

## **DEVELOPMENT CONTROL COMMITTEE**

TUESDAY, 27TH OCTOBER 2015, 6.30 PM  
COUNCIL CHAMBER, TOWN HALL, CHORLEY

### **AGENDA**

#### **APOLOGIES**

- 1 **MINUTES OF MEETING TUESDAY, 29 SEPTEMBER 2015 OF DEVELOPMENT CONTROL COMMITTEE**

(Pages 3 - 6)

- 2 **DECLARATIONS OF ANY INTERESTS**

Members are reminded of their responsibility to declare any pecuniary interest in respect of matters contained in this agenda.

If you have a pecuniary 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.

- 3 **PLANNING APPLICATIONS TO BE DETERMINED**

The Director of Public Protection, Streetscene and Community has submitted six reports for planning applications to be determined (enclosed).

Plans to be considered will be displayed at the meeting or may be viewed in advance by following the links to the current planning applications on our website. <http://planning.chorley.gov.uk/online-applications/>

- 3A **15/00775/FUL - GROCERS ON THE GREEN, 267B THE GREEN, ECCLESTON, CHORLEY, PR7 5TF**

(Pages 7 - 12)

- 3B **15/00936/FUL - ST PETERS VICARAGE, HARPERS LANE, CHORLEY**

(Pages 13 - 24)

- 3C **15/00832/FUL - THE SIRLOIN INN, STATION ROAD, HOGHTON, PRESTON, PR5 0DD**

(Pages 25 - 32)

- 3D **15/00768/OUT - EUXTON MILLS HOTEL, WIGAN ROAD, EUXTON, CHORLEY, PR7 6JD**

(Pages 33 - 40)

**3E 15/00728/FUL - ROYAL MAIL CHORLEY DELIVERY OFFICE,  
UNIT 7 EAST CHORLEY BUSINESS CENTRE, EAST WAY,  
CHORLEY, PR6 0BJ**

(Pages 41 - 48)

**3F 15/00786/FUL - ASTLEY PARK, PARK ROAD, CHORLEY**

(Pages 49 - 58)

**4 SECTION 106 AGREEMENTS**

Report of the Head of Governance and Property Services (to follow).

**5 ENFORCEMENT**

Report of the Director Public Protection, Streetscene and Community for information (to follow).

**6 APPEALS AND OTHER DECISIONS**

Report of the Director Public Protection, Streetscene and Community for information (to follow).

**7 ANY URGENT BUSINESS PREVIOUSLY AGREED WITH THE CHAIR**

GARY HALL  
CHIEF EXECUTIVE

Electronic agendas sent to Members of the Development Control Committee Councillor June Molyneaux (Chair), Councillor Christopher France (Vice-Chair) and Councillors Aaron Beaver, Martin Boardman, Charlie Bromilow, Henry Counce, Paul Clark, John Dalton, Danny Gee, Keith Iddon, Alistair Morwood, Mick Muncaster, Richard Toon, Paul Walmsley and Alan Whittaker.

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

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<https://democracy.chorley.gov.uk/ecSDDisplay.aspx?NAME=SD852&id=852&rpId=0&sch=doc&cat=13021&path=13021>

**MINUTES OF DEVELOPMENT CONTROL COMMITTEE****MEETING DATE** Tuesday, 29 September 2015**MEMBERS PRESENT:** Councillor June Molyneaux (Chair), Councillor Christopher France (Vice-Chair) and Councillors Aaron Beaver, Martin Boardman, Charlie Bromilow, Henry Caunce, Paul Clark, John Dalton, Danny Gee, Keith Iddon, Alistair Morwood, Mick Muncaster, Richard Toon and Paul Walmsley**RESERVES:** Councillor Jean Cronshaw**OFFICERS:** Jamie Carson (Director of Public Protection, Streetscene and Community), Paul Whittingham (Development Control Manager), Alex Jackson (Legal Services Team Leader), Dianne Scambler (Democratic and Member Services Officer), James Appleton (Planning Assistant) and Nicola Hopkins (Principal Planning Officer)**APOLOGIES:** Councillor Alan Whittaker**OTHER MEMBERS:** Councillor Paul Leadbetter**15.DC.151 Minutes of meeting Tuesday, 8 September 2015 of Development Control Committee****RESOLVED – That the minutes of the Development Control Committee held on 8 September 2015 be approved as a correct record for signing by the Chair.****15.DC.152 Declarations of Any Interests**

There was one declaration of interest declared:

Councillor Martin Boardman declared a prejudicial interest in item 3d 15/000540/FULMAJ - Croston Hall Estate, Grape Lane, Croston and left the meeting for consideration of this item.

**15.DC.153 Planning applications to be determined**

The Director of Public Protection, Streetscene and Community submitted nine reports for planning permission consideration.

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

**15.DC.153a 15/00375/FULMAJ - Market Walk extension, Union Street, Chorley**

Registered speaker: Richard Frudd (applicants agent)

**RESOLVED (unanimously) – That planning permission be approved subject to conditions detailed within the report.**

**15.DC.153b 15/00482/FULMAJ - Duxbury Park Phase 2, between Myles Standish Way and Duxbury Gardens, Myles Standish Way, Chorley**

**RESOLVED (unanimously) – That full planning permission be approved subject to conditions detailed in the addendum, the conditions detailed within the report within the agenda and S106 legal agreement.**

**15.DC.153c 15/00719/FUL - Land to the south west of Ricmarlo, Preston Nook, Eccleston**

**RESOLVED (unanimously) – That full planning permission be approved subject to the conditions detailed in the report within the agenda and Section 106 agreement.**

**15.DC.153d 15/00540/FULMAJ - Croston Hall Estate, Grape Lane, Croston**

Councillor Martin Boardman left the meeting for the debate and decision on planning proposal 3d – Croston Hall Estate, Grape Lane, Croston

Registered speaker: Ed Jagger (applicant's agent)

**RESOLVED (unanimously) – That full planning permission be approved subject to the conditions detailed in the report within the agenda and Section 106 legal agreement following referral to the Secretary of State.**

**15.DC.153e 15/00528/FULMAJ - Canal Boat Cruises, Riley Green Marina, Bolton Road, Withnell, Preston, PR5 0SP**

**RESOLVED (unanimously) – That planning permission be approved subject to the conditions detailed in the addendum.**

**15.DC.153f 15/00675/FULMAJ Plots 1075 - 1093 The Orchard, Ordnance Road, Buckshaw Village, Chorley**

**RESOLVED (unanimously) – That planning permission be approved subject to the conditions detailed in the report within the agenda, and a S106 legal agreement.**

**15.DC.153g 15/00833/FUL - Leigh Farm, Marsh Lane, Brindle, Chorley, PR6 8NY**

**RESOLVED (unanimously) – That full planning permission be approved subject to conditions detailed in the report within the agenda, and S106 legal agreement.**

**15.DC.153h 15/00787/FUL - 1 Jubilee Close, Whittle-le-Woods, Chorley, PR6 7FS**

Registered speaker: Martin Maden (applicant)

**RESOLVED (14-1-0) – That retrospective planning permission be approved subject to conditions detailed within the report in the agenda.**

**15.DC.153i 15/00691/S106A - Site of former Social and Athletic Club, Duke Street, Chorley**

**RESOLVED (unanimously) – To approve the modification of the S106 legal agreement obligations detailed within the addendum.**

Chair

Date

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**Item 3a**                                **15/00775/FUL**

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

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

**Proposal**                              **Change of use from retail unit (Use Class A1) to micro pub (Use Class A4)**

**Location**                              **Grocers On The Green  
267B The Green  
Eccleston  
Chorley  
PR7 5TF**

**Applicant**                              **RH & RS Public House Limited**

**Consultation expiry:**    **24<sup>th</sup> September 2015**

**Decision due by:**            **22<sup>nd</sup> October 2015**

Delegated		Delegated following Chairs Brief		Committee	X
Date: 13 <sup>th</sup> October 2015					

	Case Officer	Authorising Officer
	CT	
Date	12 <sup>th</sup> October 2015	

**Recommendation**

That the application is approved.

**Representations**

<p><b>Eccleston Parish Council object</b> on the grounds of road and public safety:</p> <ul style="list-style-type: none"> <li>• Parking provision is inadequate - the submitted plan describes 2 parking spaces, access to both requiring vehicles to drive across a public pavement.</li> <li>• This represents an obvious danger to users of the pavement and, given the lack of provision of a dropped kerb, also presents a danger to other road users as vehicles utilising the spaces will be mounting the pavement at extremely low speeds to avoid damage, in a location on a bend in the main road, which is also directly adjacent to the junction with Bannister Lane and Woodhart Lane.</li> <li>• Furthermore, as there is no turning space, vehicles will be forced to reverse into the main road (The Green) in a location on a bend in the main road, directly adjacent to the junction, where visibility is poor due to the bend.</li> </ul>	
<p><b>In total 11 representations have been received which are summarised below</b></p>	
<p><b>Objection</b></p>	<p><b>Support</b></p>
<p>Total No. received: 5</p>	<p>Total No. received: 8</p>
<ul style="list-style-type: none"> <li>• Lack of parking. The road and pavement have been blocked by cars as well as the driveways of neighbours. It cannot be guaranteed that people will not be driving or dropping off/picking up. People for example drive to the institute across the road;</li> <li>• Noise level to residents opposite</li> </ul>	<ul style="list-style-type: none"> <li>• As an ever growing village need a variety of amenities</li> <li>• It will provide a new place for Eccleston residents to meet and socialise;</li> <li>• Regarding parking, surely any customer would be walking to the pub and there is enough parking for staff.</li> <li>• Should not be encouraging users to</li> </ul>

<p>Eccleston institute- already lots of noise at weekends</p> <ul style="list-style-type: none"> <li>No additional noise and nuisance is needed. People will drink and smoke outside and any seating will add to this;</li> <li>Noise from music</li> <li>Local pubs already in area struggle for business;</li> <li>Vandalism/litter to The Village Green especially at Christmas time when tree gets uprooted and trashed.</li> <li>This becomes a place to congregate when pubs close;</li> <li>Close to school busy at drop off pick up times;</li> <li>In future could apply for food licence and change use to cafe bar / food takeaway outlet;</li> <li>There is already the Eccleston Institute providing drink to the village;</li> <li>There is insufficient parking provision and there are double yellow lines along this section of The Green;</li> <li>Will there be toilet facilities?</li> <li>Patrons should not be allowed to stand or sit around in front of the pub which would result in inconvenience to local residents having to cross the road to avoid congestion, noise etc. and certain residents would feel intimidated;</li> <li>Two pubs in the area have recently closed;</li> <li>It is opposite a school;</li> <li>It will encourage anti-social behaviour as people will smoke outside and families with young children will be walking past.</li> </ul>	<p>drink and drive;</p> <ul style="list-style-type: none"> <li>Opening hours seem reasonable so as not to cause disturbance</li> <li>The pub is small in size reducing the potential for crowds of people;</li> <li>There is already a licenced establishment in the proximity to the pub (the Institute) and the new micro pub will offer something a little different;</li> <li>Support a new enterprise;</li> <li>It would be an asset to the village;</li> <li>The applicant's existing establishment is a lovely community pub;</li> <li>The location will be an upmarket venue away from any thoughts of 'lager louts';</li> <li>It will attract a more mature audience who will not attract or cause negative or anti-social behaviour</li> <li>The patrons will use public transport and there is a good service throughout the evening so that that a mature, responsible drinker could enjoy an evening out and be home before the public transport finished;</li> <li>It supports an artisan business in the area and provides a unique and creative outlet in Eccleston;</li> <li>The scale and size of the unit will always limit it to an artisan outlet;</li> <li>The opening hours are very reasonable;</li> <li>The venue has great support on social media;</li> <li>If residents fear noise then could a condition be imposed requiring music not to be played above certain decibels;</li> <li>Should encourage more drinking venues in the village to stop residents taking their money to neighbouring villages – this also reduces the drink driving likelihood as residents will walk.</li> <li>The close proximity of a bus stop on The Green encourages drinkers not to use their cars. Most people who will use it will be local so parking is not an issue.</li> </ul>
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**Consultees**

<b>Consultee</b>	<b>Summary of Comments received</b>
Police Liaison Officer	Recommend an number of security measures to the applicant In order to prevent the opportunity for criminal activity such as laminated glass windows, a gate to the rear yard, consideration of CCTV, installing an intruder alarm, raising the floor of the bar area to maximise staff visibility and positioning alcohol and the tills away from customers' reach.
Environmental Health Officer	State they have considered the application and the adjacent residential premises with regard to noise control and environmental issues. As the flats are at first floor level and the proposed building is a single storey, I do not consider there to be a likelihood of nuisance being caused and



	<p>therefore have no comments to make. Any management issues that may be considered to be a problem can be addressed within the premises licensing application process.</p>
<p>LCC Highways</p>	<p>The proposal requires thrice the 2no car parking spaces proposed by the applicant. The site is in an area where on-street waiting is extensively restricted and they are concerned that if adequate off-street parking is not provided, this may lead to existing restrictions being flouted and parking displaced onto residential streets. However, although the required parking provision has not been fully met, they do not wish to object to the proposal as the shortfall in the applicant's parking provision is only approximately 5no spaces and the proposed operative time is 12:00–00:00, which is partially outside normal working hours when the adjacent businesses would be closed and their frontage parking spaces become available. It is apparent that customers to the pub will utilise these parking spaces.</p>

**Assessment**

Principle of the Development

1. The application property is a former green grocer's shop which is currently standing empty in a small row of six shops fronting The Green. The site is within the village settlement of Ecclestone.
2. Policy EP8 of the Local Plan 2012-2026 covers existing local Shops and states that development proposing the change of use or loss of premises currently or last uses as a local shop (use class A1) outside of the district or local centre boundaries will be permitted where it can be demonstrated that:
  - a) The use is not financially viable.
  - b) There is sufficient provision in the local area; and
  - c) The facility is in an isolated location remote from public transport routes.
3. The pre-amble to this policy states that the reason for the policy requirements is to protect local shops in local areas outside retail centres from other forms of development (such as being changed into a residential house). Local shops provide a valuable role in the community offering local services and invariable meeting local residents' daily (top up) needs.
4. Planning permission was approved in June 2011 under application ref: 11/00308/FUL to create the unit (by subdividing and extending the existing retail unit) with amendments made under ref: 11/00659/FUL. Permission was refused (ref: 11/00657/FUL) in September 2011 for a hot food takeaway but granted (ref: 11/01009/COU) for a café in January 2012. The café use was not implemented and the unit opened in August 2013 as a green grocer but has since closed and is currently vacant. As such the lawful use of this unit is A1 retail use.
5. Although the proposed use as a micro pub is not an A1 shop use (it is A4) it is considered that the proposed use will add to the vitality of the village of Ecclestone by providing a small drinking establishment in a village where larger public houses have closed. The green grocers had closed and the unit has been left vacant. The National Planning Policy Framework (the Framework) states that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. It goes on to say that planning should support the sustainable growth and expansion of all types of business and enterprise in rural areas and should promote the development of local services and community facilities in villages, including public houses.
6. Policy 13 of the Core Strategy covers the Rural Economy and aims to achieve economic and social improvement for rural area by sustaining and encouraging appropriate growth of rural businesses.
7. Although the proposal does not strictly accord with Policy EP8 of the Local Plan it is considered taking the development plan as a whole, along with the Framework, the proposal

is in accordance with the thrust of planning policies that aim to support new and local businesses in rural area and maintain the vitality and services in rural villages. The application is therefore considered acceptable in principle.

#### Design and appearance

8. The proposal does not involve external changes or external alterations to the building.

#### Neighbour amenity

9. There are residential properties to the north and south of the unit beyond the row of shops and to the rear on Bannister Lane. However, the unit is sandwiched between other units in commercial use as to the left (south) is a kitchen and bathroom shop that was previously a hairdressers and to the right (north) is another vacant unit beyond which is a pet and aquatic supplies shop, charity shop, hairdressers and dental surgery.
10. It is considered that the location of the proposed micro pub immediately adjacent to non-residential uses is an acceptable location for such a use. The application form requests proposed opening hours from 12 noon until midnight on every day of the week. It is considered that a midnight close time is reasonable on a Friday and Saturday night, but on Sunday evenings and on a weeknights it is considered that closing at 11pm is more appropriate to the area to avoid the risk of noise in the village as people leave the premises, however it is considered that it would be reasonable to allow the later midnight opening on the three Sundays prior to the two bank holiday in May and one in August, and allow the venue to open late on Christmas Eve and New Year's Eve until 1am the following morning.
11. In terms of outside drinking it is considered this would not be appropriate as it could lead to unacceptable noise to nearby properties late in the evening, especially in the summer months and would also reduce the parking available to the premises. A condition is therefore proposed preventing table and chairs being put outside or an outside drinking area formed.

#### Parking and Highways

12. The comments of LCC Highways are noted, however the application does not involve any changes to the parking or access to the unit. There is a small forecourt associated with the unit immediately in front of it beyond which is the public pavement. There are double yellow lines on the road outside the row of the shops.
13. The comments of neighbours regarding parking are also noted, however the previous grocers had the same parking arrangements. The Council must consider the application in terms of what the current lawful use of the unit is, as a shop (A1 use). It is not considered that the proposed micro pub use will generate more traffic and parking than a shop would in this location, given its limited size. It is possible that it actually reduces parking demand compared to the current lawful use of the unit as people are more likely to walk to a small local public house so they can have an alcoholic drink. The parking must also be weighed against the policies supporting local businesses.
14. It is not considered therefore that highway and parking issues could be a reason for refusal of the application.

#### Other Issues

15. Planning permission would be required to change the use of the unit from a micro pub to a takeaway as such a use does not fall within the same use class as a public house. A hot food takeaway use has been refused at the unit in the past on the grounds that it would have resulted in an unacceptable hazard to highway safety and would have an unacceptable impact on neighbour amenity in terms of noise and disturbance caused by parking, and comings and goings to the proposed takeaway. In addition it was considered that it had not been demonstrated that the proposal would not have an unacceptable impact on nearby properties in terms of noise or smells from the extraction equipment.
16. The parking for an A5 hot food takeaway use is considered different to what is proposed now as many people drive to a takeaway to get home quickly to ensure their food stays hot. It was also considered that the nature of the use would encourage vehicles to park outside the unit

on double yellow lines to collect food on the premise that they 'will only be a few minutes'. The nature of the parking at a micro pub is therefore different to a hot food takeaway.

17. Toilets will be provided within the unit.

### Overall Conclusion

18. The application is recommended for approval. It is acknowledged that the use of this unit as a micropub will have different impacts than the lawful retail use however the benefits of the proposal, in supporting a business and providing a facility to the village, are considered to be material considerations in support of the proposal. It is not considered the parking requirements associated with the use will be significantly different to the lawful use of the unit as a shop (A1 use) and as such on balance it is considered that the proposals are acceptable and the application is recommended for approval.

### Planning Policies

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

### Planning History

Reference	Description	Decision	Date
11/00308/FUL	Subdivision of existing Oceans Apart retail unit to form two units (with new entrance to new unit), link extension to form a further retail unit (between Oceans Apart and hairdressers), and conversion of existing storage space to rear and above existing hairdressers to form 2 no. one bedroom apartments.	Permitted	3 <sup>rd</sup> June 2011
11/00659/FUL	Amendment to previously approved application 11/00308/FUL (this application was for subdivision of existing Oceans Apart retail unit to form two units (with new entrance to new unit), link extension to form a further retail unit (between Oceans Apart and hairdressers), and conversion of existing storage space to rear and above existing hairdressers to form 2 no. one bedroom apartments). Amendments are retaining outbuilding to rear against boundary with no. 2 Bannister Lane and changes to the layout of the parking spaces and service yard.	Permitted	4 <sup>th</sup> November 2011
11/00657/FUL	New link extension between hairdressers and vacant retail unit and change of use of part of existing vacant retail unit (formerly Oceans Apart) to form hot food takeaway (A5 use) and associated extraction flue.	Refused	23 <sup>rd</sup> September 2011

11/01009/COU	Change of use of vacant shop (use class A1) to a cafe (use class A3)	Permitted	5 <sup>th</sup> January 2012
13/00149/FUL	Application to vary condition 5 of planning permission ref: 11/01009/COU (which granted permission for a cafe/restaurant) to allow opening 5pm to 9.30pm Sunday to Thursday and 5pm to 10.30pm Friday and Saturday.	Permitted	5 <sup>th</sup> April 2013

### **Suggested Conditions**

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

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

2. No area for outside drinking or seating shall be created at the premises and no chairs and/or tables shall be placed outside.

*Reason: To minimise the risk of disturbance to properties in the area and to maintain parking areas at the premises.*

3. The use hereby permitted shall be restricted to the hours:

- Between 12pm (noon) and 11pm Sunday to Thursday inclusive
- Between 12pm (noon) and 12am (midnight) on Friday and Saturday
- Between 12pm (noon) and 12am (midnight) on the three Sundays of the year prior to the two bank holidays in May and the one bank holiday in August
- Between 12pm (noon) and 1am the following morning on Christmas Eve and New Year's Eve.

*Reason: To safeguard the amenities of local residents.*

**Item 3b**                                **15/00936/FUL**  
**Case Officer**                        **Iain Crossland**  
**Ward**                                        **Chorley North East Ward**  
**Proposal**                                **Erection of 2no. semi-detached houses and 3no. terraced houses including access road and parking facilities**  
**Location**                                **St Peters Vicarage  
Harpers Lane  
Chorley  
PR6 0HT**  
**Applicant**                                **J.B.Loughlin (Contractors) Ltd**  
**Consultation expiry:**                **19 October 2015**  
**Decision due by:**                        **12 November 2015**

Delegated		Delegated following Chairs Brief		Committee	X
Date: 13 <sup>th</sup> October 2015					

	Case Officer	Authorising Officer
	IC	
Date	15 <sup>th</sup> October 2015	

### **Recommendation**

Approve full planning permission subject to conditions and the associated S106 Agreement

### **Executive Summary**

This application is for the erection of five dwellings and associated access. The application site forms an area of vacant land adjacent to St Peters Vicarage. The proposal would not have a harmful impact on the character of the area and is considered to represent sustainable development as set out in the Framework. The proposal would not give rise to undue harm to the amenities of neighbouring residents or highway safety and is accordingly recommended for approval.

### **Consultees**

<b>Consultee</b>	<b>Summary of Comments received</b>
Conservation Officer	I consider the proposed development to be acceptable. It will preserve the appearance of the nearby listed building, St Peter's Church, and sustain the significance of this designated heritage asset.
Contaminated Land Officer	No objections

**Assessment**The Site

1. The application site is vacant land, located to the east side of St Peters Vicarage, which is located within the core settlement area of Chorley. The land is physically separated from the garden of the vicarage and is overgrown, although it is possible that this once formed land associated with the vicarage. In accordance with the Framework the site is therefore considered to be previously undeveloped land.
2. The area is characterised by dense residential development of traditional designs. There are also examples of more recent housing development. There is a public park to the east of the site and the listed St Peter's Church to the north.

The Proposal

3. The proposed development is for the erection of two semi-detached houses and three terraced houses with a new access the site from Vicarage Street to the south. The dwellings are of traditional design and have gardens to the rear and parking to the front. The semi-detached dwellings are located to the south of the site and measure a total of 9.8m by 10.3m with a ridge and eaves height of 8.16m and 4.95m respectively. The terraced dwellings located to the north of the site measure a total of 9.8m by 16.8m with a ridge and eaves height of 8.16m and 4.95m respectively.

**Assessment**

The main issues are as follows:-

Issue 1 – Impact on the amenity of neighbouring occupiers

Issue 2 – Impact on character and appearance of the locality

Issue 3 – Impact on trees

Issue 4 – Impact on highways/access

Principle of the Development

4. The National Planning Policy Framework (The Framework) states that housing applications should be considered in the context of the presumption in favour of sustainable development. This means that development proposals that accord with the development plan should be approved without delay.
5. Policy 1 of the Central Lancashire Core Strategy focusses growth towards the Key Service Centre of Chorley where this site is located.
6. The application site is located in the core settlement area of Chorley. The adopted Chorley Local Plan 2012 – 2026 policy V2 states that within the settlement areas excluded from the Green Belt, and identified on the Policies Map, there is a presumption in favour of appropriate sustainable development.
7. Policy V1 of the Chorley Local Plan 2012 – 2026 states that:  
*Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise, taking into account whether:*
  - a) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole and those contained in the Core Strategy; or
  - b) specific policies in the Framework and Core Strategy indicate that development should be restricted.
8. One of the core principles of the Framework is that development should be focussed in locations that are sustainable. It is considered that the site is located in a sustainable location with easy access to public transport and amenities such as shops, a school, church and public house nearby. The Framework also states that development in sustainable locations should be approved without delay.

Neighbour Amenity

9. Policy BNE1 of the Local Plan states that new development must not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or by creating an overbearing impact.
10. The proposed plans demonstrate that the rear elevations of plots 1 and 2 proposed would be approximately 12m from the north facing side elevation of 7 Vicarage Street. However, there are no windows in this facing elevation and as such this relationship accords with the Council's interface standards. Oblique views of the rear garden area of 7 Vicarage Street would be afforded, however, the 12 metres between the rear elevation of the proposed dwellings and the boundary with 7 Vicarage Street is in excess of the Council's guideline of a minimum of 10m between the windows to habitable rooms at first floor level and the boundaries they face, and would not result in any unacceptable loss of privacy. It is also proposed to retain the protected mature Sycamore (T11 in the accompanying tree survey, T2 on the TPO Schedule) along this boundary. This would provide some screening.
11. The mews dwellings at plots 3 to 5 are positioned adjacent to the Vicarage of St Peters Church, and provide no views of any windows or the private intimate amenity space at this property. Plots 1 and 2 of the proposed development would cause a degree of overlooking in relation to the rear garden at the Vicarage. Plot 2 would be located approximately 19m from the Vicarage, however, the windows to habitable rooms would not be parallel and do not therefore contravene the interface distances. Although views of the garden would be possible these would not be direct and would only be from first floor windows, if appropriate boundary fencing is secured. In addition this property is owned by the applicants.
12. The proposed plans demonstrate that the proposed dwellings that would directly face one another would be 21m apart, which complies with the Council's interface standards, and would provide an adequate degree of privacy for future occupiers.
13. Subject to the imposition of suitable conditions to ensure appropriate boundary treatments are implemented and tree protection methods are put in place during construction it is considered that the proposed development would be in accordance with the Council's interface standards and that there would be no undue loss of privacy for neighbouring residents. No details of ground levels have been provided with the application however the site is relatively flat and it is also considered appropriate to attach a condition requiring these details to be provided.

Design and appearance/Impact on the character of the area

14. The site layout illustrates the arrangement of three, two storey mews dwellings and two, two storey semi-detached dwellings with open parking areas to the front, contained gardens to the rear and access from Vicarage Street, whilst retaining the protected sycamore tree to the front.
15. The surrounding area is characterised by largely two storey terraced housing, with some more recent developments of semi-detached properties such as those on St Joseph's Place. The proposed dwellings are of a similar scale to the surrounding properties and are of an appropriate design.
16. The scheme provides areas for bin storage within the curtilage of the proposed dwellinghouses and a communal collection point for bins. The layout is appropriate to the site with plot 5 providing a focal point view at the end of the access drive.
17. The loss of the trees within the site would alter the character of the application site, however, the majority of these are smaller trees, such as fruit trees and hawthorn. The majority of trees along the boundaries would be retained, along with the protected trees, thereby enhancing the character of the scheme, without harming the character of the wider locality.

### Trees

18. The proposed development would necessitate the removal of a number of trees within the site. There is a protected sycamore tree located in the south east corner of the application site, adjacent to the boundary with the recreation ground to the east. The tree is identified as being in good condition in the tree survey submitted with the application by the applicants. The tree provides a good degree of public amenity value. As such the applicants have agreed to accommodate the protected tree within the scheme and will ensure its protection during the development through accepting a condition requiring the proposed driveway located within the root protection area to be undertaken using a 'no-dig' cellular confinement system method of construction
19. All other trees to be felled are located within the site and provide little public amenity value. Policy BNE10 of the Local Plan states that proposals that would result in the loss of trees which make a valuable contribution to the character of the landscape, a building, a settlement or the setting thereof will not be permitted. It is considered that the loss of the non-protected trees could not be reasonably resisted.
20. The Government's Planning Practice Guidance states that in considering an application for tree works to a protected tree, the local planning authority should assess the impact of the proposal on the amenity of the area and whether the proposal is justified, having regard to the reasons and additional information put forward in support of it.
21. Policy BNE10 of the Local Plan states that replacement planting will be required where it is considered that the benefit of the development outweighs the loss of some trees or hedgerows. Replacement tree planting will be required as part of new development proposals.

### Highway Safety

22. The proposed access arrangements have already been assessed as being acceptable on a previous application (14/01297/OUT). There would be four three bedroom dwellings and one two bedroom dwelling and off street car parking for 10 cars (two per dwelling). This complies with the adopted parking standards (Policy ST4 of the Local Plan).

### Ecology

23. A number of residents have raised concerns regarding the impact of the loss of trees on local wildlife. It is considered that the loss of habitat would be limited and the proposals would not be contrary to policy BNE11 of the Local Plan. According to standing advice previously issued by LCC Ecology a bat survey would not be required in this instance.
24. Greater Manchester Ecology Unit (GMEU) provided further advice on a recent application (14/01297/OUT) on the site stating that the loss of several trees to the development will reduce the amount of foraging habitat available to foraging bats or nesting birds but did not consider that these losses will significantly affect the long-term population status of birds and bats because there is sufficient alternative habitat available, including trees, remaining on and adjacent to the application site and in nearby parkland. Any local bat 'commuting routes' in the area will not be compromised by the development.
25. GMEU recommended that several conditions be attached to the previous planning permission, which it is recommended to carry through into this application

### CIL

26. The development is CIL liable. Chorley CIL Charging Schedule provides a specific amount for housing - £65 per sq m. This was adopted in July 2013 and charging commenced on 1 September 2013. As the proposal results in new residential floor space a CIL liability notice will be issued for the development. CIL is also subject to in indexation.

### Public Open Space



27. In line with Local Plan Policies HS4A and HS4B the applicant will need to enter into a Section 106 legal agreement requiring a payment of £9,440 towards amenity greenspace, equipped play areas, allotments and playing pitches. The legal agreement will be drawn up and passed to the applicant in due course. Any planning permission would therefore be subject to this S106.

#### Sustainable Resources

28. Policy 27 of the Core Strategy currently requires dwellinghouses to be built to meet Code for Sustainable Homes Level 4 which increases to Level 6 on 1st January 2016. However the 2015 Deregulation Bill received Royal Assent on Thursday 26th March 2015 which effectively removes Code for Sustainable Homes. The Bill does include transitional provisions which include:

*“For the specific issue of energy performance, local planning authorities will continue to be able to set and apply policies in their Local Plans which require compliance with energy performance standards that exceed the energy requirements of Building Regulations until commencement of amendments to the Planning and Energy Act 2008 in the Deregulation Bill 2015. This is expected to happen alongside the introduction of zero carbon homes policy in late 2016. The government has stated that, from then, the energy performance requirements in Building Regulations will be set at a level equivalent to the (outgoing) Code for Sustainable Homes Level 4. Until the amendment is commenced, we would expect local planning authorities to take this statement of the government’s intention into account in applying existing policies and not set conditions with requirements above a Code Level 4 equivalent.”*

*“Where there is an existing plan policy which references the Code for Sustainable Homes, authorities may continue to apply a requirement for a water efficiency standard equivalent to the new national technical standard, or in the case of energy a standard consistent with the policy set out in the earlier paragraph in this statement, concerning energy performance.”*

29. As such there will be a requirement for the dwelling to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations in accordance with the above provisions.

#### **Overall Conclusion**

30. It is considered that the proposal would have a very limited impact on the character of the area and would accord with the aims of policies within the Framework and Local Plan that seek to achieve sustainable development. It is also considered that the proposal would not give rise to undue harm to the amenities of neighbouring residents or highway safety and is accordingly recommended for approval.

#### **Planning Policies**

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

#### **Planning History**

Reference	Description	Decision	Date
14/01297/OUT	Outline application for the erection of up to three dwellings, including details of the means of access	Approved	02 April 2015
05/01205/REM	Erection of 3 mews dwellings and 1 pair semi-detached	Refused	08 February 2006

	dwellings.		
02/00398/OUT	Erection of 3 mews dwellings and 1 pair semi-detached dwellings	Approved	18 December 2002

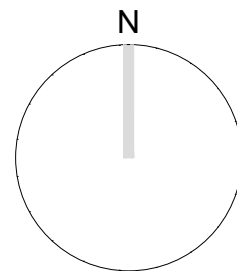
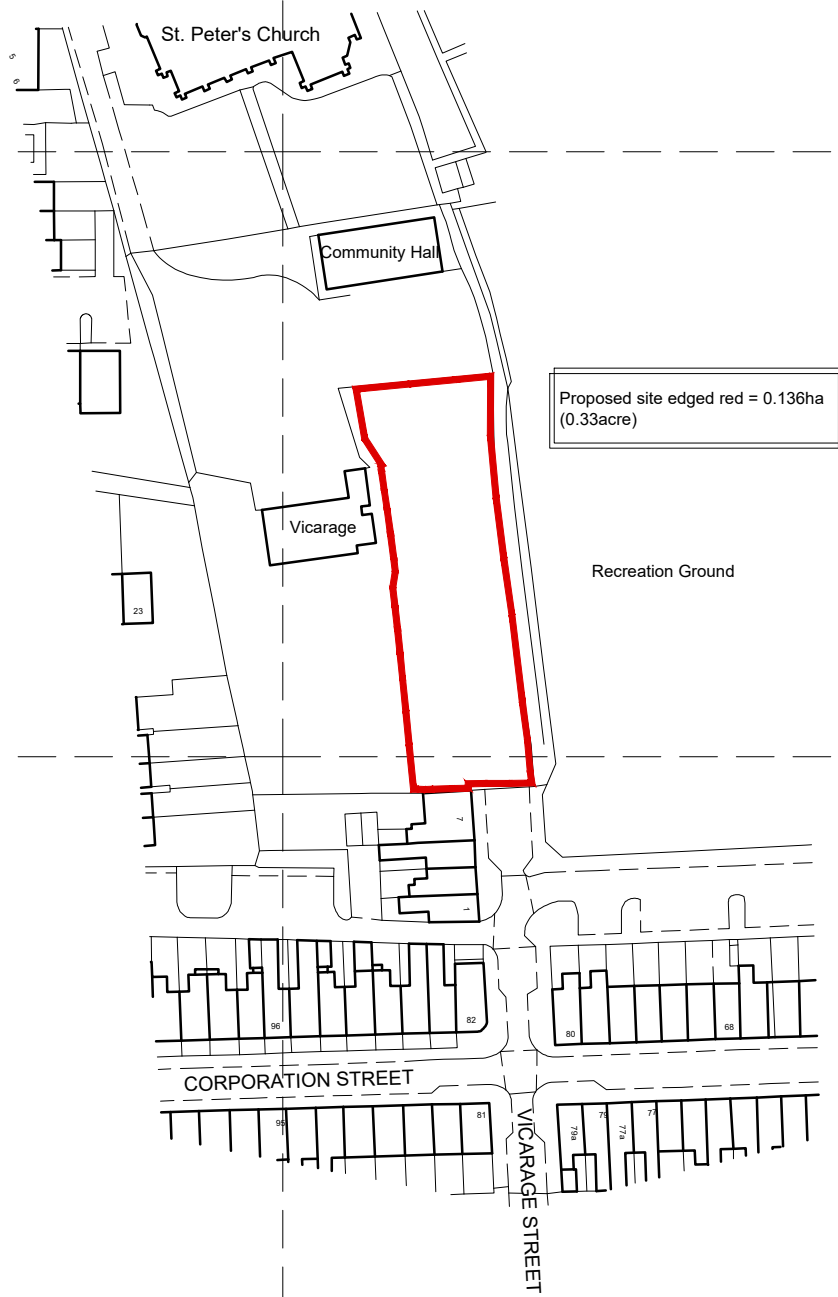
**Suggested Conditions**

<b>No.</b>	<b>Condition</b>
1.	<p>The proposed development must be begun not later than three years from the date of this permission.</p> <p><i>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004</i></p>
2.	<p>Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.</p> <p>The development shall be completed, maintained and managed in accordance with the approved details.</p> <p><i>Reason: This information was not supplied at application stage and is required to promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.</i></p>
3.	<p>Surface water must drain separate from the foul and no surface water will be permitted to discharge to the foul sewerage system. The surface water must be restricted to existing runoff rates and unless otherwise agreed in writing by the Local Planning Authority and no surface water shall discharge to the public sewerage system either directly or indirectly.</p> <p><i>Reason: To secure proper drainage of the site.</i></p>
4.	<p>Prior to the removal of any trees, the trees that are to be felled as set out in detailed on the Arboricultural Development Report date June 2013, received 16 September 2015, (with the exception of T14 which is to be retained) shall be inspected for the possible presence of bats by a suitably qualified person. If bats are found by inspection then a Method Statement must be prepared giving details of measures to be taken to avoid any possible disturbance to bats and submitted to and approved in writing by the Local Planning Authority. Once approved this Method Statement must be implemented in full.</p> <p><i>Reason: in the interests of conserving protected species.</i></p>
5.	<p>No tree felling or vegetation clearance required by the scheme should take place during the optimum period for bird nesting (March to July inclusive). All nesting birds their eggs and young are specially protected under the terms of the Wildlife and Countryside Act 1981 (as amended).</p> <p><i>Reason: protection of nesting birds.</i></p>
6.	<p>To replace potential bat roosting and bird nesting opportunities 6 no. bat boxes and 6 no. bird nesting boxes should be erected on suitable remaining trees on or close to the application site.</p> <p><i>Reason: in the interests of conserving protected species</i></p>
7.	<p>The construction of the proposed driveway located within the root protection area of trees T14 (detailed on the Arboricultural Development Report date June 2013, received 16 September 2015) shall be undertaken using a 'no-dig' cellular confinement system method of construction full details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the</p>

	<p>commencement of the development. The driveway construction method shall thereafter be implemented in accordance with the approved details.  <i>Reason: To ensure the continued protection of the trees</i></p>
8.	<p>Before the development hereby permitted is first commenced full details of existing and proposed ground levels and proposed building finished 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 be carried out strictly in conformity with the approved details.  <i>Reason: No details were submitted with the application and are required to protect the appearance of the locality and in the interests of the amenities of local residents.</i></p>
9.	<p>Prior to the commencement of any development, full details of the alignment, height and appearance of all fences and walls to be erected to the site boundaries (notwithstanding any such detail shown on previously submitted plan(s)) shall have been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied or land used pursuant to this permission before all walls and fences have been erected in accordance with the approved details. Fences and walls shall thereafter be retained in accordance with the approved details at all times.  <i>Reason: No details were supplied at with the application and are required to ensure a visually satisfactory form of development and to protect the amenities of occupiers of nearby property.</i></p>
10.	<p>Prior to the commencement of the development a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:</p> <ul style="list-style-type: none"> <li>• the parking of vehicles of site operatives and visitors</li> <li>• hours of operation (including deliveries) during construction</li> <li>• loading and unloading of plant and materials</li> <li>• storage of plant and materials used in constructing the development</li> <li>• wheel washing facilities</li> <li>• measures to control the emission of dust and dirt during construction</li> <li>• a scheme for recycling/disposing of waste resulting from construction works</li> <li>• Full details of the pruning works required to the crown of the protected tree at the entrance to the application site</li> </ul> <p><i>Reason: in the interests of highway safety, to protect the amenities of the nearby residents and to ensure that the construction traffic does not damage the protected tree at the entrance to the application site.</i></p>
11.	<p>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 earlier, 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.  <i>Reason: In the interest of the appearance of the locality</i></p>
12.	<p>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.</p>




	15/076/L01	16 Sept 2015	Location plan
	15/076/P01 Rev. A	16 Oct 2015	Proposed site layout plan
	15/076/P02 Rev. A	16 Oct 2015	Proposed plans and elevations
	Reason: For the avoidance of doubt and in the interests of proper planning.		



Scale: 1:1250

Revision Notes:

	CLIENT	J.B.Loughlin (Contractors) Ltd			
	PROJECT NAME	Proposed Residential Development at			
	DRAWING NAME	St. Peter's Vicarage, Harpers Lane, Chorley, PR6 0HT			
	SCALE	DRAWN BY	DATE	DRAWING NUMBER	REVISION
1:1250 @ A4	ASL	16.09.2015	15/076/L01	-	

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Council Highways	
Chorley's Conservation Officer	No objection
Chorley's Environmental Services	Further to the consultation response from this department on the initial rejected application when no complaints relating to his area had at that time been received, a noise nuisance complaint relating to patrons frequenting the front decking area of the premises has since been received. However, as the complaint related to persons congregating whilst smoking and waiting for taxis etc, these issues would have occurred irrespective as to whether decking was located in this area. Whilst investigations into potential noise nuisance arising from the premises are ongoing, other than the isolated complaint concerning the front area of the premises, all other complaints relate to the rear car park and rear outside area. The usage of the front decking area by customers is subject to conditions on the premises licence in relation to the licensing objectives including the prevention of public nuisance and therefore any identified issues can be acted upon. As such, this department has no objection to the application.

**Assessment**

Background

1. Members will recall that a retrospective application for decking at The Sirloin public house was refused at April's Development Control Committee on the grounds that its materials were not in keeping with the building and that the decking obscures the front façade of the building causing substantial harm to the significance of the building as a heritage asset.
2. This application proposes amendments to the design from the previously refused scheme to remove wood below the decking level to allow the cobbles to be visible underneath, planters are proposed in conservation colour between the uprights and the removal of wood around decking is proposed to be replaced with tensioned wires.

Principle of the Development

3. The Local Plan 2012 – 2026 was adopted on 21<sup>st</sup> July 2015.
4. The property is within the settlement of Hoghton as identified in the Local Plan, therefore in accordance with Policy V2 of the Local Plan within settlements areas excluded from the Green Belt, and identified on the Policies Map, there is a presumption in favour of appropriate sustainable development, subject to material planning considerations and the other Policies and Proposals within the plan. The proposal is therefore acceptable in principle.

Design and Layout

5. The application site is neither a listed building nor is it a 'Locally Important Building', however as was noted as part of the previously refused application it is clearly a building of some historic interest and local significance. As such it is considered that this local significance is worthy of consideration within the planning process and building is considered to be a 'heritage asset' as defined by Annex 2 to the National Planning Policy Framework.
6. The National Planning Policy Framework (the Framework) at Paragraph 129 under Conserving and Enhancing the Historic Environment states that, '*Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.*'

7. Paragraph 131 states that, *'in determining planning applications, local planning authorities should take account of:*
  - *The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
  - *The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
  - *The desirability of new development making a positive contribution to local character and distinctiveness.'*
8. Paragraph 135 states that, *'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'*
9. The Adopted Central Lancashire Core Strategy (2012), policy 16 refers to Heritage Assets. This policy mirrors that given in the Framework and states that it seeks to, *'Protect and seek opportunities to enhance the historic environment, heritage assets and their setting by:*
  - a. *Safeguarding heritage assets from inappropriate development that would cause harm to their significances.'*
10. The Chorley Local Plan 2012 – 2026, Policy BNE8 refers to the Protection and Enhancement of Heritage Assets. Essentially this policy mirrors the Framework. Paragraph b, states that, *'Applications will be granted where they sustain, conserve and, where appropriate, enhance the significance, appearance, character and setting of the heritage asset itself and the surrounding historic environment and where they show consideration for the following: iii, The Conservation and, where appropriate the enhancement of the setting of heritage assets.'*
11. Whilst it is accepted that the building in question is of relatively low significance, it is nonetheless of some local historic value. The building was previously known as the Railway Tavern, being in close proximity to Hoghton railway station on the Preston to Blackburn branch of the Lancashire & Yorkshire Railway. It is, however, probably older than the railway, which was constructed in the 1840s, and could have been a coaching inn on the Blackburn turnpike road, which then took the route of the present day Station Road at this point. It is thought that the building could date to the latter part of the 18<sup>th</sup> Century. It is constructed of local sandstone with a welsh slate roof and displays many typical vernacular details such as a projecting string course between ground and first floor, a dentil course just below the eaves and cut stone detailing for window and door surrounds, plus a simple 18<sup>th</sup> Century styled porch hood.
12. The previous report considered that the raised timber decking with close-boarded fencing, detracts from the attractive frontage to the building to such an extent that it causes substantial harm to the significance of the building. Whilst the colour at least tones with that of the stone, it is the feeling of being hemmed in that the screens create that causes the greatest visual blight to the building. The Conservation Officer also questioned the necessity for the raised decking as part of the previous proposals, which again obscures the building frontage. It is considered the fact that the building is clearly located on sloping ground all adds to its vernacular charm and character and this should be celebrated rather than being ignored or hidden.
13. The current application proposes to amend the decking scheme that has been erected so that the vertical timber boarding below the decking level will be removed, allowing the cobbles underneath to be visible. In addition the vertical timber boarding above the level of the deck is also to be removed and replaced with tensioned wires. Raised planters will be created so the edges of the suspended decking will be hidden from view. These will be planted up and painted in a conservation colour.
14. The removal of the vertical boarding below the level of the deck is considered favourably as it will allow some of the cobbles underneath it to be viewed. The removal of the vertical boarding and replacement with tensioned wires will mean that the decking no longer fully obscures the front façade of the building, allowing it to be viewed but softening it with the planters. The use of tension wires is considered acceptable, although contrasting with the building the contemporary

materials will mean the decking structure is 'read' as an honestly modern addition. The Council's Conservation Officer also finds the changes acceptable.

15. The amendments proposed to the decking are therefore considered acceptable as they allow more of the front façade to be viewed. A condition will need to be imposed to ensure that the scheme is altered to reflect the amended plans.

#### Impact on Neighbours

16. The decking is to the front of the public house which is situated in a largely residential area with a railway line to the northwest with a level crossing. The side/rear garden of number 42 Fowler Close is directly opposite the site, the property known as Neuadd Wen is next door to the southeast but set back from the road by approximately 40m. Next door to the northwest is no.1 The Crossings, which faces towards Station Road, set back by approximately 26m.
17. As per the previous application the decking to the front is not licenced for the sale of alcohol, but rather for the consumption of alcohol. It is covered by the premises licence as an outdoor area. A condition on the most recent premises licence prevents consumption of alcohol in respect of the outdoor areas after 11pm. Although it is accepted that the decking is more likely to encourage people to sit at the front of the property, this area could be used anyway up until 11pm and chairs could be put outside for this purposes without planning permission. The properties immediately adjacent at either side are set back behind the frontage of the public house and therefore the impact of the front decking in neighbour amenity terms is considered acceptable.
18. No. 42 Fowler Close is opposite the site but is separated by Station Road. Although it is side onto the application site and has a window in its side elevation its main windows face northwest and southeast. Considering that the premises licence allows outside consumption until 11pm including on the area where the decking is, even if that had not been erected, it is considered an acceptable relationship with this property.
19. The Council's Environmental Health department do not object to the application. Although they note a noise nuisance complaint relating to patrons frequenting the front decking area of the premises has been received since the previous application they note that it related to persons congregating whilst smoking and waiting for taxis etc. It is agreed that these issues could have occurred irrespective of whether the decking is in place or not. All other complaints relate to the rear car park and rear outside area. Based on this it is not considered that noise could form a reason for refusal of the application. The Environmental Health Officer does advise that the usage of the front decking area by customers is subject to conditions on the premises licence in relation to the licensing objectives including the prevention of public nuisance and therefore any identified issues can be acted upon.

#### Highways

20. As per the previous application, the decking is fronting Station Road, on an area of cobbles to the front of the public house. It does not however reduce visibility from The Crossings, the entrance to the public house car park, or the property called Ellisland, as the pavement either side of the decking projects beyond it.
21. Representations state that the decking is on an area of parking and therefore these spaces have been lost. Although cars may have parked on the cobbled area in the past, the public house has a car park to the rear. It is accepted that when a special event is on at The Sirloin and the car park is closed this does result in parking on Station Road. It is not considered however that the proposal could be refused on the grounds of parking given the size of the rear car park and the limited times this is closed for parking.

#### **Overall Conclusion**

22. The decking is now considered acceptable with the amendments that have been made to its design that now reveal more of the front façade of the building.
23. The application is recommended for approval subject to a condition that the decking that has been erected is amended to accord with the proposed plans.

**Planning Policies**

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

**Planning History**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
04/01371/FUL	Retrospective application for the formation of a rear decking area [rear of public house]	Permitted	14 <sup>th</sup> February 2005
15/00159/FUL	Retrospective application for the installation of a timber decking area with balustrade around the front of premises	Refused	29 <sup>th</sup> April 2015

**Suggested Conditions**

1. Within three months of this permission the existing decking at the public house shall be altered so that it is built in accordance with the scheme shown on the approved plan.

*Reason: To ensure that the decking is amended in accordance with the approved plan.*

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

<b>Title</b>	<b>Drawing Reference</b>	<b>Received date</b>
Planning Resubmission	Amended proposal The Sirloin Front Decking	18 <sup>th</sup> August 2015

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



LOCATION PLAN  
SCALE 1:1250

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**Item 3d**                                **15/00768/OUT**

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

**Ward**                                    **Euxton South**

**Proposal**                                **Outline application (specifying the access) for a two storey dwelling and detached garage.**

**Location**                                **Euxton Mills Hotel  
Wigan Road  
Euxton  
Chorley  
PR7 6JD**

**Applicant**                                **Newriver Property Unit Trust No 4**

**Consultation expiry:**                **7<sup>th</sup> October 2015**

**Decision due by:**                      **30<sup>th</sup> October 2015**

**Recommendation**  
**That the application is approved subject to a S106 Agreement.**

**Representations**

<p><b>Euxton Parish Council</b> object to:</p> <ul style="list-style-type: none"> <li>• The increased use of the one entrance/exit which will be left if this new build were to happen and take away the second entrance/exit. It is very difficult to turn right onto the A49 from the exit and more traffic will increase the risks.</li> <li>• Loss of parking spaces which may displace the parking onto the pavements outside, and residential streets close by.</li> </ul>
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**In total 1 representation has been received which is summarised below**

<p><b>Objection</b></p> <p>Total No. received: 1</p> <ul style="list-style-type: none"> <li>• The Euxton Mills building is an historic building with character - few of them left in Euxton although there is plenty of other space to build on.</li> <li>• The public house is an asset to the community with a "local" ethos which would be sorely missed if developers are allowed to tear it down.</li> <li>• Based upon the record of the venture capital company which owns this site now, users of this pub very much fear this application is only the first step in their plan to redevelop the entire site, to the advantage of their balance sheet/P &amp; L account but to the detriment of the local community.</li> </ul>
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**Consultees**

<b>Consultee</b>	<b>Summary of Comments received</b>
LCC Highways	<p>The proposal is acceptable in principle from Highways perspective, however alterations should be made to the access on Wigan Road that will remain for the public house to assist safe right turns. The existing access to Dawbers Lane will also require some alteration in width to reflect the proposed residential use.</p> <p>The loss of car parking spaces may be an issue, especially as the applicant fails to provide details of how many spaces are to be lost as a result of the proposed development. Therefore, while I have no</p>

	objections to the proposal in principle, they suggest that the applicant be requested to provide details of the car parking spaces to be lost.
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### **Assessment**

#### Principle of the Development

1. The application is made in outline only with all matters reserved apart from access. The application site is part of the car park of the Euxton Mills Hotel Public House.
2. In terms of the Core Strategy Policy 1(d) Euxton is identified as an Urban Local Service Centre where some growth and investment will be encouraged to help meet housing and employment needs.
3. In terms of the Local Plan 2012-2026 the site is within the settlement boundary of Euxton. Policy V2 of this Plan states that in such areas there is a presumption in favour of appropriate sustainable development, subject to material planning considerations and the other Policies and Proposals within the Plan.
4. The proposal is therefore acceptable in principle subject to it meeting the other policies of the Local Plan which are assessed below.

#### Appearance and Scale

5. Although these aspects are not applied for the Council need to be satisfied that these can be achieved at any reserved matters stage if outline permission was granted. In terms of scale the application is for a two storey dwelling and detached garage. There are a range of properties in the area but the majority of the nearby properties are two-storey, including the nearest property to the southwest, Westlea House a two-storey property is therefore considered acceptable.
6. In terms of appearance there are also a wide variety of designs in the immediate vicinity including terraced, properties, large detached houses and semi'-detached properties. It is therefore considered that an acceptable design could be achieved on the site.

#### Layout and Neighbour Amenity

7. The application is accompanied by an indicative site layout plan although layout is not applied for at this stage. As stated above the Council need to be satisfied that a satisfactory relationship with neighbours could be achieved at any reserved matters stage. The Council has adopted interface distances between new build and existing adjacent residential properties. The only property that would be affected immediately by the proposal is Westlea House, to the south of the site is Westlea Garage & MOT Centre. Westlea House is a large detached property set in a large garden to the southwest of the application site. The house itself is not visible from the application site due to large conifers approximately 10m high on the west boundary within its garden. It also has a detached outbuilding close to the boundary to the southwest of the site.
8. It is considered that a dwelling could be designed and satisfactorily located on the site so that it complies with the Council's interface distance of 10m from a window to a boundary with another property, though it is likely it will need to be altered from the indicative layout shown. In addition, the detached garage shown is indicated close to the access point. This would not allow a vehicle to pull clear of the highway while trying to enter the garage. The location of the garage will therefore need to be re-considered at any reserved matters stage but it is considered an acceptable location could be achieved.

#### Landscaping

9. The site is mainly covered in hardstanding being part of the public house car park. Landscaping would need to be submitted with any reserved matters application.

#### Highways

10. Euxton Mills public house currently has two access points, one on Dawbers Lane and one on Wigan Road. The proposed dwelling would use the access on Dawbers Lane and only the access on Wigan Road would remain for use by the public house with a smaller car park.

11. Lancashire County Council Highways state that the proposal is acceptable in principle from a highways perspective.
12. However, as the car park for the public house will only be accessed and egressed from Wigan Road, minor alterations will be required to that access to mitigate the residual impacts due to the access to Dawbers Lane no longer being available.
13. Amended plans have been requested from the agent, as asked for by the Highway Engineer, showing the existing footway in front of the public house building being extended in the southerly direction for about half the width of the existing access and then widening the access towards the south to align with the driveway to the car park. They have also requested that the footway in front of the boundary wall, between the existing site access and the access to 252 Wigan Road, be built out to align with the footways north and south of the access. This is to allow vehicles leaving the site to pull out sufficiently to look out for hazards before turning on to Wigan Road. A request has also been made to the agent to alter the existing access to Dawbers Lane that will serve the proposed dwelling which the Highway Engineer considers is too wide for a residential access. This will reduce its width and implement a standard kerb radius for a residential site. This matter will be updated on the committee addendum.
14. The Highway Engineer states they have noted the Parish Council's concern that if the access to Dawbers Lane is no longer available for use by customers and visitors to the public house this would lead to increased use of the access to Wigan Road. While this may appear a valid concern, in traffic terms this might not necessarily be the case. The site does not operate a one-way system where vehicles enter from one direction and leave from the other. As such, the choice of access in and out of the site is purely at the discretion of individual drivers and the Highway Authority have not seen any evidence to suggest that the use of the access to Dawbers Lane has alleviated traffic using the access to Wigan Road. From a highways point of view, both accesses are capable of coping with traffic associated with the Euxton Mills Hotel and whether or not the Dawbers Lane access is still in use should not lead to increased use of the Wigan Road access as feared by the Parish Council.
15. The Highway Engineer also states that the applicant has indicated on the submitted plan, that the Euxton Mills Hotel has parking provision for 17 vehicles. As an existing site, they do not consider that traffic generation by this number of vehicles would have an adverse implication for the access to Wigan Road, within the close proximity of which there has been no recorded traffic accidents in the past 5 years. Although it must be pointed out that there have been 3 recorded traffic accidents near the Dawbers Lane access within the same period. The minor improvements requested should assist safe right turns at the access as highlighted by the Parish Council.
16. Subject to an amended plan being received showing the amendments requested by the Highway Engineer the proposal is considered acceptable in terms of the access points into the site for both the proposed dwelling and the retained access for the public house.
17. In terms of parking the public house will benefit from 17 parking spaces, including one disabled space, following the erection of a dwelling on part of the car park. The comments of LCC Highways are noted, however Policy ST4 of the Local Plan and its associated appendix set out the Council's parking standards. This sets a requirement of 1 space per 5m<sup>2</sup> of public floor space which equates to a requirement of 16 spaces and one disabled parking space. This level of parking is shown on the remaining area of car park and a condition to require the remaining car park to be laid out as per the approved plans can be imposed (as it is in the blue edge of the application). It is therefore not considered that the loss of parking spaces will lead to on-street parking in the vicinity of the public house.
18. In terms of parking for the proposed dwelling. The application indicates the proposed dwelling could have five bedrooms. Policy ST4 requires dwellings with four or more bedrooms to have three off-road parking spaces. It is considered that three spaces could be achieved on the site while still allowing vehicles to enter and exit the site in a forward gear.
19. The proposal is therefore considered acceptable in terms of parking provision.

Open Space

20. Policy HS4A covers Open Space Requirements in New Housing Developments and HS4B covers Playing Pitch Requirement in New Housing Developments.
21. In accordance with these policies there is a requirement for a financial contribution towards new provision of amenity green space, provision for children/young people and allotments in Euxton and the need for a contribution towards improving the quality/value of an existing site. There is also a need for a contribution towards the improvement of existing playing pitches in the Borough as identified in the Chorley Action Plan within the Central Lancashire Playing Pitch Strategy & Action Plan (June 2012). Together this amounts to £2445 and will need to be secured via a Section 106 legal agreement.

Sustainable Resources

22. Policy 27 of the Core Strategy currently requires dwellinghouses to be built to meet Code for Sustainable Homes Level 4 which increases to Level 6 on 1st January 2016. However the 2015 Deregulation Bill received Royal Assent on Thursday 26th March 2015 which effectively removes Code for Sustainable Homes. The Bill does include transitional provisions which include:

*“For the specific issue of energy performance, local planning authorities will continue to be able to set and apply policies in their Local Plans which require compliance with energy performance standards that exceed the energy requirements of Building Regulations until commencement of amendments to the Planning and Energy Act 2008 in the Deregulation Bill 2015. This is expected to happen alongside the introduction of zero carbon homes policy in late 2016. The government has stated that, from then, the energy performance requirements in Building Regulations will be set at a level equivalent to the (outgoing) Code for Sustainable Homes Level 4. Until the amendment is commenced, we would expect local planning authorities to take this statement of the government’s intention into account in applying existing policies and not set conditions with requirements above a Code Level 4 equivalent.”*

*“Where there is an existing plan policy which references the Code for Sustainable Homes, authorities may continue to apply a requirement for a water efficiency standard equivalent to the new national technical standard, or in the case of energy a standard consistent with the policy set out in the earlier paragraph in this statement, concerning energy performance.”*

23. As such there will be a requirement for the dwelling to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations in accordance with the above provisions.

Community Infrastructure Levy

24. The proposed development would be CIL liable. The amount can only be calculated at any reserved matters stage when the floor area for the proposed dwelling is known. This development is CIL liable which is index linked.

**Overall Conclusion**

25. The application is recommended for approval subject to a Section 106 agreement.

**Planning Policies**

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

**Planning History**

There is no planning history directly related to the current application. The history on the site relates to the public house.

**Suggested Conditions**

1. An application for approval of the reserved matters (namely the appearance, layout, scale and landscaping of the site) must be made to the Council before the expiration of three years from the

date of this permission and the development hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved.

*Reason: This condition is required to be imposed by the provisions of Article 3 (1) of the Town and Country Planning (General Development Procedure) Order 1995 and 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 submission of future reserved matters shall come forward in accordance with the scale and massing parameters set out in this application which is for a two-storey dwelling.

*Reason: To define the consent and in the interests of residential amenity for the neighbouring properties.*

3. *Either*, before the development hereby permitted is first commenced, *or* with any reserved matters application, full details of external facing materials and roofing materials to be used to construct the dwelling 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 be carried out strictly in conformity with the approved details.

*Reason: To protect the appearance of the locality.*

4. The application for approval of reserved matters shall be accompanied by full details of existing and proposed ground levels and proposed finished floor level of the dwelling (all relative to ground levels adjoining the site), 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 and in the interests of the amenities of local residents.*

5. *Either*, before the development hereby permitted is first commenced, *or* with any reserved matters application, full details of the alignment, height and appearance of all fences and walls to be erected to the site boundaries (notwithstanding any such detail shown on previously submitted plan(s)) shall have been submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be occupied or land used pursuant to this permission before all walls and fences have been erected in accordance with the approved details. Fences and walls shall thereafter be retained in accordance with the approved details at all times.

*Reason: To ensure a visually satisfactory form of development and to protect the amenities of occupiers of nearby property.*

6. *Either*, before the development hereby permitted is first commenced, *or* with any reserved matters application, full details of the colour, form and texture of all hard landscaping (ground surfacing materials) (notwithstanding any such detail shown on previously submitted plans and specification) shall have been submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved, and shall be completed in all respects before the final completion of the development and thereafter retained.

*Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area.*

7. The dwelling hereby permitted shall achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations.

*Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reduction as part of new residential schemes in the interests of minimising the environmental impact of the development.*

8. *Either*, prior to the commencement of the development *or* with any reserved matters application details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that each dwelling will meet the required Dwelling Emission Rate. The development thereafter shall be completed in accordance with the approved details.

*Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent.*

*However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development. This needs to be provided prior to the commencement so is can be assured that the design meets the required dwelling emission rate.*

9. The dwelling hereby approved shall not be occupied until a SAP assessment (Standard Assessment Procedure), or other alternative proof of compliance (which has been previously agreed in writing by the Local Planning Authority) such as an Energy Performance Certificate, has been submitted to and approved in writing by the Local Planning Authority demonstrating that the dwelling has achieved the required Dwelling Emission Rate.

*Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development.*

10. The works to construct the dwelling hereby permitted shall not commence until the alterations to the access on Wigan Road to Euxton Mills public house have been constructed in accordance with a scheme that shall first be submitted to and approved by the Local Planning Authority.

*Reason: To enable traffic to enter and leave the premises in a safe manner without causing a hazard to other road users and to ensure that the final details of the highway scheme/works are acceptable before work commences on site.*

11. The dwelling shall not be occupied until the access to serve it has been constructed in accordance with the approved plans.

*Reason: In order to ensure that the dwelling has a safe access point.*

**Euxton Mills Hotel, Wigan Road,  
Euxton, PR7 6JD**

**Site Location Plan**



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DEVELOPMENT CONTROL  
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15/00768/OUT  
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**Item 3e**                                    **15/00728/FUL**

**Case Officer**                            **Iain Crossland**

**Ward**                                        **Chorley East Ward**

**Proposal**                                 **Creation of vehicular access, installation of entrance gates and extension to customer parking area with associated fencing**

**Location**                                 **Royal Mail Chorley Delivery Office  
Unit 7  
East Chorley Business Centre  
East Way  
Chorley  
PR6 0BJ**

**Applicant**                                 **Royal Mail Group**

**Consultation expiry:**                 **27 August 2015**

**Decision due by:**                       **18 September 2015**

Delegated		Delegated following Chairs Brief		Committee	X
Date: 13 <sup>th</sup> October 2105					

	Case Officer	Authorising Officer
	IC	
Date	15 October 2015	

**Recommendation**

It is recommended that this application is approved subject to conditions

**Executive Summary**

The main issues to consider are whether the proposal would result in an acceptable impact on highway safety and on the character and appearance of the locality.

**Representations**

<p><b>In total 1 representation has been received which relates to:</b></p> <ul style="list-style-type: none"> <li>• The impact on highway safety from heavy vehicles using the highway, difficulties for manoeuvring large vehicles</li> <li>• Impact on a local business through loss of on street parking if double yellow lines are introduced.</li> </ul>
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**Consultees**

Consultee	Summary of Comments received
LCC Highways	Overall, I have no highway objection to the proposal, however, a suitable condition should be attached to the planning permission to ensure that the proposed access is not used until the double yellow lines are in place.

**Assessment**The Site

1. The application site is an existing fully operational Royal Mail Delivery Office and Mails Processing Unit and is the main customer collection point in Chorley. The site is located in the core settlement area of Chorley to the east of Chorley Railway Station, in close proximity to the Town Centre but severed from it by Shepherds Way and the railway line.
2. The area is characterised by industrial and commercial units of traditional and more modern functional designs and has a distinctly urban appearance.

The Proposal

3. The proposed development is for the creation of a new vehicular access to Friday Street for business use only, with the installation of entrance gates. There would also be internal rearrangements of the existing parking and loading areas to provide an extension to the existing customer parking area with associated fencing to facilitate this. The existing access from East Way would then be for customers only.

**Assessment**

The main issues are as follows:-

Issue 1 – Impact on highway safety

Issue 2 – Impact on character and appearance of the locality

Applicants' case

4. All incoming mail is sorted at the application site for onward transmission to other Delivery offices in the local area and to local customer addresses. The site is busy operationally and receives a stream of customers throughout its opening hours. There is only one vehicular access to the site from East Way, which is used by both the public and the Royal Mail operational vehicles despite its two separate functions.
5. The lack of the parking provision on site for customers often results in customers parking on the existing double yellow lines on East Way, reducing junction visibility for vehicles exiting the Royal Mail site and forward visibility for vehicles travelling on East Way and exiting the Friday Street / East Way mini roundabout. The former creates difficulties for Royal Mail vehicles and operational delays. Some customers also park their cars in the operational yard. This causes further disruption to Royal Mail operation. As there is no dedicated pedestrian route within the yard, the uncontrolled access for members of public within an operational site this raises a safety concern; it increases risk of conflicts between pedestrians and moving vehicles to and from and within the service yard. It also creates an issue concerning asset management and protection.
6. Consequently, there is a need to separate the operational activities from the customer service function; this cannot be accommodated satisfactorily with the existing site access arrangement.
7. There is evidence of a former vehicular site access on Friday Street, which is understood to have been closed off prior to the site being occupied by Royal Mail, and is considered the most logical position to create the new access.

Principle of the Development

8. The National Planning Policy Framework (The Framework) seeks to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.
9. Particularly pertinent to this application is paragraph 32 of the Framework which states that decisions should take account of whether improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

10. Policy 1 of the Central Lancashire Core Strategy focusses growth towards the Key Service Centre of Chorley.
11. The application site is located in the core settlement area of Chorley. The adopted Chorley Local Plan 2012 – 2026 policy V2 states that within the settlement areas excluded from the Green Belt, and identified on the Policies Map, there is a presumption in favour of appropriate sustainable development.

#### Highway Safety

12. The issues of highway concern are in relation to the lack of visibility to the right - towards the mini round-about when leaving the site and the safety implications for right turn manoeuvres when leaving the site due to the presence of parked vehicles opposite the access on the western side of Friday Street.
13. In order to address this the applicant has agreed to implement a Traffic Regulation Order (TRO) for introduction of waiting restrictions on the opposite section of Friday Street, currently without restriction, to facilitate right turns from the site. The Highway Authorities requirement of the 'No-waiting-at anytime' restrictions was on the basis that the frequency at which vehicles will access and egress the Royal Mail site will be high, and if stationary vehicles are present on the opposite side of the road, vehicles leaving the site and turning right towards the roundabout would be forced to use the nearside lane meant for south bound vehicles with potential conflicts.
14. These restrictions are essential to ensure the access is used safely, and LCC Highways can only recommend approval of the application on condition that the TRO is implemented prior to the access being used. As such it is recommended that a Grampian style condition is attached to any planning approval of this application requiring that the highways works are implemented prior to the commencement of development.
15. The TRO involves a separate statutory consultation process undertaken by the Highway Authority beyond the planning application process, including consultation with frontagers and the general public who may raise objections to the waiting restrictions. The applicant understands that the restrictions are essential for highway safety reasons and that creation of the access can only be implemented if all legal processes relating to objections raised to the TRO have been satisfactorily completed and the waiting restrictions implemented on site.
16. LCC Highways were also concerned that no internal layout of the car parking with marked bays for ease of identifying parking areas from driving areas has been provided. This would allow an assessment to be made as to the number of vehicles the site will accommodate and its associated impact on the highway and whether there are any inherent safety risks associated with the positioning and layouts of the bays and how turning manoeuvres are to be undertaken on site. A condition is recommended to require this prior to the commencement of development.
17. A revised plan has been received, which provides for a 10m distance from the edge of highway to the proposed gate posts and proposed corner radii of 6m to improve visibility of vehicles leaving the site in line with the comments of the LCC Highways officer.
18. It is noted that concerns have been raised from the owner of a neighbouring business that the level of on-street car parking for customers of the businesses in the area would be reduced as a result of the proposed development. Although it is recognised that customers currently park on the street outside the business unit the availability of on street car parking is a benefit, which cannot be guaranteed and as such cannot be protected in relation to an application for planning permission. Furthermore it is noted that the businesses have their own internal car parking areas and essentially use the highway for overspill parking. As noted above the ability to set out double yellow lines would require a TRO, which involves a separate statutory consultation process beyond the

planning application process, including consultation with frontagers, and must be agreed and the highway works implemented prior to the proposed access being implemented.

Design and appearance/Impact on the character of the area

- 19. The proposed development would result in the creation of a vehicular access entrance through creating a 6m gap in the existing fence line and boundary planting facing Friday Street. The changes to the fence and gate would reflect the design of the existing fence of 2.5m high railings. This would have functional appearance in keeping with the site and character of the surrounding area.
- 20. It is acknowledged that works to regenerate this area of Chorley (Steeley Lane area) are being developed by Chorley Council as detailed on the project boards erected in the area. This proposal has been considered in relation to the planned regeneration scheme at Steeley Lane and it is not considered that the proposed development would jeopardise the Steeley Lane regeneration scheme.

**Overall Conclusion**

- 21. The proposal will allow for the improved management of traffic associated with the Royal Mail Delivery Office and would facilitate the safe and efficient operation of this business. There would be no severe harm to highway safety on the basis that the attached conditions are fulfilled and there would be no adverse impact on the character of the area. The proposed development is therefore considered to be acceptable and as such is recommended for approval.

**Planning Policies**

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

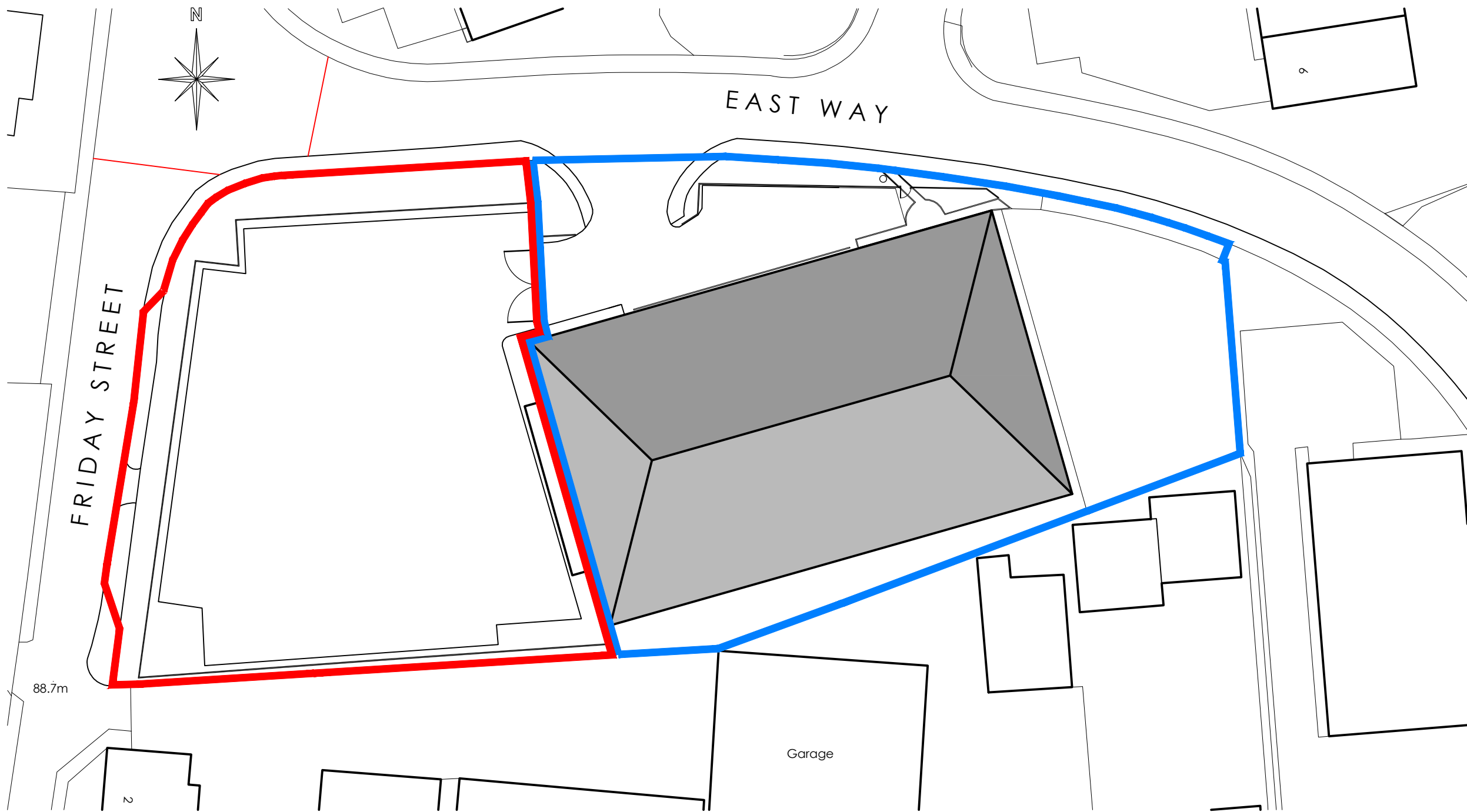
**Planning History**

Reference	Description	Decision	Date
99/00557/FUL	Erection of two units for retail (A1) industrial (B1 and B2) and/or storage and distribution (B8) uses.	Approved	15 May 2000
88/00688/FUL	Removal of all derelict features followed by filling site with compacted sandstone aggregate up to existing ground level	Approved	27 September 1988

**Suggested Conditions**

No.	Condition																					
1.	<p>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</p>																					
2.	<p>The development hereby permitted shall not commence unless and until the works to the highway have been implemented in accordance with the approved plan (reference MMD-340300-C-SK-CG-XX-0001 Rev P2 received 21<sup>st</sup> July 2015).                      In the event that an alternative highway solution is identified and agreed in writing by the Highway Authority an amended plan detailing the works to the highway shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted. The works thereafter shall be carried out in accordance with the approved plans.                      Reason: <i>In the interests of highway safety.</i></p>																					
3.	<p>No development shall commence until full details of the parking, servicing and turning areas have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The development shall then be constructed in accordance with the approved details.                      Reason: In the interest of the highway safety.</p>																					
4.	<p>The development shall be carried out in accordance with the following plans:</p> <table border="0" data-bbox="319 963 1228 1176"> <thead> <tr> <th data-bbox="319 963 590 996">Plan Ref.</th> <th data-bbox="590 963 877 996">Received On:</th> <th data-bbox="877 963 1228 996">Title:</th> </tr> </thead> <tbody> <tr> <td data-bbox="319 996 590 1030">13967/12</td> <td data-bbox="590 996 877 1030">21 July 2015</td> <td data-bbox="877 996 1228 1030">Location plan</td> </tr> <tr> <td data-bbox="319 1030 590 1064">13967/10</td> <td data-bbox="590 1030 877 1064">21 July 2015</td> <td data-bbox="877 1030 1228 1064">Existing site plan</td> </tr> <tr> <td data-bbox="319 1064 590 1097">13967/11 Rev. A</td> <td data-bbox="590 1064 877 1097">13 Oct 2015</td> <td data-bbox="877 1064 1228 1097">Proposed site plan</td> </tr> <tr> <td data-bbox="319 1097 590 1131">J1/04029</td> <td data-bbox="590 1097 877 1131">21 July 2015</td> <td data-bbox="877 1097 1228 1131">Proposed gate details</td> </tr> <tr> <td data-bbox="319 1131 590 1164">J1/01064</td> <td data-bbox="590 1131 877 1164">21 July 2015</td> <td data-bbox="877 1131 1228 1164">Proposed fencing details</td> </tr> <tr> <td data-bbox="319 1164 590 1198">MMD-340300-C-SK-CG-XX-0001</td> <td data-bbox="590 1164 877 1198">21 July 2015</td> <td data-bbox="877 1164 1228 1198">Proposed highway solution</td> </tr> </tbody> </table> <p>Reason: For the avoidance of doubt and in the interests of proper planning</p>	Plan Ref.	Received On:	Title:	13967/12	21 July 2015	Location plan	13967/10	21 July 2015	Existing site plan	13967/11 Rev. A	13 Oct 2015	Proposed site plan	J1/04029	21 July 2015	Proposed gate details	J1/01064	21 July 2015	Proposed fencing details	MMD-340300-C-SK-CG-XX-0001	21 July 2015	Proposed highway solution
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# LOCATION PLAN

Scale 1:500 @ A3

Notes:  
 1. This Drawing & Design are copyright and may not be reproduced without the written consent of the J.Y.M. Partnership  
 2. DO NOT SCALE - Use Figured Dimensions Only  
 3. The CONTRACTOR is to check and verify all Figured Dimensions, Site & Drainage Levels prior to commencement of work and notify The J.Y.M. Partnership of any discrepancies.  
 4. The Contractor is to check the drawing against all other relevant drawings, specifications and/or bills of quantities as issued.  
 5. IF IN DOUBT - ASK!

Rev	Date	Revision



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 Email : jym@jympartnership.co.uk  
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client:  
 ROYAL MAIL GROUP  
 (FACILITIES MANAGEMENT)

drawing title:  
 LOCATION PLAN

scale:  
 1:500 @ A1

drawn: MS	checked: CB
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date:  
 JULY 2015

project no. 13967	drg. no. 12	rev.
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<b>Item 3f</b>	<b>15/00786/FUL</b>
<b>Case Officer</b>	<b>Ian Heywood</b>
<b>Ward</b>	<b>Chorley North West</b>
<b>Proposal</b>	<b>Creation of new river channel including rock ramps, reed bed and other planting to enhance water and ecological quality of the River Chor.</b>
<b>Location</b>	<b>Astley Park</b> <b>Park Road</b> <b>Chorley</b>
<b>Applicant</b>	<b>Chorley Council</b>
<b>Consultation expiry:</b>	<b>24 September 2015</b>
<b>Decision due by:</b>	<b>6 October 2015 (time extension agreed until 28<sup>th</sup> October)</b>

**Recommendation**  
**Approve full planning permission**

**Executive Summary**

The main issues to consider are whether the proposal would have an adverse impact on the appearance of St Laurence's Conservation Area, Astley Park Registered Park and the significance of these designated heritage assets and whether there would be any resultant harm to ecology. For the reasons set out below it is considered that the proposal is acceptable and consistent with the aims of the development plan and the Framework and represents a sustainable form of development within the Parish of Croston.

**Representations**

No representations have been received.

**Consultees**

<b>Consultee</b>	<b>Summary of Comments received</b>
Greater Manchester Ecology Unit	No objections, conditions have been suggested.
Environment Agency	No objections. A separate application to the Environment Agency will be required for the works.
Natural England	No objections.
Lead Flood Authority	No objections subject to suggested conditions.

**Assessment****Planning Policy Position**

1. In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Local Plan (2015) and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposal has had regard to guidance contained within the National Planning Policy Framework (the Framework) and the development plan. The specific policies/ guidance considerations are contained within the body of the report.
2. The Planning (Listed Building and Conservation Areas) Act 1990 states that the Local Planning Authority has a primary duty in relation to listed buildings to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Policy 16 of the Central Lancashire Core Strategy, 'Heritage Assets' and policy BNE8, 'Protection and Enhancement of Heritage Assets' of the Adopted Chorley Local Plan (2015) seek to protect and enhance the Borough's heritage. Also of relevance is Section 12 of the Framework.

**Description of the site**

3. The site lies within Astley Park, close to Park Road and also close to where the River Chor emerges from where it is culverted under Park Road.
4. The site also lies within the Astley Park Registered Park and the St Laurence's Conservation Area. Registered Parks and Conservation Areas are defined by Annex 2 to the Framework as designated heritage assets.
5. At the fringes of the site are located a significant number of mature trees.
6. The site encompasses a short section of the bed to the River Chor.

**Assessment****Proposed Development**

7. This application is being submitted after extensive consultation with the Environment Agency and the proposal is designed to improve river water quality, enhance biodiversity and reduce the number and propensity for invasive species such as sycamore trees and Himalayan balsam in the immediate area and downstream of the site by the creation of a reed bed adjacent to the current river course.
8. Whilst Astley Park was the subject of a Heritage Lottery funded enhancement project previously, this part of the park was not included within that project. It is not within the designed parkland for which the greater site was designated but is a more natural landscape immediately adjacent to the course of the River Chor. It is also designed to improve access to the area.
9. The project has been informed by extensive site surveys, investigations and research including a habitat survey.
10. The project has been driven, at least initially by an initiative by the Friends of Astley Park local community group who will take an active role, together with the Council, in the maintenance of the site after completion.

**Historic Context**

11. Astley Park is an early Victorian park built around listed Grade I Astley Hall. From 1575 the Hall became the principal residence of the Charnock family. It was subsequently passed through marriage to firstly the Brooke family in 1653 then the Towneley-Parker family in 1787. The Hall and park were inherited by Reginald Tatton in 1906 which a few years later he conveyed to Chorley Corporation and dedicated as a War Memorial in

1922 and is still in use as a public park today.

Archaeological significance

12. It is acknowledged that this part of the park is not historically significant and does not contain any sites of archaeological interest.

Impact on the appearance of St Laurence's Conservation Area, Astley Park Registered Park and the significance of these designated heritage assets

13. Paragraphs 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are relevant to the 'Special considerations affecting planning functions'.  
Section 66 states:  
*In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*  
*Without prejudice to section 72, in the exercise of the powers of appropriation, disposal and development (including redevelopment) conferred by the provision of sections 232, 233 and 235(1) of the principal act, a local authority shall have regard to the desirability of preserving features of special architectural or historic interest, and in particular, listed buildings.*  
Section 72 states:  
*In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*  
*The provisions referred to in subsection(1) are the planning acts and Part 1 of the Historic Buildings and Ancient Monuments Act 1953.*
14. In this particular instance Section 72 is pertinent as the site is located within the St Laurence's Conservation Area.
15. In this case, given the sensitive and low-key nature of the proposed works it is considered that the appearance of the St Laurence's Conservation Area and the Astley Park Registered Park will be preserved such that the requirements of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 have been met.
16. Paragraphs 129, 132, 133, 134, 136, 137 and 138 of the Framework are pertinent as are policy 16 of the Adopted Central Lancashire Core Strategy (2012) and policy BNE8 of the Adopted Chorley Local Plan 2012 – 2026.
17. Within the Framework paragraph 129 states that, 'Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.'
18. Paragraph 132 states, 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.'

19. Paragraph 133 states, 'Where a proposed development will lead to substantial harm to or loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
  - The nature of the heritage asset prevents all reasonable uses of the site; and
  - No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
  - Conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
  - The harm or loss is outweighed by the benefit of bringing the site back into use.'
20. Paragraph 134 states, 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.'
21. Paragraph 136 continues by stating that, 'Local planning authorities should not permit loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.'
22. Paragraph 137 states that, 'Local planning authorities should look for opportunities for new development within Conservation Areas or World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the heritage asset should be treated favourably.'
23. Paragraph 138 states that, 'Not all elements of a World Heritage Site or Conservation Area will necessarily contribute to its significance. Loss of a building (or other element which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated as either as substantial harm under paragraph 133 or less than substantial harm under paragraph 134, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage site as a whole.'
24. The Adopted Central Lancashire Core Strategy (2012), policy 16 refers to Heritage Assets. This policy mirrors that given in the Framework and states that it seeks to, 'Protect and seek opportunities to enhance the historic environment, heritage assets and their setting by:
  - a. Safeguarding heritage assets from inappropriate development that would cause harm to their significances.'
25. The Adopted Chorley Local Plan (2015), policy BNE8 refers to the Protection and Enhancement of Heritage Assets. Essentially this policy mirrors the Framework. Paragraph b, states that, 'Applications will be granted where they sustain, conserve and, where appropriate, enhance the significance, appearance, character and setting of the heritage asset itself and the surrounding historic environment and where they show consideration for the following: iii, The Conservation and, where appropriate, the enhancement of the setting of heritage assets.'
26. In this case it is considered that as a result of the sensitive, small scale and low key nature of the proposed works the significance of the designated heritage assets will be enhanced.
27. This being the case it is considered that the requirements of the aforementioned policies have been met.

#### Ecology

28. Pertinent policies are: Adopted Central Lancashire Core Strategy (2012), policy 22; and Adopted Chorley Local Plan (2015), policy BNE9. These policies, together with other legislation, seek to safeguard protected and endangered species and their habitats.
29. The Greater Manchester Ecology Unit supports the proposed development for the enhancement to local ecology and biodiversity it will bring:
30. A number of conditions and informatives are recommended that will safeguard protected and endangered species.
31. Overall the proposed development is considered to accord with the aforementioned policies.

**Overall Conclusion**

32. It is considered that the development accords with the aforementioned policies and will led to enhanced river quality, biodiversity and accessibility. The application is therefore recommended for approval.



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