State is minded NOT to call in the application, then authority be delegated to the Director of Partnerships, Planning & Policy in consultation with the Chair of the Development Control Committee to issue a decision notice of approval for the respective elements of the proposal, subject to the conditions in this report;  
and
9. that the Director of Partnerships, Planning & Policy further advises the Development Control Committee whether the Secretary of State wishes to consider the matter himself.

**Main Issues**

10. The main issues for consideration in respect of this planning application are:
- Background information
  - Planning Policy
  - Principle of the Development
  - PPS4 (Sequential Assessment and Impact Assessment)
  - Impact on the neighbours
  - Design
  - Trees and Landscape
  - Ecology
  - Traffic and Transport

**Representations**

11. **4 letters of objection** have been received raising the following concerns:
- Highway safety: the exit and egress to the lane of residential properties is along side the entrance and exit to the Golf Club and houses in the vicinity. Already there have been some incidents whereby traffic have indicated the intention to turn from the already busy Bury Lane (which has a speed limit of 60mph.) into the entrance and traffic leaving the Golf Club have assumed that the vehicles were turning into the Golf Club and have therefore begun to drive onto Bury Lane. Due to these occurrences, there have been some near misses already and the increase in traffic will significantly increase the risk of a serious accident.
  - The increased traffic will cause an increase in danger to both the cars travelling on Bury Lane as well as guests from the golf club trying to access & exit their entrance- the best course of action would be a review of the speed limit to be amended to 40mph from the top of Withnell to the end of Bury Lane at Blackburn Road.
  - There is a spot light within the Golf Club which shines onto the adjacent residential properties. One can only assume with addition of another building there will be a requirement for further security lighting- impact on privacy.
  - This being a local club I would expect the majority of membership to live in the locality and hence not to be a large demand from them for accommodation.
  - Noise and disturbance to local residents.
  - The proposal would seem more appropriate to a Motel/Hotel development.
  - Would make open rural area into a commodity and be detrimental to character.

**Consultations**

12. **Lancashire County Council (Ecology)** comments will be reported on the addendum
13. **The Environment Agency** has no objection subject to specific conditions.
14. **Chorley's Arboricultural Officer** – has no objection to the proposal.
15. **Economic Development Unit** – has no objections to the proposal. The project supports the visitor economy.
16. **United Utilities** has no objection to the proposals
17. **Lancashire County Council (Highways)** has no objections to the proposals
18. **Chorley's Waste & Contaminated Land Officer** has no comments to make

**Applicants Case**

19. The agent acting on behalf of the applicant has put the following 'very special circumstances' forward in support of the application:
- The accommodation unit is an extension to not only an existing leisure tourism facility but also to an existing building.
  - Accommodation is a normal use associated with commercial golf courses.
  - The scale of the development has been kept to the absolute minimum in terms of number of rooms and size of rooms compared to other comparable facilities. The existing club house facilities at Oak Royals will be used by the accommodation unit i.e. kitchens, bar and main function room significantly reducing the overall scale of the development.
  - The building has been designed to the highest standards using local stone and slate. In addition existing and proposed landscaping will screen the few open views of the site that exist.
  - The carbon footprint of the building will be 38% less than equivalent facilities through the use of ground source heat pumps. See Environmental Statement.

- The business will generate over £1million of investment in the local economy and employ up to 16 additional staff. Through additional visitor spend away from the site Chorley District will see an increase of £416,600 in spend to the local economy over the next five years.
- As the site is already an existing leisure facility and many of the guests within the accommodation will convert day visits to overnight visits the impact on traffic will be minimal. The Transport Assessment that accompanies the applications shows that total movements will increase from 42,713 to 47,632 with the peak daily flow increase from 182 to 191 movements per day. This represents only a 10% increase in the annual traffic movement and a 5% increase in the peak flow month of July.
- Chorley has a shortage of quality bed spaces for visitors. The new facilities will provide a unique niche facility alongside an existing range of leisure activities that cannot be accommodated within the main town area. This in turn will boost bed occupancy in the District by some 4% annually.

## Assessment

### Background Information

20. As detailed in the planning history below the site historically operated as a mixed farm holding. In 2006 planning permission was granted (06/00205/FUL) for the construction of a 9 hole golf course, two fishing lakes and two ancillary buildings for use as a club house and machinery/maintenance store. Since then there has been further planning permissions which has expanded the activity and leisure use on the site.
21. A condition was attached to the original permission restricting the use of the club house and stated:
 

*The clubhouse building hereby approved shall be used as a golfers' changing area and rest facilities for golfers and fishermen. The café/refreshment area shall only provide snack facilities and not multi course meals, and shall not be available to the general public not using the leisure facilities at the golf course and fishing lakes. The café/refreshment area shall not be open beyond the opening hours of the golf course itself. The shop facilities shall not be open to the public as a general retail outlet and shall also not be open beyond the opening hours of the course itself.*
22. In 2008 a relaxation of this condition was granted (08/01008/FUL) by allowing more flexibility in terms of how the clubhouse operated. The opening times of the clubhouse were no longer linked to the golf course and the restaurant would be able to serve multi course meals, albeit only to members and their guests. Functions could also take place but again, these were to be directly associated with the golf course and fishing lakes. This was granted as it was considered that the clubhouse would remain ancillary to the golf course and fishing lakes.
23. Further development on the site included ancillary timber huts being granted in 2008. It was considered that these were essential facilities for the fishing ponds on the site. Redundant stables were allowed to be converted to holiday accommodation in 2009.
24. An extension to the club house was granted approval under permission 09/00228/FUL. It was considered that the extension was required to provide improved changing facilities. A condition was attached to this permission limiting the use of the upper floor area to a viewing gallery/ teaching area only.
25. In 2010 permission was granted (10/00209/FUL) to convert the roof space of the club house to a bar and lounge and a relaxation to an earlier condition which now allows the bar/restaurant to be used by the general public as well as extending the opening hours of the restaurant.
26. Prior to the submission of this application the applicant, along with his agent, entered into extensive pre-application discussions with the Local Planning Authority. These discussions led to a reduction in the number of bedrooms from 32 to 26 and the size of the rooms has also been reduced to minimise the scale of the development in the Green Belt.
27. Planning permission is sought for on site accommodation due to market demands which dictates a desire for on-site serviced accommodation.

### Planning Policy

28. The site is located in the Green Belt where policies PPG2 at national level and DC1 at local level are both relevant. These provide a number of defined criteria of when development may be appropriate in the Green Belt:
  - agriculture and forestry

- essential facilities for outdoor sport and outdoor recreation, for cemeteries, and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it;
  - limited extension, alteration or replacement of existing dwellings
  - limited infilling in existing villages and limited affordable housing for local community needs under development plan policies according with PPG3; or
  - limited infilling or redevelopment of major existing developed sites identified in adopted local plans
29. During pre-application discussions the agent suggested that the proposal should be determined as 'essential facilities' for the golf and fishing enterprise. However it was later accepted that based on the size and nature of the hotel proposed and that it would also be operating for functions, it did not represent an ancillary 'essential' element to sport/recreation use. It is considered that the erection of a new hotel does not fall within any of these criteria and is therefore is classed as inappropriate development. Inappropriate development will only be permitted where 'very special circumstances' can be demonstrated which outweigh the harm on the Green Belt.
30. PPS4 defines a new hotel as a main town centre use. It is the aim of PPS4 to encourage development of new main town centre uses into existing town centres to promote their vitality and viability. A sequential and impact assessment are both required for planning applications for main centre uses that will not be located in an existing centre. The sequential test should demonstrate that there is no alternative town centre or edge of centre sites to accommodate the proposed hotel. The impact assessment should assess any retail impacts on adjacent centres.
31. Policy TR4 states that proposals for new development will be required where appropriate to be supported by a Transport Impact Assessment to ensure that developments satisfactorily mitigate any highway and transportation problems that may arise.

#### Principle of development

32. The proposed development is inappropriate development within the Green Belt which is by definition harmful. As set out above development within the Green Belt which is considered to be inappropriate development will only be considered acceptable where very special circumstances can be demonstrated. In this regard the agent for the application has submitted very special circumstances in support of the application which are listed in paragraph 19 above.
33. In cases where the development is considered to be inappropriate the level of harm is required to be assessed.
34. The proposed development results in an extension to an existing leisure facility within the Green Belt which ensures that the proposed hotel development can utilise the existing facilities (kitchen, bar etc.) on site thereby reducing the scale of development required. The siting and scale of the development has been considered in respect of the Green Belt setting and the design of the extension has been considered in respect of the setting along with the existing building.
35. In accordance with PPS4 (addressed below) the impact of the proposal has been assessed and the submitted reports demonstrate that the proposals will generate over £1 million of investment into the area and result in job creation.
36. It is considered that the level of harm to the Green Belt resulting from this development will be minimal due to the scale, siting and design of the proposed accommodation. Additionally the economic benefits of the scheme are a material consideration in support of this planning application.

#### Planning Policy Statement 4

37. This is an application for economic growth for the purposes of PPS4. PPS4 requires an approach to assessment based on whether the proposal is for a main town centre use, whether it is within a centre and also whether it is in accordance with an up to date development plan.
38. PPS4 defines main town centre uses as including 'arts, culture and tourism development' which includes hotels. The proposed development is located within the Green Belt with the closest settlement being Withnell and as such is not located within the defined town centre. The development is considered to be a departure from the Local Plan.
39. PPS4 states that local authorities should adopt a positive and constructive approach towards applications for economic development, and applications to secure economic growth should be treated favourably.

40. Policy EC14 states that:  
*A sequential assessment (under EC15) is required for planning applications for main town centres uses that are not in an existing centre and are not in accordance with an up to date development plan. This requirement applies to extensions to retail or leisure uses only where the gross floor space of the proposed extension exceeds 200 square metres.*

*An assessment addressing the impacts in policy EC16.1 is required for planning applications for retail and leisure developments over 2,500 square metres gross floorspace or any local floorspace threshold set under policy EC3.1.d not in an existing centre and not in accordance with an up to date development plan.*

*In advance of development plans being revised to reflect this PPS, an assessment of impacts in policy EC16.1 is necessary for planning applications for retail and leisure developments below 2,500 square metres which are not in an existing centre and not in accordance with an up to date development plan that would be likely to have a significant impact on other centres.*

41. In this regard the application is accompanied by a sequential assessment and impact assessment in accordance with PPS4.

#### Sequential Assessment

42. Pre-application discussions were held with the agent and it was agreed that the sequential assessment, and the impact assessment, should be applied to the overall use of the site and not specifically to the accommodation use of the hotel. This was considered appropriate as it is considered that the proposal is not only an extension to an existing club house/function room but will be linked to the overall sport and tourism uses on the site.
43. For the sequential assessment it was agreed that sites either within the defined centre of Chorley, edge of centre sites and out of centre should be the primary consideration. The existing facilities accommodate an area of 26 hectares however a nine hole golf course and associated facilities could be reduced to a minimum scale of 18 hectares and as such the assessment considers available sites up to 18 hectares. The assessment considers allocated sites, sites on the market and other greenfield sites.
44. In respect of allocated sites the assessment confirms that there are no appropriate allocated sites or sites on the market within the town centre or periphery. This is due to the fact that the sites were not of a sufficient size and would not be able to accommodate the range of activities available at the present site.
45. Other Greenfield sites were also assessed within the agreed area (including the north east of Chorley and south of Feniscold). Seven locations were identified that met the area requirements of 18-30ha and include areas of Green Belt, safeguarded land and areas of other open countryside. The applicant has discounted these sites arguing that as a complete new planning application would be required for the development which would be classed as inappropriate development within the Green Belt and would not be considered appropriate development in respect of safeguarded land or other open other countryside. The applicant considers that as the proposals would be a complete new facility rather than an extension to an existing facility it would be difficult to demonstrate 'very special circumstances' in support of the application.
46. Policy EC15 of PPS4 states:
- In considering sequential assessments required under policy EC14.3, local planning authorities should:
- a) ensure that sites are assessed for their availability, suitability and viability.
  - b) ensure that all in-centre options have been thoroughly assessed before less central sites are considered
  - c) ensure that where it has been demonstrated that there are no town centre sites to accommodate a proposed development, preference is given to edge of centre locations which are well connected to the centre by means of easy pedestrian access
  - d) ensure that in considering sites in or on the edge of existing centres, developers and operators have demonstrated flexibility in terms of:
    - i. scale: reducing the floorspace of their development;
    - ii. format: more innovative site layouts and store configurations such as multi- storey developments with smaller footprints;
    - iii. car parking provision; reduced or reconfigured car parking areas; and

- iv. the scope for disaggregating specific parts of a retail or leisure development, including those which are part of a group of retail or leisure units, onto separate, sequentially preferable, sites. However, local planning authorities should not seek arbitrary sub-division of proposals
47. In respect of the above tests the sequential assessment demonstrates that there are no more central sites which are available, suitable or viable in respect of the proposals.
  48. In respect of criteria (d) it is considered that the applicant has demonstrated flexibility in respect of the facility by virtue of the fact that the existing site occupies 23 hectares however the sequential assessment considers sites of 18 hectares which is adequate for a nine hole golf course. The sizes of the rooms have been kept to the minimum possible to reduce the impact on the green belt and the size of the scheme has been reduced when compared to the original proposals. The proposal utilises the existing parking provision as the hotel will be linked to the existing facility. For a hotel with 26 bedrooms 30 spaces are recommended however as the intention is to enhance overnight stays by people already utilising the site 20 additional spaces is considered to be acceptable and reduces the impact on the Green Belt. The hotel will be linked to the other uses on site and any disaggregation would impact on the economic viability of the scheme as such sub-division is not considered to be applicable in respect of this proposal
  49. In conclusion it is considered that the applicant has adequately addressed the sequential assessment requirements of PPS4 and there are no other sequentially preferable sites for the proposal.

#### Impact Assessment

50. Policy EC16 of PPS4 requires developments to be assessed against the following impacts on centres:
  - a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal.
51. The assessment concludes that there are no planned sites for this type of accommodation within the area and there is only one equivalent function room and accommodation provider within the area (Hartwood Hotel). The application is supported by a business plan which confirms that by year 5 5207 bed nights will be created. Of these 2083, it is anticipated, will be based on guests attending functions. This would result in a £83,320 loss to Chorley accommodation providers. This is however the worst case scenario as potential customers are not using the site due to lack of accommodation and potential overnight guests are just as likely to stay outside the area. Additionally the additional tourism created from the accommodation will result in tourism spending increasing by £60,600 per annum.
52. It is therefore concluded that there is no robust evidence of 'significant adverse' impacts with regard to investment within the area.
  - b) the impact of the proposal on town centre vitality and viability, including local consumer choice and the range and quality of the comparison and convenience retail offer.
53. The accompanying sequential assessment concludes that there are no equivalent facilities within Chorley town centre or the periphery. The other equivalent facility within the area (Shaw Hill Golf Club) however this is an 18 hole golf course. The proposed facility will attract different clientele by virtue of the fact that it is a 9 hole golf course which will enhance choice within the Borough by virtue of the proposed on-site accommodation.
54. It is therefore concluded that there is no robust evidence of 'significant adverse' impacts with regard to the vitality and viability of Chorley Town Centre or the surrounding area.
  - c) the impact of the proposal on allocated sites outside town centres being developed in accordance with the development plan
55. The accompanying sequential assessment concludes that there are no allocated sites within Chorley town centre or the periphery.
56. There are no sites within the catchment area that are presently subject to an allocation and therefore it is considered that there will be no 'significant adverse' impact.
  - d) in the context of a retail or leisure proposal, the impact of the proposal on in-centre trade/turnover and on trade in the wider area, taking account of current and future consumer expenditure capacity in the catchment area up to five years from the time the application is made, and, where applicable, on the rural economy.



57. Hotels fall under arts, culture and tourism within the PPS4 definition.
- e) if located in or on the edge of a town centre, whether the proposal is of an appropriate scale (in terms of gross floorspace) in relation to the size of the centre and its role in the hierarchy of centres.
58. The assessment identifies that within the area there are 16 commercially operated golf courses ten of which have on site hotels. The average number of bedrooms at these hotels is 86. In respect of this proposal only 26 rooms are proposed which is lower than that normally offered and the average bed space area (excluding en-suites) 20.5m<sup>2</sup> whereas the average is 32.6m<sup>2</sup>. Additionally the impact assessment concludes that Chorley as a whole has a low number of serviced accommodation beds in relation to population and overall tourism spend. As such it is considered that the scale has been considered taking into account similar hotels.
59. It is therefore concluded that there is no robust evidence of 'significant adverse' impacts with regard to the scale of the proposals.
- f) any locally important impacts on centres under policy EC3.1.e
60. The current Local Plan does not define any locally important impacts on centres which should be tested. The impact is not therefore considered to be 'significant adverse'.

#### PPS4 Conclusion

61. PPS4 confirms that planning applications for main town centre uses should be refused planning permission where the applicant has not demonstrated compliance with the requirements the sequential approach or there is clear evidence that the proposal is likely to lead to significant adverse impacts.
62. As set out above it is not considered that there are any sequentially preferable sites. In respect of the impacts of the scheme climate change has been taken into consideration in accordance with Policy SR1 and the scheme will incorporate a ground source heating system and rain water harvesting tanks. From accessibility perspective there is a bus service close to the site which runs between Chorley and Blackburn and there are a number of rights of way across the site. It is acknowledged that the site will be mainly access via car however the transport assessment concludes that the peak daily flow of vehicles will only increase by 9 movements. The design and siting of the proposals has been considered in respect of reducing the impact on the green belt. It is acknowledged that the proposals have the potential to adversely impact on existing hotel accommodation within the Borough however this should be considered along with the economic benefits in respect of tourism spend within the Borough. Additionally the proposals will result in the creation of 16 new jobs. As such it is not considered that the development would result in significant adverse impacts
63. In conclusion it is considered that the proposals have been assessed against PPS4 and no reason has been found to refuse the application. As such it should therefore be treated favourably, subject to appropriate conditions

#### Design and appearance

64. The proposed extension will project from the rear (south) of the existing building by 12.5m and a further side (east) extension will project 40m from this new part. This will considerably change the footprint of the building resulting in a new 'L' shaped layout. The extension will be split into three levels. Internally the ground floor will contain the service areas including the foyer, lounge, rest rooms and additional kitchen space. The 26 individual en-suite bedrooms will be located on the first and second floors. Externally the proposed materials will be matching stone to mirror the existing club house.
65. The extension will be erected on hardstanding land as well as cut into a raised grassed bank to the south of the club house. There will be an element of screening of the building from the south and west created by the existing earth bank which will result in a minimal visual impact. The design, scale and appearance of the extension are considered to be acceptable.

#### Impact on the neighbours

66. The closest neighbour is Hill Top Farm which is approximately 40m to the south of the club house. This neighbour has raised issues with noise and nuisances from lighting. According to the Design and Access Statement, all external lighting will be low wattage down lighters that minimise light pollution

away from the building this will be secured by condition. In respect of noise the application relates to hotel accommodation. The function room and bar, which generally generate more noise than a hotel, already exist and it is not considered that the proposed hotel will generate noise which would adversely impact on the neighbours.

#### Trees and Landscape

67. The site contains a mixture of hard and soft landscaping. There are existing trees along the north and east boundaries. The extension will cut into the raised earth bank to the south and south east of the club house resulting in the removal of some of the existing trees however these are a relatively young general woodland mix. It is not considered that the loss of these trees will adversely impact on the character of the site and a replanting scheme will be secured via condition.

#### Ecology

68. The application is accompanied by an ecological survey which has been forwarded to Lancashire County Council for comment. Although no comments have been received at the time of writing this report the Ecologist was consulted at pre-application stage.
69. At pre-application stage the ecologist considered that the site was of relatively low biodiversity value, replacement trees would be required to compensate for those felled however no other concerns were raised. The Ecologist's formal comments on this application will be reported on the addendum.
70. Following a high court decision (R (on the application of Simon Woolley) v Cheshire East Borough Council, June 2009) the Local Planning Authority have a legal duty to determine whether the three 'derogation tests' of the Habitats Directive implemented by the Conservation (Natural Habitats &c.) Regulations 1994 have been met when determining whether to grant planning permission for a development which could harm a European Protected Species. The three tests include:
- (a) the activity must be for imperative reasons of overriding public interest or for public health and safety;
  - (b) there must be no satisfactory alternative and
  - (c) favourable conservation status of the species must be maintained.
71. This requirement does not negate the need for a Licence from Natural England in respect of Protected Species and the Local Planning Authority is required to engage with the Directive.
72. As set out above it is considered that the site has a low biodiversity value and the proposals will not impact on protected species. As such the Council has discharged its obligations in respect of the Habitats Directive.

#### Traffic and Transport

73. In terms of access arrangements, the site is already served by an existing and established vehicle entrance, and the visibility sightlines enjoyed at the access are also satisfactory for the given road and traffic conditions. The agent has submitted a Transport Statement with the application which estimates the proposal to result in approximately 100 movements per day with a peak hour increase of 10 movements. LCC Highways are in agreement with the conclusions in the Transport Assessment and do not consider this increase to be significant. As such it will not have any adverse impact on the operation of the immediate highway network.
74. In terms of parking, there are an additional 20 spaces proposed adjacent and north of the existing car park on an existing stoned area. This is considered acceptable taking into account that the hotel is likely to generate group travel rather than individuals arriving by car.
75. As set out above concerns have been raised in respect of the access and increased traffic by residents. The Highway Engineer has considered this issue and has confirmed the visibility sightlines enjoyed at the access are also satisfactory for the given road and traffic conditions. As such a reason for refusal could not be substantiated on these grounds.

#### **Overall Conclusion**

76. It is considered that the very special circumstances forwarded in support of this development, including the consideration of the scale and siting, result in a development which will not unduly harm the Green Belt. From an economic perspective the proposal is considered to be acceptable. The proposal will not adversely impact on the vitality or viability of Chorley town centre and will create additional benefits from an economic and tourism perspective along with job creation. As such the application is recommended for approval.

#### **Other Matters**

##### Public Consultation

77. In accordance with the Council's Statement of Community Involvement prior to the submission of this application the applicant undertook a full community engagement exercise in May and June 2011. 45 responses were received, no negative responses from the local community.
78. Additionally the application is supported by e-mail enquiries requesting on site accommodation which the applicant considers demonstrates a demand for such facilities. Both the North and Western Lancashire Chamber of Commerce and the Lancashire and Blackpool Tourist Board have written to the applicant support of the application.

#### Sustainability

79. In September 2008 the first policy document, Sustainable Resources DPD, within Chorley's new Local Development Framework (LDF), was adopted. The applicants have provided an Energy Efficiency/Resources Conservation Statement which sets out how they propose to meet the requirements of Policy SR1 of the Sustainable Resources DPD. This includes consideration of orientation and passive solar design along with the inclusion of ground source heat pumps which will result in a 37.85% carbon saving. Policy SR1 currently requires 15%. This will be secured via condition.

#### **Planning Policies**

##### National Planning Policies:

PPS1, PPG2, PPS3

##### North West Regional Spatial Strategy

Policies: DP9, RDF2, W6, W7, EM17

##### Adopted Chorley Borough Local Plan Review

Policies: DC1, GN5, DC9, EP21A, TR4

##### Supplementary Planning Guidance:

- Statement of Community Involvement
- Design Guide

##### Chorley's Local Development Framework

- Policy SR1: Incorporating Sustainable Resources into New Development
- Sustainable Resources Development Plan Document
- Sustainable Resources Supplementary Planning Document

##### Joint Core Strategy

Policy 1, Policy 3, Policy 11, Policy 13, Policy 17, Policy 22, Policy 27

#### **Planning History**

**78/00350/OUT:** Outline application for dwelling. Refused

**78/01099/OUT:** Outline application for Replacement farm dwelling. Refused

**81/00707/FUL:** Demolition of existing dwelling and erection of new house. Approved September 1982

**82/00307/FUL:** Change of use of milking parlour to preparation of farm products eggs, lemon curd, etc.). Approved July 1982

**89/00481/FUL:** Erection of detached house. Approved August 1989

**89/00819/FUL:** Conversion of barn to dwelling. Refused- appeal dismissed

**92/00323/FUL:** Continuation of storage use. Approved September 1992

**92/00491/FUL:** Alternative application for continued use for storage with retention of access road to Bury Lane. Refused

**92/00720/FUL:** Continued use of premises retaining alternative access to the west. Approved November 1992

**95/00707/COU:** Conversion of barn to dwelling (unit 1). Refused- Appeal dismissed

- 95/00708/COU:** Conversion of existing workshop and offices to dwelling, (Unit 2). Withdrawn
- 96/00007/COU:** Conversion of existing workshop/office to dwelling including re-facing of external walls, addition of porch and extension to provide first-floor accommodation and pitched-roof. Withdrawn
- 97/00539/COU:** Conversion of redundant barn into dwelling, including associated works to relocate access doors and provide a turning apron to the adjacent commercial building. Refused- appeal dismissed
- 99/00244/COU:** Change of use of former agricultural building to form one dwelling with ancillary class B1 workspace. Approved May 1999
- 99/00542/FUL:** New pitched roof to replace existing on workshop/office building. Approved September 1999
- 00/00853/COU:** Conversion of existing workshop/office building to one dwelling. Withdrawn
- 01/00420/COU:** Conversion of existing workshop/office buildings to residential. Approved August 2001
- 01/00720/FUL:** Erection of double detached garage and stables. Approved October 2001
- 01/01036/FUL:** Detached double garage and detached stable block. Approved April 2002
- 02/00688/CTY:** Drainage improvements and infill (CBC objected to works)
- 04/00896/FULMAJ:** Construction of 9 hole golf course, fishing lakes and ancillary building. Withdrawn
- 05/00366/FULMAJ:** Construction of 9 hole golf course, two fishing lakes and two ancillary buildings for use as a clubhouse and machinery / maintenance store. Approved December 2005
- 06/00205/FUL:** Erection of Golf Club House and associated car-park together with machinery store to service 9 hole golf club. Approved July 2006
- 06/01138/COU:** Retrospective application for the change of use of land to form extension to approved golf course. Approved February 2007
- 07/00226/FUL:** Retrospective application for the retention of an extension to the car park approved under permission 06/00205/FUL associated with a golf course, fishing lakes and clubhouse. Approved May 2007
- 08/00238/FUL:** Erection of chalet building adjacent fishing lake and erection of fisherman's lodge building adjacent fishing lake nearest Bolton Road and formation of 20 space car park accessed from Bolton Road for use by fishermen. Withdrawn
- 08/00239/FUL:** Deletion of condition no.10 and variation of condition no.11 of planning permission 06/00205/FUL to allow the provision of illumination to car park and clubhouse and to allow clubhouse to be open to members of the general public. Refused May 2008
- 08/01008/FUL:** Variation of condition 11 on 06/00205/FUL Variation of condition 10 on 06/00205/FUL. Approved November 2008
- 08/01009/FUL:** Erection of ancillary buildings and car-park. Approved December 2008
- 09/00227/FUL:** Conversion of stables to Holiday Accommodation. Approved May 2009
- 09/00228/FUL:** Extension to existing golf club house. Approved May 2009
- 09/00646/FUL:** Alterations to site entrance off Bolton Road, extension to car park, landscaping, the parking of 5 caravans and hardstanding for such have been removed by condition 5 of planning permission, extensions to buildings for trout and coarse fishing lakes and creation of new children's pond. Approved November 2009
- 10/00209/FUL:** Conversion of roof space to members bar and lounge and variation of condition no. 11 of planning permission no. 06/00205/FUL (the original permission for the clubhouse) to allow the restaurant to remain open until 10pm each evening to the general public. Approved May 2010

**Recommendation:** Permit (after referral to Secretary of State)  
**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 approved plans are:
 

Plan Ref.	Received On:	Title:
	20 July 2011	Proposed Site Plan and Site Sections
	20 July 2011	Existing Site Plan
	20 July 2011	Proposed Floor Plans
	20 July 2011	Proposed Elevations
	20 July 2011	Location Plan

  
*Reason: To define the permission and in the interests of the proper development of the site.*
  
3. No development shall take place until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail which may have previously been submitted. The scheme shall indicate all existing trees and hedgerows on the land; detail 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.  
*Reason: In the interests of the amenity of the area and in accordance with Policy No.GN5 of the Adopted Chorley Borough Local Plan Review.*
  
4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in 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, unless the Local Planning Authority gives written consent to any variation.  
*Reason: In the interest of the appearance of the locality and in accordance with Policy No GN5 of the Adopted Chorley Borough Local Plan Review.*
  
5. Before the development hereby permitted is first commenced full details of existing and proposed ground levels and proposed building slab levels (all relative to ground levels adjoining the site) shall have been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on previously submitted plans. The development shall only be carried out in conformity with the approved details.  
*Reason: To protect the appearance of the locality, in the interests of the amenities of local residents and in accordance with Policy Nos. GN5 of the Adopted Chorley Borough Local Plan Review.*
  
6. The development hereby permitted shall not commence until full details of the colour, form and texture of all external facing materials to the proposed building (notwithstanding any details shown on the previously submitted plans and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out using the approved external facing materials.  
*Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy Nos. GN5 of the Adopted Chorley Borough Local Plan Review.*
  
7. The development hereby permitted shall not commence until full details of the colour, form and texture of all hard ground- surfacing materials (notwithstanding any such detail shown on previously submitted plans and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in conformity with the approved details.  
*Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area and in accordance with Policy Nos. GN5 of the Adopted Chorley Borough Local Plan Review.*
  
8. Before any tree felling is carried out full details (including species, number, stature and location) of the replacement tree planting shall have been submitted to and approved in writing

by the Local Planning Authority. The replacement tree planting shall be carried out in accordance with the approved details within nine months of the tree felling.

*Reason: To safeguard the visual amenity of the area and in accordance with Policy Nos. EP9 of the Adopted Chorley Borough Local Plan Review.*

9. Before the hotel accommodation is first used the car park and vehicle manoeuvring areas shall be surfaced or paved, drained and marked out all in accordance with the details approved pursuant to the other conditions attached to the permission hereby granted. The car park and vehicle manoeuvring areas shall not thereafter be used for any purpose other than the parking of and manoeuvring of vehicles.  
*Reason: To ensure adequate on site provision of car parking and manoeuvring areas and in accordance with Policy No. TR4 of the Adopted Chorley Borough Local Plan Review.*
10. Before the development hereby permitted is first commenced, (notwithstanding any such detail shown on previously submitted plans) full details of any proposed external lighting shall be submitted to and approved in writing with the local planning authority. The lighting detail shall be shown accurately on a scaled plan, detailing wattage and hours of use. The lighting scheme shall then be carried out only in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.  
*Reason: Such detail has not been provided during the course of the application however, is required given the nature of the development. To protect the appearance of the locality and in accordance with Policy No. GN5 of the Adopted Chorley Borough Local Plan Review.*
11. Prior to the commencement of the development full details of the bin storage facilities shall be submitted to and approved in writing by the Local Planning Authority. The bin storage thereafter shall be constructed and retained in accordance with the approved plans.  
*Reason: To ensure that adequate refuse storage is provided on site and in accordance with Policy GN5 of the Adopted Chorley Borough Local Plan Review.*
12. The on-site measures to reduce carbon emissions by a minimum of 15% shall be installed, implemented and retained in perpetuity in accordance with the submitted Energy Efficiency and Resource Conservation Statement.  
*Reason: To ensure the development is in accordance with Government advice contained in Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1 and in accordance with Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.*
13. Prior to the commencement of the development full details shall be submitted to and approved in writing by the Local Planning Authority to demonstrate how the design and layout of the buildings will withstand climate change. The proposed extension shall be constructed to achieve a minimum Building Research Establishment (BREEAM) standard of 'very good'. The approved details shall be fully implemented and retained in perpetuity.  
*Reason: To ensure the development is in accordance with Government advice contained in Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1 and in accordance with Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.*
14. Within 6 months of the completion of the building a 'Post Construction Stage' assessment shall be carried out and a Final Certificate, certifying that a BREEAM standard of 'very good' achieved, shall be submitted to and approved in writing by the Local Planning Authority.  
*Reason: In the interests of minimising the environmental impact of the development and to accord with the requirements of Policy SR1 of the Sustainable Resources DPD and PPS4*
15. Prior to the occupation of the hotel hereby permitted the existing vehicle access shall be extended to suit the current entrance opening and the full extent of the crossing including all kerbing shall be renewed and upgraded in accordance with a plan which has been submitted to and approved in writing by the Local Planning Authority. The vehicle crossing shall be retained in perpetuity thereafter.  
*Reason: In the interests of highway safety, in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.*

<b>Item 4</b>	<b>11/00225/FUL</b>
<b>Case Officer</b>	<b>Mrs Nicola Hopkins</b>
<b>Ward</b>	<b>Clayton-le-Woods North</b>
<b>Proposal</b>	<b>Section 73 application to vary condition 14 of planning permission 10/00115/REMAJ by amending the highway improvement works on Radburn Bridge</b>
<b>Location</b>	<b>Land Formerly Radburn Works Sandy Lane Clayton-Le-Woods Lancashire</b>
<b>Applicant</b>	<b>Bellway Homes</b>

**Consultation expiry: 6 September 2011**

**Application expiry: 12 May 2011**

#### **Proposal**

1. This planning application seeks permission to formally vary Condition 14 of the reserved matters approval for the erection of 62 dwellings with associated open space, landscaping and infrastructure.
2. Condition 14 to the 2010 approval states that:  
“The pedestrian and cycle improvements to Sandy Lane and Radburn Bridge, specified on the approved plans, shall be constructed and completed prior to the occupation of the dwellinghouses hereby permitted.  
Reason: In the interests of highway safety and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review”.
3. This application originally sought permission to vary this condition by removing reference to the highway improvements to Radburn Bridge. The pedestrian and cycle improvements are on-going. However following further discussions with LCC Highways, addressed below, there will still be some work to the bridge which will be addressed by varying this condition.

#### **Recommendation**

4. It is recommended that this application is granted conditional planning approval.

#### **Main Issues**

5. The main issues for consideration in respect of this planning application are:
  - Impact on Highway Safety

#### **Representations**

6. **Clayton le Woods Parish Council** – No comments received.
7. 1 letter have been received raising the following points:
  - The vehicular access should go through Radburn Brow and Radburn Close via the bridge.
  - The bridge is very dangerous.

8. 2 letters of objection has been received raising the following points:
  - There has been an increase in speeding traffic and lorries along Radburn Brow-dangerous
  - The 'safety & audit review' was not available on the planning website. The application should be refused on this technicality.
  - The junction of Radburn Brow/Sandy Lane & Chorley Old Road is the scene of many accidents which speed is a contributory factor.
  - If this condition is relaxed, further consideration should be considered as to how speed of traffic could be reduced, along with making Radburn Bridge safer for pedestrians.
  - The bridge is extremely dangerous to pedestrians

### **Consultations**

9. **Lancashire County Council Highways** - No objections. There have been various correspondences with LCC Highways in respect of the bridge works which is addressed below.

### **Background**

10. Members will be aware that reserved matters approval was granted subject to the developer carrying out a scheme of highway works on Radburn Bridge to create a one-way system with priority for motorists approaching the bridge from Sandy Lane.
11. Some concerns were raised that this would lead to highway safety issues and it was resolved at the committee meeting in June 2010 that Lancashire County Council be requested to reconsider the highway amendments to Radburn Bridge. The Road Safety Engineer at Lancashire County Council has reviewed this and as recommended and now advises that the works as approved would have a detrimental impact on the safety and operation of the highway on the bridge.

### **Assessment**

#### **Impact on Highway Safety**

12. Permission was first granted in January 2009 for the erection of up to 100 dwellings. This outline planning permission was granted with all matters reserved except for access – with permission granted for a new access 90m west of the boundary with the Lord Nelson.
13. This outline planning application was accompanied by a Transport Assessment which tested the safety and capacity at the Sandy Lane / Chorley Old Road and the Sandy Lane / Westwood Road junctions. Additional assessments of the A6 / Westwood Road roundabout and A6 / Radburn Brow junction were also carried out and concluded that these junctions would operate within capacity without any detrimental impact for up to 100 new also conclude that the development will have no material impact on the operation of these junctions.
14. However, the report did propose improvements to the surrounding pedestrian and cycle routes given the residential nature of the development. This specifically included a new footpath in front of the site with links through the public footpath to the side of the Lord Nelson, and a new cycle route over Radburn Bridge with give-way system and priority to westbound traffic.
15. The reserved matters came forward and were approved in April 2010 for 62 dwellings; less than the 100 which the Transport Assessment had tested. In response to this application some local residents on Radburn Brow raised concerns about the proposed alterations to Radburn Bridge and the proposed give way markings which will be located in front of 6



Radburn Brow. The concerns related to cars queuing along Radburn Brow and the subsequent impact on parking along the road and access to properties.

16. Lancashire County Council Highway Engineer confirmed that the narrowing over the bridge, to provide provision for pedestrians, was approved previously and therefore no objections are raised. However, it was resolved at the committee that that Lancashire County Council be requested to reconsider the highway amendments to Radburn Bridge and look into the road safety implications – although a condition was proposed requiring the works to be carried out prior to first occupation of the housing.
17. Since approval of the reserved matters and during the on-going construction at the site Lancashire County Council have assessed this arrangement and have now concluded that the alterations as approved would be unsafe. The applicant has submitted details of this correspondence with the Senior Road Safety Engineer which states that when approaching the bridge from the A6 side, drivers who are expected to give-way to westbound travelling vehicles would not see the oncoming vehicle until they had already committed to moving to the offside to pass the built-out footway. Should a vehicle be approaching from the west then there would be no room for manoeuvre; with one having to stop in the middle of the road and reverse back up towards the A6. LCC do not consider that there will necessary be any head on collisions but the arrangement of two vehicles in the middle of the road would lead to shunts, or squeezing of cyclists. The visibility between vehicles approaching the narrowing from the A6 side and vehicles leaving Birchfield turning left may also create similar problems.
18. Following this advice Bellway Homes submitted an application to vary the condition removing reference to the works to Radburn Bridge. However LCC Highways have considered this issue further particularly in respect of the fact that there is a justifiable need to provide improved pedestrian facilities over the bridge.
19. LCC Highways have concluded that the most appropriate way forward would be to provide a 1.3m wide footway to the western side of the bridge with a reduced carriageway of 5m. This would be a substandard footway but would be an improvement to the existing situation and would help reduce vehicle speeds in the area. This would ensure 2 way vehicle movements are maintained at all times with road narrowing signs.
20. In this regard Bellway Homes have provided an amended plan incorporating the Engineers suggestions. Prior to formally reconsulting the neighbours the plan was sent to the Highway Engineer for comments. He confirmed *The general arrangement of the highway improvement is as requested and is therefore acceptable. The only thing that is missing as such is the need for associated road markings and traffic signings (warning signs either side of the bridge indicating road narrows ahead and 'SLOW' markings on approach).*
21. These comments were forwarded to Bellway and a plan, incorporating slow markings and signs, was submitted which formed part of the reconsultation in respect of this application.
22. Although the highway engineer has not formally commented on this amended plan the plan reflects his suggestions. His comments will be reported on the addendum. As such it is proposed to amend the condition as follows:  
The pedestrian and cycle improvements to Sandy Lane and Radburn Bridge (specified on plan reference BHNW/ENG/OSHW), specified on the approved plans, shall be constructed and completed prior to the occupation of the dwellinghouses hereby permitted. *Reason: In the interest of highway safety and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.*

### Overall Conclusion

23. In conclusion the original improvements to Radbrun Bridge were considered to be acceptable hence why they formed part of the outline and reserved matters approval. Following further consideration the Highway Engineers raised concerns in respect of the proposed works to Radbrun Bridge however the submitted compromise is considered to be acceptable from a highway safety perspective whilst providing pedestrian access across the bridge.

### Planning Policies

#### National Planning Policies:

PPS1, PPS3, PPS9, PPS22, PPS23, PPS25, PPG17

#### North West Regional Spatial Strategy

Policies: DP1, DP7, RDF1, W3, W4, L4, L5, RT9, EM5, EM15, EM16, EM17

#### Adopted Chorley Borough Local Plan Review

Policies: GN1, GN5, GN9, EP4, EP9, EP17, EP18, HS4, HS5, HS6, HS21, TR1, TR4, TR18, EM9

#### Supplementary Planning Guidance:

- Statement of Community Involvement
- Design Guide

#### Chorley's Local Development Framework

- Policy SR1: Incorporating Sustainable Resources into New Development
- Sustainable Resources Development Plan Document
- Sustainable Resources Supplementary Planning Document

### Planning History

**02/00751/OUTMAJ** - Outline application for Residential Development (2.8 hectares). Withdrawn

**08/00739/SCREEN** - EIA Screening Opinion. No EIA required

**08/01079/OUTMAJ**- Outline application for residential redevelopment incorporating ancillary open space, landscaping and associated infrastructure. Approved January 2009

**10/00115/REMAJ** - Reserved matters application for the erection of 62 two storey dwelling houses with associated open space, landscaping and infrastructure. Approved May 2010

**10/00828/DIS** - Application to discharge conditions attached to planning application 10/00115/FUL. Discharged June 2011

### Recommendation: **Permit Full Planning Permission Conditions**

1. **The proposed development must be begun not later than two years from the date of reserved matters approval (reference 10/00115/REMAJ) or not later than five years from the date of the outline planning permission (reference 08/01079/OUTMAJ). Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.**
2. **The approved plans are:**

<b>Plan Ref.</b>	<b>Received On:</b>	<b>Title:</b>
BHWL78/01 Rev S	1 April 2010	Planning Layout

01-11 Rev B	1 April 2010	Refuse Vehicle Tracking
2H22	8 February 2010	2 Bed Mews
3LA2 Rev A	8 February 2010	3 Bed Detached
3PI2 Rev A	8 February 2010	3 Bed Detached/ End Mews
3RA2 Rev A	8 February 2010	3 Bed Detached/ End Mews
4B02 Rev A	8 February 2010	4 Bed Detached
4CA2 Rev A	8 February 2010	4 Bed Detached (Plot 62 only)
4CA2 Rev A	8 February 2010	4 Bed Detached (Plots 25, 26, 52, 53 and 56)
4CA2 Rev A	8 February 2010	4 Bed Detached Floor Plans
4FB2 Rev A	8 February 2010	4 Bed Detached
4HA2 Rev A	8 February 2010	4 Bed Detached (Plot 3 only)
4HA2 Rev A	8 April 2010	4 Bed Detached (Plot 1 and 2 only)
4OR2 Rev A	8 February 2010	4 Bed Detached
4PR2 Rev B	19 March 2010	4 Bed Detached
5GA2 Rev C	19 March 2010	5 Bed Detached
5GA2 Rev C	19 March 2010	5 Bed Detached Floor Plans
5TA2 Rev A	8 February 2010	5 Bed Detached
5TA2	8 February 2010	5 Bed Detached Floor Plans
	8 February 2010	Double Garage and Games Room (Plots 53/ 54, 55 and 58 only)
	8 February 2010	Garage and Fence Details
P.083.09.02 Rev A	8 February 2010	Arboricultural Implications
P.083.09.01	8 February 2010	Tree Survey
LDS-137-02	8 February 2010	Equipped Play Area
LDS-137-03B	23 June 2011	Landscape Plan
BHWL78/04	8 February 2010	Site Location Plan
BHWL78/02 Rev A	8 February 2010	Street Scenes
BHWL78/03 Rev D	28 June 2011	Fencing Layout
01-10	25 March 2010	Proposed Section Plots 40, 59, 56 & 54
BH/WL/SD/FD004	23 June 2011	1.5m Hit and Miss Fence with 0.3m Trellis over
BHNW/ENG/OSHW12	August 2011	Radburn Brow/ Radburn Bridge Highway Works

*Reason: To define the permission and in the interests of the proper development of the site.*

3. No dwelling shall be occupied until all fences and walls shown in the approved details to bound its plot have been erected in conformity with the approved details. The details were discharged as part of application 10/00828/DIS as detailed on plans reference BHWL78/03D and the revised landscaping plan reference LDS-137-03B implemented with the amended fence to the front of Plots 61, 56 and 55 (plan reference BH/WL/SD/FD004). *Reason: To ensure a visually satisfactory form of development, to provide reasonable standards of privacy to residents and in accordance with Policy No. HS4 of the Adopted Chorley Borough Local Plan Review.*
4. The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plans or as may otherwise be agreed in writing with the Local Planning Authority before any development is first commenced. *Reason: To protect the appearance of the locality and in the interests of the amenities of local residents and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.*
5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in 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, unless the Local Planning Authority gives written consent to any variation. *Reason: In the interest of the appearance of the locality and in accordance with Policy No GN5 of the Adopted Chorley Borough Local Plan Review.*

6. During the construction period, all trees to be retained shall be protected by 1.2 metre high fencing as specified in paragraph 8.2.2 of British Standard BS5837:2005 at a distance from the tree trunk equivalent to the outermost limit of the branch spread, or at a distance from the tree trunk equal to half the height of the tree (whichever is further from the tree trunk), or as may be first agreed in writing with the Local Planning Authority. No construction materials, spoil, rubbish, vehicles or equipment shall be stored or tipped within the area(s) so fenced. All excavations within the area so fenced shall be carried out by hand. *Reason: To safeguard the trees to be retained and in accordance with Policy Nos. EP9 of the Adopted Chorley Borough Local Plan Review.*
7. The development hereby permitted shall be carried out in accordance with the approved external facing materials as discharged by application 10/00828/DIS. *Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan.*
8. The development hereby permitted shall be carried out in accordance with the approved hard ground- surfacing materials as discharged by application 10/00828/DIS. *Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.*
9. No dwelling hereby permitted shall be occupied until the highway alterations to the site access with Sandy Lane have been completed in accordance with the approved plans. *Reason: In the interests of highway safety and in accordance with Policy No.TR4 of the Adopted Chorley Borough Local Plan Review.*
10. No dwelling hereby permitted shall be occupied until that part of the service road which provides access to it from the public highway has been constructed in accordance with plans which have been submitted to and approved in writing by the Local Planning Authority. *Reason: In the interests of highway safety and in accordance with Policy No.TR4 of the Adopted Chorley Borough Local Plan Review.*
11. The surface water drainage scheme for the development hereby approved shall be carried out in accordance with the submitted supplemental flood risk assessment prepared by Lees Roxburgh Ltd (Report number 103524 dated March 2010). *Reason: To reduce the risk of flooding at the site and in accordance with Government advice contained in PPS25: Development and Flood Risk.*
12. Surface water must drain separate from the foul and no surface water will be permitted to discharge to the foul sewerage system. *Reason: To secure proper drainage and in accordance with Policy Nos. EP17 of the Adopted Chorley Borough Local Plan Review.*

13. The pedestrian and cycle improvements to Sandy Lane and Radburn Bridge (specified on plan reference BHNW/ENG/OSHW), specified on the approved plans, shall be constructed and completed prior to the occupation of the dwellinghouses hereby permitted. *Reason: In the interest of highway safety and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.*
14. The development hereby permitted shall be carried out in accordance with the agreed measures in respect of contamination as discharged by application 10/00828/DIS. *Reason: To protect the environment and prevent harm to human health by ensuring that the land is remediated to an appropriate standard for the proposed end use and in accordance with Government advice contained in PPS23: Planning and Pollution Control.*
15. Upon completion of the remediation works a validation report containing any validation sampling results shall be submitted to and approved in writing by the Local Planning Authority. *Reason: To protect the environment and prevent harm to human health by ensuring that the land is remediated to an appropriate standard for the proposed end use and in accordance with Government advice contained in PPS23: Planning and Pollution Control.*
16. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out on the area of land affected until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with. *Reason: To protect the environment and prevent harm to human health by ensuring that the land is remediated to an appropriate standard for the proposed end use and in accordance with Government advice contained in PPS23: Planning and Pollution Control.*
17. The development hereby permitted shall be carried out in accordance with the measures to prevent vehicular access through the car park of the Lord Nelson Public House as agreed as part of discharge of condition application 10/00828/DIS. *Reason: To ensure the acceptable development of the site and in accordance with Policy GN5 of the Adopted Chorley Borough Local Plan Review.*
18. The development hereby permitted shall be completed in accordance with the agreed measures to reduce carbon emissions by 15% as discharged by application 10/00828/DIS. *Reason: To ensure the proper planning of the area. In line with the objective of National Planning Policy contained in Planning Policy Statement: Planning, the Climate Change Supplement to PPS1, Policies EM16 and EM17 of the Regional Spatial Strategy and Chorley Borough Council's Sustainable Resources DPD and Sustainable Resources Supplementary Planning Document.*
19. The development hereby permitted shall be carried out in accordance with the submitted Sustainability Statement. All dwellings commenced after 2010 will be required to meet Level 3, all dwellings commenced after 2013 will be required to meet Level 4 and all dwellings commenced after 2016 will be required to meet Level 6 of the Codes for Sustainable Homes. No dwelling to be constructed after 1st January 2011 shall commence until a Design Stage assessment and related certification has been submitted to and approved in writing by the Local Planning Authority demonstrating that the proposed development will be constructed to achieve the relevant Code for Sustainable Homes level.

***Reason: To ensure the proper planning of the area. In line with the objective of National Planning Policy contained in Planning Policy Statement: Planning, the Climate Change Supplement to PPS1, Policies EM16 and EM17 of the Regional Spatial Strategy and Chorley Borough Council's Sustainable Resources DPD and Sustainable Resources Supplementary Planning Document.***

20. No dwelling, commenced after 1st January 2011, shall be occupied until a Code for Sustainable Homes 'Post Construction Stage' assessment has been carried out and a final Code Certificate has been issued certifying that the required Code Level and 2 credits under Issue Ene7 has been achieved and the certificate has been submitted to and approved in writing by the Local Planning Authority.

***Reason: To ensure the proper planning of the area. In line with the objective of National Planning Policy contained in Planning Policy Statement: Planning, the Climate Change Supplement to PPS1, Policies EM16 and EM17 of the Regional Spatial Strategy and Chorley Borough Council's Sustainable Resources DPD and Sustainable Resources Supplementary Planning Document.***

21. The development hereby permitted shall be constructed in accordance with the approved route of the HGV/ Deliver vehicles entering and exiting the site as discharged as part of application 10/00828/DIS.

***Reason: To ensure the access used for construction traffic is appropriate in highway safety terms and to ensure that disturbance resulting from deliveries does not adversely impact on the amenity of existing resident or highway safety.***

<b>Item 5</b>	<b>11/00581/COU</b>
<b>Case Officer</b>	<b>Mr Matthew Banks</b>
<b>Ward</b>	<b>Chisnall</b>
<b>Proposal</b>	<b>Change of use of existing building from agricultural use to fencing and garden furniture workshop</b>
<b>Location</b>	<b>Lancaster House Farm Preston Road Charnock Richard LancashirePR7 5LE</b>
<b>Applicant</b>	<b>Mr Stephen Storey</b>
<b>Consultation expiry: 18 September 2011</b>	
<b>Application expiry: 12 October 2011</b>	

### **Proposal**

1. Application to change of use of an existing building from agricultural use to fencing and garden furniture workshop. This is a retrospective application as the business is already operating from the site.
2. The property in question is owned by Councillor Heaton, however the applicant and operator of the business is not Councillor Heaton, and therefore in accordance with the scheme of delegation the application is required to be considered at Development Control Committee.

### **Recommendation**

3. It is recommended that this application is granted conditional approval.

### **Main Issues**

4. The main issues for consideration in respect of this planning application are:
  - Principle of the Development
  - Design and impact on the streetscene
  - Impact on neighbour amenity
  - Access and parking
  - Ecology

### **Representations**

5. To date (20 September 2011) no letters of objection have been received.

### **Consultations**

6. **The Coal Authority** – Standing advice.
7. **Parish Council** – no objections
8. **Lancashire County Council (Property Group)** – suggest that if the development is to be approved, this should be done through a temporary planning permission to allow a re-assessment of the need for the building for agricultural purposes for such times as it may be required in the future.
9. **Lancashire County Council (Highways)** – none received
10. **Environmental Health noise/emissions** – no objections, however, it may be appropriate to condition the hours of operation.

**Assessment**Principle of the development

11. The site is washed over by the Green Belt where there is a presumption against inappropriate development and a requirement to maintain the most important attribute of the Green Belt which is that of openness. Planning Policy Guidance 2: Green Belts (PPG2) provides a clear definition of the types of development that can be considered appropriate within the Green Belt.
12. Policy DC1 of the Adopted Chorley Borough Local Plan Review restricts development in the Green Belt to that listed within the policy, unless very special circumstances are demonstrated to outweigh the harm that would come to the green belt by reason of inappropriateness.
13. Policy DC7A expands further than Policy DC1 and states that the re-use of existing buildings within the Green Belt will be allowed providing a number of criteria are met.
14. The proposed use of the building is for the production of fencing panels and garden furniture workshop and is capable of occupation without any external alterations to the building. The existing use of the building is agricultural and was once used to house cattle in connection with the agricultural operation at the site. The nature of the business has now resulted in the applicant diversifying the nature of operations at the farm and maintaining a flock of sheep rather than cattle, hence the current change of use application.
15. This application is for an employment use and as such is considered appropriate in accordance with Policy DC7A which gives preference to the re-use of buildings to provide accommodation for commercial, business and employment uses.
16. No external alterations are proposed to the building and as such, the development is considered in accordance with Criteria (a), (b), (d), (e), (f) of Policy DC7A. Criteria (c) of Policy DC7A is not applicable in this case which relates to incomplete agricultural buildings and criteria (g) and (h) relating to highways and ecology respectively will be covered elsewhere in the report.
17. In addition to the above, the Council's Supplementary Planning Guidance: Conversion of Rural Buildings in the Countryside reiterates the guidance outlined in Policy DC7A and states that commercial, manufacturing and other employment uses can be carried out in rural areas without causing an unacceptable level of disturbance. The use of an existing agricultural building for storage, workshops, offices and industrial purposes are usually the most sympathetic type of use associated with a rural building as they typically involve minimal alteration to the building, with the larger internal spaces often being retained. Conversion schemes can provide very useful workspace for businesses in rural areas, help expand and diversify the rural economy and reduce the demand for new commercial buildings.
18. Planning Policy Statement 7 (PPS7) supports farm diversification proposals provided they do not result in the excessive expansion or encroachment of buildings into the countryside. This is not the case here because no significant external alterations are proposed to the building and the focus is primarily on the change of use.
19. Planning Policy Statement 4 (PPS4) confirms that a B2 use is considered economic development and as such, Policy EC10 of Planning Policy Statement 4 (PPS4) provides further guidance for Local Planning Authorities in determining planning applications for economic development.
20. Policy EC12 of PPS4 states that in rural areas, the re-use of existing buildings for economic development purposes is preferable. Policy EC12.d says Local Planning Authorities should approve planning applications for the conversion and re-use of existing buildings in the countryside.
21. Policy EC10 states that Local Planning Authorities should adopt a positive and constructive



approach towards applications for economic development. Planning applications that secure sustainable economic growth should be treated favourably and Policy EC10.2 (a-e) gives further consideration to this.

22. The Council supports the conversion of buildings to workspace rather than residential use because of the economic and social benefits to rural areas.
23. In terms of the need for the building for agricultural operations at the site in connection with the existing farm unit, the council has consulted Lancashire County Council (LCC) Property Group to provide an assessment of the application.
24. LCC Property Group have concluded that the building (subject of this application) is the only structure at the site with agricultural merit which is capable of providing cover for agricultural operations at the unit. However, it has also been acknowledged that the nature of agricultural activity at the site has recently diversified and so there is little need for the building for agricultural purposes at present. Despite this, it is also important to consider that the diversification at the site may only be temporary and so the need for the building for agricultural purposes may arise sometime in the future.
25. As such, LCC Property Group have suggested that the application be approved subject to a temporary permission which will allow the building to serve the current need at the site (in supporting the farm diversification), but will also allow a re-assessment of the need for the building for agricultural purposes in the future when circumstances may change.
26. As such, with regard to the guidance in PPS 4, PPS7, The Council's Supplementary Planning Guidance: Conversion of Rural Buildings in the Countryside and the advice from LCC Property Group, the principle of the development is considered acceptable, subject to a 3 year temporary permission (which will be enforced by planning condition) and other material planning considerations detailed below.
27. It is considered appropriate, taking into account the change of circumstances regarding agricultural need, that the building is reused albeit for an alternative purpose but that allows the building to return to agricultural use if and when required.

#### Design and impact on the streetscene

28. The proposed development will not result in any external alterations to the existing building and purely relates to the change of use. As such, it is not considered the proposed development will result in any greater harm to the character and appearance of the area than currently exists on site and the building will retain an agricultural appearance synonymous in rural areas.
29. The proposal is therefore in accordance with Policy GN5 of the Adopted Chorley Borough Local Plan Review 2003.

#### Impact on neighbour amenity

30. The surrounding area is rural in character with very few sparsely positioned residential properties. The nearest residential property is situated on the opposite side of Preston Road, over 60m from the building. To the east is the M6 Motorway which provides a degree of background noise in the surrounding area.
31. The proposed development would be sited within an existing farm unit within a rural area of the borough. However, the unit has recently modified its farming practice from rearing of cattle (which needed indoor accommodation in the winter months), to the grazing of sheep all year round. The re-organisation of the farm business has resulted in a redundant agricultural building which the applicant intends to sub-let to as part of the farm diversification.
32. In assessing the impact of the change of use on neighbour amenity, a fallback position must be considered in that the farm was once fully operational which would have resulted in daily noise and disturbance and also vehicular movement (including farm machinery) coming to and from the site on a regular basis.

33. Taking this into consideration, it is not considered that the use of the building to produce fence panels and garden furniture would result in any greater significant detrimental harm in terms of neighbour amenity than would be experienced if the farm were operational. The nature of the business is such that the timber used is manufactured prior to assembly and no dust extraction equipment is required because the wood is pre-cut.
34. In addition to the above the council's Environmental Health Team has been consulted regarding noise and emissions but raise no objection to the proposed change of use. However, council's Environmental Health Team has suggested that it may be appropriate to condition the hours of operation in the interests of neighbour amenity (which will be dealt with by planning condition).
35. Taking into account the position and siting of the proposed development and the fallback position in terms of activity which could be carried out at the site. It is not considered the proposed change of use will cause any significant detrimental harm to neighbour amenity that would warrant refusal of the application.

#### Access and parking

36. The access arrangements at the site will effectively remain unchanged with the primary access to the site being from Preston Road.
37. It has been acknowledged that vehicular traffic moves quickly at this point, however, the access offers good visibility for vehicles when entering and egressing the site, particularly larger vehicles which may be delivering fencing and timber. The site also has sufficient provision for vehicles to enter, turn and exit in forward gear, thereby avoiding vehicles reversing on to the carriageway.
38. The applicant has shown 6 off-road parking spaces to the east of the building which will provide parking space for workers. In total there are 1.no full time employees and 2.no part time employees and so the parking provision is considered acceptable in this respect.
39. In assessing the overall impact on the highway, it must also be considered that the site comprises a former working farm in which large vehicles (including slow moving tractors) could come to and from the site throughout the day resulting in a substantial amount of vehicular traffic.
40. Therefore, with regard to the proposed use and given the number of employees at the site, it is not considered the development will result in any greater vehicular movement than would be experienced if the farm was fully functional.
41. Taking into account all the above points and the fallback position in terms of vehicular activity which could be operational at the site, it is not considered a refusal of the application could be sustained with regards to the impact on access/parking and the development is therefore in accordance with Policy TR4 of the Adopted Local Plan Review.

#### Ecology

42. The agricultural building subject of this application comprises a modest size structure situated to the south of the cluster of buildings which comprises Lancaster House Farm. The building is fairly modern in appearance and comprises green profiled metal sheeting for the elevations.
43. The building has no notable ecological significance and no physical alterations are proposed to the building as part of this application. The development is therefore considered in accordance with Criteria (h) of Policy DC7A and Policy EP4 of the Adopted Chorley Borough Local Plan Review 2003.

#### **Overall Conclusion**

44. With regard to the above, the application is therefore recommended for approval subject to conditions.

**Planning Policies**National Planning Policy

Planning Policy Guidance 2: Green Belts (PPG2)

Planning Policy Statement 4: Planning for Sustainable Economic Growth (PPS4)

Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS7)

Adopted Chorley Borough Local Plan Review

Policies: GN1, GN5, EM2, EP4 and TR4.

Supplementary Planning Guidance

Conversion of Rural Buildings in the Countryside SPG.

**Planning History**

The site history of the property is as follows:

The site history of the property is as follows:

**Ref:** 00/00174/FUL **Decision:** PERFPP **Decision Date:** 19 April  
2000

**Description:** Excavation of land to form second coarse fishery pond,

**Ref:** 02/01097/AGR **Decision:** PAAGR **Decision Date:** 28  
November 2002

**Description:** Application for agricultural determination in respect of the erection of a replacement barn,

**Ref:** 95/00144/COU **Decision:** PERFPP **Decision Date:** 15 June  
1995

**Description:** Use of existing pond for coarse fishing and existing hardstanding for parking of up to fifteen cars

**Ref:** 97/00087/COU **Decision:** PERFPP **Decision Date:** 9 April  
1997

**Description:** Change of use of farm building to upholstery workshop,

**Ref:** 04/00157/COU **Decision:** WDN **Decision Date:** 15 April  
2004

**Description:** Change of Use of redundant farm buildings to storage facility,

**Ref:** 05/00038/COU **Decision:** PERFPP **Decision Date:** 9 March  
2005

**Description:** Change of Use of redundant farm buildings to part workshop and storage of furniture,

**Ref:** 11/00132/ADV **Decision:** PERADV **Decision Date:** 6 June  
2011

**Description:** Display of non - illuminated wall mounted sign

**Application Number-**

- Change of use of existing building from agricultural use to fencing and garden furniture workshop
- Approve subject to conditions
- 12 October 2011

**Recommendation: Permit Full Planning Permission Conditions**

1. The use of the building hereby permitted for a fence and garden furniture workshop

shall cease and any plant, material or equipment associated therewith shall be removed and the site restored to its former condition on or before three years from the date of this permission.

*Reason: In response to the nature of the use hereby sought and to allow the Local Planning Authority to monitor the need for the agricultural use of the building in the future, in accordance with Policy No. EM2 of the Adopted Chorley Borough Local Plan Review.*

2. The approved plans are:  
Stamp-dated:     Title:  
17 August 2011   Site Plan  
*Reason: To define the permission and in the interests of the proper development of the site.*
3. No materials or equipment associated with the use hereby permitted shall be stored on the site other than inside the building.  
*Reason: In the interests of the amenity of the area and in accordance with Policy No. EM2 of the Adopted Chorley Borough Local Plan Review.*
4. Within 3 months from the date of this permission, the car parking area as shown on the approved plan (stamp-dated 17<sup>th</sup> August 2011; Title: Site plan) shall be laid out in accordance with the approved plan. The car parking area shall not thereafter be used for any purpose other than the parking of and manoeuvring of vehicles for the duration of the use hereby permitted.  
*Reason: To ensure adequate on site provision of car parking and manoeuvring areas and in accordance with Policy No. TR4 of the Adopted Chorley Borough Local Plan Review.*
5. The use hereby permitted shall be restricted to the hours between:  
08.00am and 17.00pm Monday – Friday and;  
10.00am and 14.00pm Saturday, Sunday and Bank Holidays.  
*Reason: To safeguard the amenities of local residents and in accordance with Policy Nos. EM2 of the Adopted Chorley Borough Local Plan Review.*
6. The use of the building hereby permitted shall be for a fence and garden furniture assembly workshop only (B1). The building shall be used for no other purpose in Class B1 of the Schedule of 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) unless otherwise agreed in writing with the Local Planning Authority.  
*Reason: To protect the locality of the area, to ensure that any subsequent use is appropriate for the site and to protect the amenity of the neighbouring residents in accordance with Policy EM2 of the Adopted Local Plan Review. The applicant has provided no justification for any other B2 use at the site in accordance with PPS4.*

Report of	Meeting	Date
Director of Partnerships, Planning & Policy	Development Control Committee	4 October 2011

## **ENFORCEMENT ITEM**

### **UNAUTHORISED ERECTON OF TIMBER FENCING AT 7 GLAMIS DRIVE, CHORLEY, LANCASHIRE, PR7 1LX**

#### **PURPOSE OF REPORT**

1. To consider whether it is expedient to serve an enforcement notice in respect of the above matters.

#### **RECOMMENDATION(S)**

2. That it is expedient to issue an Enforcement Notice in respect of the following breaches of planning control:

#### **Alleged Breach A**

- 2.1. Without planning permission the erection of timber close boarded fencing.

##### **ii Remedy for Breach**

1. Reduce the height of the fencing between points A and B on the attached plan to 1.1 metres in height above natural ground level.

##### **iii (a). Period for Compliance**

Two Months.

##### **iv (b). Reason.**

The erected timber fence by reason of its position, height, materials and appearance is considered incongruous in the context of the surrounding area and causes significant detrimental harm to the character and appearance of the streetscene. The development is therefore contrary to Policy GN5 of the Adopted Chorley Borough Local Plan Review and the Householder Design Guidance Supplementary Planning Document.

#### **EXECUTIVE SUMMARY OF REPORT**

3. The issue for consideration in this case is whether the unauthorised development carried out is well related to its surroundings and respects the design, height, and materials of the surrounding area. Therefore, whether the unauthorised development conforms to the requirements detailed in Policy GN5 of the Chorley Borough Local Plan Review Adopted Edition, and the Householder Design Guidance SPD.

**REASONS FOR RECOMMENDATION(S)**

**(If the recommendations are accepted)**

4. The application site comprises a prominent corner plot at the junction between Belvedere and Glamis Drive and is particularly visible on approach from Southport Road and at the junction of Glamis Drive and Chatsworth Close. As such, the development as erected has a significant visual impact on the character of the area and is visible from multiple public vantage points.
5. Policy GN5 of the Local Plan states that the design of developments will be expected to be well related to their surroundings, and should respect the local distinctiveness of the area. The Householder Design Guidance Supplementary Planning Document (SPD) provides further guidance on the principle of erecting boundary treatments at residential properties. It states that boundary treatments, weather traditional or modern, contribute a great deal to the character of an area and poorly designed boundary treatments can undermine the quality of the built environment.
6. Where new boundary treatments are proposed, care must be taken to ensure that the proposed materials and detailing take lead from the surroundings. Care should be taken to ensure that proposed walls and fences do not harm the streetscene or cause detriment to the amenities of neighbours.
7. It has been noted that the surrounding area comprising Glamis and Belvedere Drive is characterised by low level dwarf brick walls, either left open or with planting above. As a result the surrounding area has a very distinct open and green character.
8. The fence appears highly visible in the street which is exacerbated because the site forms a corner plot. At the highest point the fence is approximately 2m which does provide added security and privacy for the occupiers of No. 7 Glamis Drive. However, also means the fence appears alien and incongruous in the streetscene when viewed in the context of the very green and distinctive surrounding boundary treatments. It is considered the height, design and appearance of the fencing is not sympathetic to the surrounding boundary treatments and to the character of the surrounding area. Furthermore, the choice of materials escalates the visual impact of the fence which is exacerbated because the development is situated on a prominent corner plot.
9. The unauthorised fencing through a combination of its position, height, materials and appearance is considered incongruous in the context of the surrounding area and also as a result of its prominent location causes significant detrimental harm to the character and appearance of the streetscene. The development is therefore considered to be contrary to Policy GN5 of the Adopted Chorley Borough Local Plan Review and the Householder Design Guidance SPD.

**ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

10. None

**CORPORATE PRIORITIES**

11. This report relates to the following Strategic Objectives:

Strong Family Support		Education and Jobs	
Being Healthy		Pride in Quality Homes and Clean Neighbourhoods	X
Safe Respectful Communities		Quality Community Services and Spaces	
Vibrant Local Economy		Thriving Town Centre, Local	

	Attractions and Villages	
A Council that is a consistently Top Performing Organisation and Delivers Excellent Value for Money		

## BACKGROUND

12. The site comprises a single storey residential property in use as a dwellinghouse at no. 7 Glamis Drive, Chorley. Works were undertaken in June 2011 to erect a length of timber fencing with supporting concrete posts along the front of the property facing Glamis Drive and along the side boundary facing Belvedere Drive. The section of fencing along the front of the property measures 2 metres at its western end reducing to 1.1 metres in height as it runs eastwards along the front of the property. The section of timber fencing along the side of the property fronting Belvedere Drive measures 2 metres in height.
13. The timber fencing erected is fixed to the ground of significant length and height and as such it is considered that the fencing erected would constitute a building operation. Therefore, it is considered that development as defined within Section 55 of the Town and Country Planning Act 1990 (As Amended) has taken place for which planning permission is required.
14. The site benefits from permitted development rights set out in the Town and Country Planning (General Permitted Development) Order 1995 (As Amended). Class A of Part 2 of the GPDO 1995 states that the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or means of enclosure would not be permitted if:
  - (a) The height of any gate, fence, wall or means of enclosure erected or constructed adjacent to a highway used by vehicular traffic would, after the carrying out of the development, exceed one metre above ground level;
  - (b) The height of any gate, fence, wall or means of enclosure erected or constructed would exceed two metres above ground level;
  - (c) The height of any gate, fence, wall or other means of enclosure maintained, improved or altered would, as a result of the development, exceed its former height or the height referred to in sub-paragraph (a) or (b) as the height appropriate to it if erected or constructed, whichever is the greater.
15. As the fencing is sited adjacent to the highway along Belvedere Drive and exceeds its previous height and is in excess of 1 metre in height, the fencing erected is not permitted development and planning permission is required for it.
16. A planning application was received by the Council on the 25th July 2011 seeking planning permission to retain the fencing erected at the site. Retrospective planning permission (reference no. 11/00690/FUL) for the timber fencing was refused on the 9 September 2011 for the reason outlined below:
 

The erected fence by reason of its position, height, materials and appearance is considered incongruous in the context of the surrounding area and causes significant detrimental harm to the character and appearance of the streetscene. The development is therefore contrary to Policy GN5 of the Adopted Chorley Borough Local Plan Review and the Householder Design Guidance Supplementary Planning Document.
17. The development undertaken does not benefit from planning permission and has occurred within the last 4 years and is not immune from enforcement action. Therefore the works undertaken remain unauthorised and in breach of planning control.

## IMPLICATIONS OF REPORT

18. This report has implications in the following areas and the relevant Directors' comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal	√	No significant implications in this area	

**COMMENTS OF THE HEAD OF GOVERNANCE**

19. Given the absence of planning permission and the fact that the fence constituted development, the recommendation is appropriate.

Lesley-Ann Fenton  
 Director of Partnerships, Planning & Policy

There are no background papers to this report.

<b>Report Author</b>	<b>Ext</b>	<b>Date</b>	<b>Doc ID</b>
Christopher Hobson	5229	20/09/11	***



Report of	Meeting	Date
Director of Partnerships, Planning & Policy	Development Control Committee	4 October 2011

**PLANNING APPEALS AND DECISIONS RECEIVED FROM LANCASHIRE COUNTY COUNCIL AND OTHER BODIES BETWEEN 25 AUGUST 2011 AND 22 SEPTEMBER 2011 - PLANNING APPEALS LODGED**

1. Appeal by Mr John Rigby/BTI Ltd. against the delegated decision to refuse planning permission for temporary (2 1/2 years) permission for the erection of 5No. lodges and associated track/hardstanding to the land at the rear of BTI Ltd. Offices, lodges to be used for sale demonstration, at Land 35M South Of Units 1 - 12 Grove Park Industrial Estate, The Green, Eccleston PR7 5PH (Planning Application: 10/01066/FUL Inspectorate Reference: APP/D2320/A/11/2159150/NWF). Planning Inspectorate letter received 25 August 2011.

**PLANNING APPEALS DISMISSED**

2. Appeal by Mr Arthur Ruttle against the delegated decision to refuse planning permission for extension to existing single-storey granny annex at Sandersons Farm, Stocks Lane, Heskin PR7 5LT (Planning Application: 11/00145/FUL Inspectorate Reference: APP/D2320/A/11/2152423). Planning Inspectorate letter received 25 August 2011.
3. Appeal by Mr J. Clawson against the delegated decision to refuse planning permission for proposed ancillary accommodation at Appenzell, Babylon Lane, Heath Charnock PR6 9EU (Planning Application: 10/01022/FUL Inspectorate Reference: APP/D2320/A/11/2148080). An appeal by Mr J. Clawson for an award of costs was also refused. Planning Inspectorate letter received 7 September 2011.

**PLANNING APPEALS ALLOWED**

4. None.

**PLANNING APPEALS WITHDRAWN**

5. None

**ENFORCEMENT APPEALS LODGED**

6. None.

**ENFORCEMENT APPEALS DISMISSED**

7. None.

**ENFORCEMENT APPEALS ALLOWED**

8. None

**ENFORCEMENT APPEALS WITHDRAWN**

9. None.

**LANCASHIRE COUNTY COUNCIL DECISIONS**

10. None.

All papers and notifications are viewable at Civic Offices, Union Street, Chorley or online at [www.chorley.gov.uk/planning](http://www.chorley.gov.uk/planning).

<b>Report Author</b>	<b>Ext</b>	<b>Date</b>	<b>Doc ID</b>
Robert Rimmer	5221	22.09.2011	***