

PLANNING COMMITTEE

TUESDAY, 6TH OCTOBER 2020, 6.30 PM

THE LANCASTRIAN, TOWN HALL, CHORLEY AND VIA MICROSOFT TEAMS

AGENDA

APOLOGIES

1 **MINUTES OF MEETING TUESDAY, 8 SEPTEMBER 2020 OF PLANNING 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 (Customer and Digital) has submitted ten items 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.

<https://planning.chorley.gov.uk/online-applications/search.do?action=simple&searchType=Application>

A **20/00516/FUL - AMELIE'S RESTAURANT, 311 PRESTON ROAD, COPPULL, CHORLEY, PR7 5DU**

(Pages 7 - 22)

B **20/00377/FULMAJ - LAND ADJOINING, CUERDEN, RESIDENTIAL PARK, NELL LANE, CUERDEN**

(Pages 23 - 44)

C **20/00841/FUL - CUERDEN VALLEY PARK, SHADY LANE, CUERDEN, BAMBER BRIDGE**

(Pages 45 - 54)

D **20/00848/FUL - HALLSWORTH MANOR, LONG LANE, HEATH CHARNOCK, CHORLEY, PR6 9EG**

(Pages 55 - 70)

E 20/00816/OUT - ECCLESTON EQUESTRIAN CENTRE, ULNES WALTON LANE, ULNES WALTON, LEYLAND (REPORT TO FOLLOW)

F 19/01142/FUL - LAND ADJACENT TO 715 PRESTON ROAD, PRESTON ROAD, CLAYTON-LE-WOODS (REPORT TO FOLLOW)

G 20/00483/FUL - CHEEKY MONKEYS, FACTORY LANE, WHITTLE-LE-WOODS, CHORLEY (REPORT TO FOLLOW)

H 20/00653/FUL - THE ROYAL BANK OF SCOTLAND, 23 TOWN ROAD, CROSTON

(Pages 71 - 82)

I 20/00811/LBC - ASTLEY HALL

(Pages 83 - 92)

J 19/01050/FUL - WILBROOK, BLUE STONE LANE (REPORT TO FOLLOW)

4 APPEALS REPORT

Report of the Director of Customer and Digital (to follow).

5 ANY URGENT BUSINESS PREVIOUSLY AGREED WITH THE CHAIR

GARY HALL
CHIEF EXECUTIVE

Electronic agendas sent Report to Members of the Planning Committee Councillor June Molyneaux (Chair), Councillor Christopher France (Vice-Chair) and Councillors Aaron Beaver, Martin Boardman, John Dalton, Gordon France, Danny Gee, Tom Gray, Yvonne Hargreaves, Alex Hilton, Alistair Morwood, Neville Whitham and Alan Whittaker.

Electronic agendas sent to Planning Committee reserves for information.

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

To view the procedure for public questions/ speaking click here

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

**MINUTES OF PLANNING COMMITTEE****MEETING DATE Tuesday, 8 September 2020****MEMBERS PRESENT:** Councillor June Molyneaux (Chair), Councillor Christopher France (Vice-Chair) and Councillors Aaron Beaver, Martin Boardman, John Dalton, Gordon France, Danny Gee, Tom Gray, Yvonne Hargreaves, Alex Hilton, Neville Whitham and Alan Whittaker**OFFICERS:** Adele Hayes (Service Lead - Planning), Iain Crossland (Principal Planning Officer), Alex Jackson (Legal Services Team Leader) and Ruth Rimmington (Democratic and Member Services Team Leader)**APOLOGIES:** Councillor Alistair Morwood**OTHER MEMBERS:** Councillor Julia Berry and Steve Holgate**20.P.58 Minutes of meeting Tuesday, 11 August 2020 of Planning Committee****Decision – That the minutes of the hybrid Planning Committee meeting held on 11 August 2020 be approved as a correct record for signature by the Chair.****20.P.59 Declarations of Any Interests**

There were no declarations of interest received.

20.P.60 Planning applications to be determined**a 19/00339/FULMAJ - 2 Oak Drive, Chorley, PR6 7BY**

This item was withdrawn from the agenda.

b 20/00516/FUL - Amelie's Restaurant, 311 Preston Road, Coppull, Chorley, PR7 5DU

Registered speakers: Jenny Cann (Objector) and Michael Yang (Agent).

After careful consideration, it was proposed by Councillor Alan Whittaker, seconded by Councillor Alex Hilton and a decision was subsequently taken (unanimously) that the decision be deferred to allow members of the Planning Committee the opportunity to visit the site of the proposals.

c 20/00695/FUL - The Eagle Hotel, 122 Bolton Street, Chorley, PR7 3DX

After careful consideration, it was proposed by Councillor Danny Gee, seconded by Councillor Chris France and a decision was subsequently taken (unanimously) that the application be approved subject to conditions as set out on the addendum and a section 106 obligation to secure a contribution for the provision of public open space for children and young people.

Councillor Steve Holgate left the room.

d 20/00675/CB3 - Whittle-le-Woods and Clayton-le-Woods Parish Club, 239 Preston Road, Clayton-le-Woods, Chorley

After careful consideration, it was proposed by Councillor Chris France, seconded by Councillor Danny Gee and a decision was subsequently taken (unanimously) that the application be approved subject to conditions as set out in the addendum.

e 20/00725/CB3MAJ - Whittle-le-Woods and Clayton-le-Woods Parish Club, 239 Preston Road, Clayton-le-Woods, Chorley

After careful consideration, it was proposed by Councillor Chris France, seconded by Councillor Danny Gee and a decision was subsequently taken (unanimously) that the application be approved subject to conditions set out in the report.

f 20/00164/FUL - Land Adjoining Cuerden Residential Park, Nell Lane, Cuerden

Registered speaker: Sarah Elsy (Parish Councillor)

After careful consideration, it was proposed by Councillor Martin Boardman, seconded by Councillor Aaron Beaver and a decision was subsequently taken (9:3) that the application be approved subject to conditions set out in the addendum and a section 106 agreement to secure a contribution towards the provision of affordable housing and public open space and to ensure that a scheme for replacement biodiversity enhancement is agreed prior to commencement of the development (detail of the section 106 agreement to be delegated to the Director of Customer and Digital in consultation with Chair and Vice Chair).

Councillor Alan Whittaker left the meeting at 7.25pm.

g 20/00688/PIP - St Lukes Church, Quarry Road, Brinscall, Chorley, PR6 8RB

Registered speaker: Christie McDonald (Agent)

After careful consideration, it was proposed by Councillor Aaron Beaver, seconded by Councillor Danny Gee and a decision was subsequently taken (7:0:4) that the permission in principle be granted, subject to the conditions set out in the report.

20.P.61 Draft Decision in Response to BT Consultation on Payphone Removal

The Service Lead for Planning presented the council's draft decision in response to the proposal by British Telecom (BT) to remove a number of public call boxes in the borough.

Decision

1. That the report is noted.
2. That the preparation and issuing of the Final Notification to BT and the Secretary of State be delegated to the Director of Customer and Digital in consultation with Chair and Vice Chair.

20.P.62 Planning Appeals and Decisions Received between 3 July 2020 and 28 August 2020

Members noted the report of the Director of Customer and Digital which set out planning appeals and decisions received between 3 July 2020 and 28 August 2020.

The Service Lead for Planning reported that the Pear Tree Lane appeal had been allowed.

20.P.63 Any urgent business previously agreed with the Chair

Members and officers discussed the recent government announcement on the 'Planning for the Future' White Paper which would introduce changes to planning policy. There was a public consultation open for 12 weeks running until 29 October 2020 and the matter had been the subject to two Member Learning Sessions, which had also been open to Parish Councils.

It was agreed that a formal response be drafted at the next meeting of the Chair and Vice to determine delegated decisions, in conjunction with the Executive Member (Public Protection) and any other Planning Committee members who wished to attend.

Chair

Date

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APPLICATION REPORT – 20/00516/FUL

Validation Date: 12 June 2020

Ward: Chisnall

Type of Application: Full Planning

Proposal: Erection of 7no. (Use Class C3) dwellinghouses with access, parking, landscaping and associated works following demolition of existing buildings

Location: Amelie's Restaurant 311 Preston Road Coppull Chorley PR7 5DU

Case Officer: Mr Iain Crossland

Applicant: F4 Developments Ltd

Agent: Mr Marc Izaguerri Serrano, SMITH YOUNG

Consultation expiry: 3 July 2020

Decision due by: 11 September 2020 (Extension of time requested)

UPDATE REPORT

1. The recommendation remains to approve the application subject to conditions.
2. Members will recall that this application was deferred at the Planning Committee meeting held on 8 September 2020 to allow time for Members to visit the site. The original committee report from 8 September 2020 follows on below and has been updated to include the suggested conditions previously set out on the addendum.

RECOMMENDATION

1. It is recommended that the application is approved subject to conditions.

SITE DESCRIPTION

2. The application site is located in the Green Belt south of Coppull and comprises a part two storey and part single storey building fronting onto Preston Road (A49) in a site positioned between Preston and Rivington Place. The building was formerly occupied by Amelie's Restaurant and has in the past operated as a public house.
3. Aside from a small amount of soft landscaping around the periphery of the site and save for the buildings, the majority of the site comprises hard surfacing used for staff parking, vehicular parking and the unloading/loading of goods used in connection with the restaurant operations.
4. Vehicular access into the site is from the north west corner of the site, from and onto the A49. Although the eastern boundary touches the highway at Rivington Place (to the east), there is currently no vehicular access to the site from this highway.
5. The application site forms part of a linear development that spans off the A49, the main highway that connects Standish to the south and Coppull to the north. To the north of the

application site are residential properties at Belmont Place. This is a short cul-de-sac, accommodating 8no. semi detached and 2no. detached properties. To the east of the application site, is Rivington Place, which is another cul-de-sac of 12no. dwellings. To the south of the application site are 321 and 323 Preston Road, which are semi detached residential properties that also front onto the A49.

6. With regard to the wider area, there is some mix of uses with a school, public house and commercial units to the north, although it is predominantly a residential area with open agricultural land beyond.
7. In terms of the history of the site it is significant to note that there was previously a greater amount of development on site comprising a terrace of dwellings that was cleared in the late 1970s / early 1980s.

DESCRIPTION OF PROPOSED DEVELOPMENT

8. This application seeks full planning permission for the erection of 7no. dwellinghouses with access, parking, landscaping and associated works following the demolition of the existing buildings on the site. The dwellings would be set in a linear pattern across three blocks fronting the A49 with rear gardens and parking areas accessed from Rivington Place. The dwellings themselves would be of a modern design and would be two storeys with accommodation in the roof space.

REPRESENTATIONS

9. Representation have been received from the occupiers of 7no. addresses citing the following grounds of objection:
 - Access should not be taken via Rivington Place due to impact on amenity of existing residents.
 - Impact on highway safety due to use of Rivington Place for access.
 - Claims made in the highway technical note are misleading.
 - The appearance of the dwellings would not be in keeping with the character of the area.
 - Impact on amenity through loss of privacy due to overlooking.
 - There is a dispute over land ownership with opposing claims over land adjacent to 16 Rivington Place.
 - The land registry title restricts and prevent access being taken from Rivington Place.
 - Vegetation was removed prior to the application for planning permission and prior to resolving any ownership disputes.
 - Breach of wildlife regulations in removing vegetation during the nesting season.
 - There would be restrictions placed on construction times and vehicle routing.
 - Concerns about the conduct of the developer.

CONSULTATIONS

10. Greater Manchester Ecology Unit: Have no objection subject to conditions.
11. Waste & Contaminated Land: Have no objection subject to a condition.
12. Lancashire County Council Highway Services: Have no objections in principle.
13. United Utilities: Have no objection subject to conditions.
14. Coppull Parish Council: Have no objections to this application.

PLANNING CONSIDERATIONS

Principle of development in the Green Belt

15. The application site is located in the Green Belt at Coppull and forms part of a tract of development extending south from the settlement area.

16. National guidance on Green Belt is contained in Chapter 13 of the National Planning Policy Framework (the Framework) which states:

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

134. Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;*
- b) to prevent neighbouring towns merging into one another;*
- c) to assist in safeguarding the countryside from encroachment;*
- d) to preserve the setting and special character of historic towns; and*
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

143. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

144. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

145. A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:

- a) buildings for agriculture and forestry;*
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- e) limited infilling in villages;*
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*
 - not have a greater impact on the openness of the Green Belt than the existing development; or*
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*

17. This part of Coppull is not specified as an area for growth within Core Strategy Policy 1 and falls to be considered as an 'other place'. Criterion (f) of Core Strategy Policy 1 reads as follows:

"In other places – smaller villages, substantially built up frontages and Major Developed Sites – development will typically be small scale and limited to appropriate infilling, conversion of buildings and proposals to meet local need, unless there are exceptional reasons for larger scale redevelopment schemes."

18. Policy BNE5 of Chorley Local Plan 2012 – 2016 relates to previously developed land within the Green Belt and reflects guidance contained within the Framework as follows:
The reuse, infilling or redevelopment of previously developed sites in the Green Belt, will be permitted providing the following criteria are met:

In the case of re-use

- h) The proposal does not have a materially greater impact than the existing use on the openness of the Green Belt and the purposes of including land in it;*
- i) The development respects the character of the landscape and has regard to the need to integrate the development with its surroundings, and will not be of significant detriment to features of historical or ecological importance.*

In the case of infill:

- c) The proposal does not lead to a major increase in the developed portion of the site, resulting in a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.*

In the case of redevelopment:

- d) The appearance of the site as a whole is maintained or enhanced and that all proposals, including those for partial redevelopment, are put forward in the context of a comprehensive plan for the site as a whole.*

19. The proposal involves redevelopment of a site that is occupied by a restaurant and associated areas of parking and hardstanding. As such the site is previously development land and the development is, therefore, capable of complying with paragraph 145 g) of the Framework. This sets out that one exception to inappropriate development in the Green Belt is limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development.
20. Whilst the test for sites such as this relates to the impact on openness it is important to note that the Framework contains no specific definition of 'openness'. It is acknowledged that the site already contains some built form with the presence of the restaurant building and that the site is located within an established tract of development extending to the south of Coppull with residential development to the north, south and east of the site, and the A49 located to the west. The proposed development would replace the existing building on the site with three blocks of development comprising 7no. dwellings filling the site and the line of development between 321 Preston Road to the south and 2 Belmont Place to the north. The development would, therefore, be viewed in the context of the existing buildings that surround the site, and would replace an existing building in this position.
21. The site is prominent when viewed from the A49 as it forms part of the streetscene along this section of the highway. It is also prominent when viewed from the cul-de-sac at Rivington Place. There is an existing building in situ and development would be expected in this position as part of the line of development along the A49 in this location. The proposed development would be positioned on the footprint of the existing building, although it would extend either side (north and south) of the present building footprint. This would result in a logical infilling of the site, which is appropriate when considered in the context of a comprehensive plan for the site as a whole as required by policy BNE5 of Chorley Local Plan 2012 – 2016. Furthermore, it is noted that a terrace of dwellings was present on the site between the main restaurant building and 321 Preston Road to the south until they were cleared in the late 1970s early 1980s. The proposed development would reflect the form and positioning of the buildings that were removed.
22. The proposed development has been designed to reflect the linear form of development along the A49, the form and position of the existing building and previous buildings. The scale, siting and form of development proposed is based on the traditional terraced dwellings that are located along the A49 in this area and on the buildings that occupied the site previously, similar to 321 and 323 Preston Road to the south. As such the proposed development would occupy the space between existing development in a position occupied by existing and previous development that results in a comprehensive redevelopment of the site. The visual impact on openness would be limited by the positioning of the buildings within the site between buildings and close to other buildings of similar scale. Furthermore, the site already contains a quantum of development that would be replaced.
23. In pulling these points together in considering the impact of the development, the Framework and Chorley Local Plan policy requires the decision maker to consider and make

an assessment of whether the openness of the Green Belt would be impacted or harmed by the proposal to a greater extent than openness has already been impacted as set out in policy BNE5 c) of the Chorley Local Plan 2012 - 2026. This is an open-textured assessment and there is no check list to be gone through but, where openness of the Green Belt is in issue, visual impact, as well as spatial impact, requires consideration, subject to a margin of appreciation.

24. The proposed development is contained within an already well developed site and street frontage and would not result in any encroachment, or sprawl and would not lead to the merging of built up area. As such there would be no harm to any of the purposes of including land in the Green Belt over and above the impact on openness that has already occurred from the presence of the existing development and would result in limited infilling that has no greater impact than the existing development. The proposed development would not, therefore, comprise development that would be considered inappropriate in the Green Belt.
25. In relation to the scale of development in an 'other area' as identified by policy 1(f) of the Central Lancashire Core Strategy the proposed development is not major development and, therefore, falls to be considered small scale. As such it is considered that the proposed development is compliant with policy 1(f) of the Central Lancashire Core Strategy.

Impact on character and appearance of locality

26. The application site is located with a frontage along the A49 and as such is highly prominent along this part of the highway. It is also visible to the rear from Rivington Place, although has little interaction with the street frontage on this highway. The site is currently occupied by a restaurant building of traditional design style faced in painted render, but was previously occupied by a row of terraced dwellings until the late 1970s early 1980s.
27. The proposed development includes three building blocks comprising 7no. dwellings. These would be of a form and scale that reflects existing terraced properties on the A49 in this location and would be sited on the footprint of the existing building and in the position of the previous buildings fronting Preston Road. This would result in an appropriate form of development for the site in this location providing an active street frontage and visual interest. The dwellings would have a contemporary appearance through the use of larger window openings and through the reinterpretation of traditional design features such as chimney stacks, eaves banding detail and window proportions of vertical emphasis. These features have been considered in the context of traditional design features common to the locality. Although it is noted that dormers would be included to the rear roof slopes, these would be positioned in a less prominent part of the development and are small scale, well designed, features.
28. There would be small garden spaces to the front of the proposed dwellings resulting in some defensible space and enclosed gardens to the rear. Parking would also be located to the rear away from the main highway, which enables a better interaction between the development and the streetscene along the A49, which is the main visual receptor. Although the parking area and rear of the properties would be visible from Rivington Place the site does not currently contribute positively to the streetscene along Rivington Place, which is a cul-de-sac.
29. Overall, it is considered that the proposed development would result in a harmonious addition to the streetscene along this part of the A49, would be an appropriate design response to the site and character of the locality and overall would contribute positively to the character of the area. This complies with policy BNE1 of the Chorley Local Plan 2012 - 2026.

Neighbour amenity

30. Policy BNE1 of the Chorley Local Plan 2012-2026 states that new development must not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or by creating an overbearing impact.

31. The proposed dwelling at plot 1 would be positioned to the south of no.2 Belmont Place. Plot 1 would have a black gable end facing this property. The proposed dwelling would be positioned approximately 3m from the rear garden boundary to this dwelling and approximately 13m from the dwelling itself. The gable would be slightly offset in relation to the windows to the rear of 2 Belmont Place, which is a bungalow and although there would be some impact on direct light levels to the rear garden, and to a lesser extent to the dwelling, it is considered that the impact is within acceptable levels, as is the impact on outlook, given that the positioning complies with the Council's adopted interface guidelines.
32. The windows in the rear elevation of plot 1 and other plots, including the dormer windows, are positioned perpendicular to existing properties along Belmont Place, with the exception of no.10. As such there are no direct views into these dwellings, and any views over rear garden areas are either via an obscure angle or at a distance that meets with the Council's interface guideline of 10m for habitable room windows facing rear gardens. The distance between plot 1 and the rear garden at 10 Belmont Place, which it directly faces is approximately 15m, which complies with the standard and is considered to be acceptable.
33. The proposed dwellings would have rear elevations facing the front of existing dwellings at 12, 14 and 16 Rivington Place. The facing windows would be positioned approximately 29m away, which is well in excess of the Council's adopted interface guideline of 21m for parallel facing windows. As such the impacts on outlook, privacy and light are considered to be within acceptable levels.
34. The proposed dwelling at plot 7 would be positioned approximately 4m to the north of the existing dwelling at 321 Preston Road and would have parallel facing gable ends, which would result in an appropriate relationship. On this basis the proposed dwellings meet with the Council's adopted interface standards and would have no adverse impact on amenity in this regard.
35. Policy BNE1 of the Chorley Local Plan 2012-2026 states that new development must not cause an unacceptable degree of noise disturbance to surrounding land uses.
36. It is noted that Rivington Place is a residential cul-de-sac of 12 addresses, and as such vehicle movements are currently low. It is proposed that vehicular access to the parking areas located to the rear of the proposed development would take place via the existing highway at Rivington Place. Rivington Place would remain a cul-de-sac with no through route, and given that the development and associated parking would serve only 7 dwellings the amount of traffic passing along the road would be limited and their associated speeds would be low. As such it is considered that the level of noise and disturbance would be limited and not harmful to amenity.
37. It is, however, noted that heavier vehicles such as construction traffic would result in disturbance and access difficulties for existing residents of Rivington Place within any construction phase of development. It is, therefore, recommended that a condition be attached to any grant of planning permission requiring a construction method statement setting out the construction and delivery times, vehicle routing and site access through the construction phases and that access should as far as possible be taken from the A49.

Highway safety

38. The proposed development would result in 7no. dwellings comprising three bedrooms in each. Each property would have two allocated parking spaces located either directly to the rear in the case of plots 6 and 7 or in a courtyard parking area at the rear of the site. This complies with the parking standards specified in policy ST4 of the Chorley Local Plan 2012 – 2026.
39. Vehicular access would be taken from Rivington Place at the head of the cul-de-sac. It is recognised that Rivington Place is a cul-de-sac with a small turning head and narrow carriageway width. There is a concern, from a highway perspective, that large vehicles cannot turn in the turning head and any on street parking on Rivington Place would hinder these movements. This provides further justification in relation to the need for a construction

method statement. LCC highways have requested that the applicant proves the turning for a twin axle 11.2m long refuse wagon by swept path analysis. This possibility has been explored by the applicant, however, there is not the available space to make such provision without compromising the scheme to such an extent that it becomes unacceptable in other ways, such as a lack of amenity space of car parking.

40. Refuse vehicles currently reverse up Rivington Place to access the end properties and would continue to do so with or without the proposed development in place, and at exactly the same frequency. The only difference being that the refuse vehicles would leave Rivington Place having emptied more bins than they otherwise would have done without the development in place. Furthermore, the proposed development need not necessarily rely on waste collections taking place from Rivington Place as bins from the proposed dwellings could equally be emptied from the A49. The suggestion to implement an increased size turning head as part of the development is not, therefore, required to make the development acceptable in planning terms.
41. LCC highways have also requested that a pedestrian link be provided through the development site aiding the ease of pedestrian access to the A49 and the amenities to the north. Although this would provide a benefit in terms of accessibility, it would conflict with secured by design principles creating an enclosed area with the potential to attract anti-social behaviour. Furthermore, there would be implications in relation to the maintenance of such a pedestrian route. In addition to this the number of properties for which such an access would provide utility would be low. Consequently, the benefits of a pedestrian access are not significant enough to require its inclusion to make the development acceptable.
42. It is noted that LCC Highways, as technical advisors to the Local Planning Authority (LPA) on highway matters, does not have any objections in principle. It is, therefore, considered that the proposed development would not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

Ecology

43. The application is accompanied by an ecology assessment of the site, including a bat survey to examine the potential of the building to support roosting bats, and to look for bats or signs of bats roosting in the property, which was undertaken in May 2020. This has been reviewed by the Council's ecology advisors (Greater Manchester Ecology Unit).
44. The building and the shed/store were assessed as having negligible potential to support roosting bats, and no evidence of roosting bats was found during the internal and external inspections. No trees on the site were found to support features which could be used by roosting bats.
45. The trees and buildings could however be used by breeding birds, and the nests of all wild birds are protected under the Wildlife and Countryside Act, 1981 (as amended).
46. No other protected species were recorded on the site or were thought likely to be present.
47. Some small stands of cotoneaster were found within the site, which are listed on Schedule 9 of the Wildlife and Countryside Act, 1981 (as amended) making it an offence to plant or cause the spread of these species in the wild.
48. GMEU consider that issues relating to bats, nesting birds, invasive species and landscaping can be resolved via condition and or appropriate informative.
49. Building demolition and vegetation clearance works should be undertaken outside the main bird nesting season (March – August inclusive) unless it can otherwise be demonstrated that not active bird nests are present.
50. A method statement for the removal of cotoneaster and prevention of its spread, should be followed during the site clearance, and carried out prior to the main development commencing.

51. A precautionary informative is used to make the applicant aware of the laws, which are in place to protect biodiversity, such as bats. Should they find or suspect any such species on the site during the development, work should cease and the LPA should be contacted for further advice.
52. Biodiversity enhancements for the site should be sought in line with national planning guidelines. Measures within the ecology report (para 5.3) should be incorporated into the scheme and include use of native or wildlife friendly species perennials and trees within the landscaping scheme and provision of bird boxes within the new buildings or attached to the retained trees.
53. It is noted that vegetation was removed from the site prior to the application being made. This is regrettable, however, the trees that were removed were not protected by preservation order and the removal of vegetation is not development and can, therefore, be carried out without the prior consent of the LPA. Although nesting birds may have been present it is not possible to pursue legal proceedings in breach of the respective law without evidence having been obtained.

Flood risk and drainage

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

Sustainability

57. Policy 27 of the Core Strategy requires all new dwellings to be constructed to Level 4 of the Code for Sustainable Homes or Level 6 if they are commenced from 1st January 2016. It also requires sites of five or more dwellings to have either additional building fabric insulation measures or reduce the carbon dioxide emissions of predicted energy use by at least 15% through decentralised, renewable or low carbon energy sources. 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.”

58. Given this change, instead of meeting the code level, the dwellings should achieve a minimum dwelling emission rate of 19% above 2013 Building Regulations in accordance with the above provisions. This can be controlled by a condition.

Public open space (POS)

59. Policy HS4 of the Chorley Local Plan 2012 – 2026 requires public open space contributions for new dwellings to be provided in order to overcome the harm of developments being implemented without facilities being provided.
60. Until recently the National Planning Practice Guidance (NPPG) previously set out a threshold for tariff-style contributions, stating that planning obligations should not be sought from developments of 10 or less dwellings and which have a maximum combined floorspace of no more than 1000 square metres. This guidance has been removed from the latest NPPG and has been replaced with a requirement that planning obligations for affordable housing should only be sought for residential developments that are major developments.
61. Specifically the guidance as of last year was derived from the order of the Court of Appeal dated 13 May 2016, which gave legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014 which has not been withdrawn and which should, therefore, clearly still be taken into account as a material consideration in the assessment of planning applications
62. To this end whilst it would normally be inappropriate to require any affordable housing or social infrastructure contributions on sites below the thresholds stated, local circumstances may justify lower (or no) thresholds as an exception to the national policy. It would then be a matter for the decision-maker to decide how much weight to give to lower thresholds justified by local circumstances.
63. Consequently, the Council must determine what lower thresholds are appropriate based on local circumstances as an exception to national policies and how much weight to give to the benefit of requiring a payment for 10, or fewer, dwellings. The Council has agreed to only seek contributions towards provision for children/young people on developments of 10 dwellings or less.
64. There is currently a surplus of provision in Chisnall in relation to this standard, a contribution towards new provision in the ward is, therefore, not required from this development. The site is also not within the accessibility catchment (800m) of any areas of provision for children/young people that are identified as being low quality and/or low value in the Open Space Study. A contribution towards improvements is therefore also not required from this development.

Community Infrastructure Levy

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

Other matters

66. Claims made in the highway technical note are misleading: The highway technical note has been reviewed and verified by LCC Highways as technical advisor to the LPA.
67. There is a dispute over land ownership with opposing claims over land adjacent to 16 Rivington Place: Both the applicant and residents have provided land registry title plans that

differ in relation to ownership boundaries. The title plan details provided by the applicant demonstrate that the proposed site area reflects their understanding and position with regards to ownership. The Council's legal officer has examined the land registry documents provided by both parties and considers that there is adequate evidence to indicate that the proposed plans reflect the boundaries to the site identified as being within the ownership of the applicant. Although it would appear that there is a difference of opinion and evidence with regards to ownership boundaries this is essentially a civil matter to be resolved outside the planning process and the application can proceed to determination.

68. The land registry title restricts and prevent access being taken from Rivington Place: The Council's legal officer has examined the land registry documents and confirms that the title register provided by residents does seem to suggest that access to the proposed dwellings would not be possible along Rivington Place in respect of a restrictive covenant. However, this would not be a reason in itself to prevent the grant of planning permission. It may prevent the implementation of a planning permission but not the grant. This is essentially a civil matter to be resolved outside the planning process and the application can proceed to determination.
69. Concerns about the conduct of the developer: This is not a material planning consideration. It is recommended that a condition requiring a construction method statement is attached the grant of planning permission, which would enable some control of the method of construction activities on the site. Aside from this all building regulations, environmental health regulations and other relevant statutory regulations would apply.

CONCLUSION

70. The proposed development would not represent inappropriate development in the Green Belt. The proposal would not harm to the character of the area or the amenity of neighbouring occupiers and there would be no unacceptable impact on highway safety or ecology. The proposed development is, therefore, considered to be acceptable and as such is recommended for approval.

RELEVANT HISTORY OF THE SITE

Ref: 96/00272/FUL **Decision:** PERFPP **Decision Date:** 16 July 1996
Description: Entrance gate, retrospective application for boundary wall and amendments to previously approved application 9/94/486 to provide wheelchair access and store

Ref: 94/00486/FUL **Decision:** PERFPP **Decision Date:** 30 August 1994
Description: Single storey side extension to existing restaurant

Ref: 91/01008/FUL **Decision:** PERFPP **Decision Date:** 19 November 1991
Description: Two-storey rear extension

Ref: 91/00917/FUL **Decision:** PERFPP **Decision Date:** 19 November 1991
Description: Two-storey rear extension

Ref: 84/00028/ADV **Decision:** PERFPP **Decision Date:** 11 June 1984
Description: Display of 3 illuminated board signs on walls and illuminated lantern over front door

Ref: 82/00553/FUL **Decision:** PERFPP **Decision Date:** 26 October 1982
Description: Extension to Car Park

Ref: 81/00191/OUT **Decision:** PEROPP **Decision Date:** 27 April 1981
Description: Outline application for house and garage

RELEVANT POLICIES: In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Local Plan 2012-2026 and adopted

Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposal has had regard to guidance contained within the National Planning Policy Framework (the Framework) and the development plan. The specific policies/ guidance considerations are contained within the body of the report.

Suggested conditions

No.	Condition																								
1.	<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>The development shall be carried out in accordance with the following plans:</p> <table border="1" data-bbox="336 714 1321 1126"> <thead> <tr> <th data-bbox="336 714 759 779">Title</th> <th data-bbox="759 714 1023 779">Drawing Reference</th> <th data-bbox="1023 714 1321 779">Received date</th> </tr> </thead> <tbody> <tr> <td data-bbox="336 779 759 840">Location Plan</td> <td data-bbox="759 779 1023 840">SK(--)001</td> <td data-bbox="1023 779 1321 840">03 June 2020</td> </tr> <tr> <td data-bbox="336 840 759 900">Site plan as proposed</td> <td data-bbox="759 840 1023 900">SK(--)101 Rev.B</td> <td data-bbox="1023 840 1321 900">27 August 2020</td> </tr> <tr> <td data-bbox="336 900 759 960">Street elevations as proposed</td> <td data-bbox="759 900 1023 960">SK(--)201 Rev.A</td> <td data-bbox="1023 900 1321 960">13 August 2020</td> </tr> <tr> <td data-bbox="336 960 759 1021">Elevations – Fisher type mews</td> <td data-bbox="759 960 1023 1021">SK(11)401</td> <td data-bbox="1023 960 1321 1021">03 June 2020</td> </tr> <tr> <td data-bbox="336 1021 759 1081">Floor plans – Fisher type mews</td> <td data-bbox="759 1021 1023 1081">SK(11)301</td> <td data-bbox="1023 1021 1321 1081">03 June 2020</td> </tr> <tr> <td data-bbox="336 1081 759 1142">Elevations – Fisher type semi</td> <td data-bbox="759 1081 1023 1142">SK(11)400</td> <td data-bbox="1023 1081 1321 1142">03 June 2020</td> </tr> <tr> <td data-bbox="336 1142 759 1202">Floor plans – Fisher type mews</td> <td data-bbox="759 1142 1023 1202">SK(11)300</td> <td data-bbox="1023 1142 1321 1202">03 June 2020</td> </tr> </tbody> </table> <p><i>Reason: For the avoidance of doubt and in the interests of proper planning.</i></p>	Title	Drawing Reference	Received date	Location Plan	SK(--)001	03 June 2020	Site plan as proposed	SK(--)101 Rev.B	27 August 2020	Street elevations as proposed	SK(--)201 Rev.A	13 August 2020	Elevations – Fisher type mews	SK(11)401	03 June 2020	Floor plans – Fisher type mews	SK(11)301	03 June 2020	Elevations – Fisher type semi	SK(11)400	03 June 2020	Floor plans – Fisher type mews	SK(11)300	03 June 2020
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3.	<p>No development, other than demolition works, shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:</p> <p>(i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;</p> <p>(ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and</p> <p>(iii) A timetable for its implementation.</p> <p>The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. The development hereby permitted shall thereafter be carried out only in accordance with the approved drainage scheme.</p> <p><i>Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.</i></p>																								
4.	<p>Foul and surface water shall be drained on separate systems. Surface water shall be drained in accordance with the hierarchy of drainage options in national planning practice guidance. In the event of surface water discharging to public sewer, the rate of discharge shall be restricted to the lowest possible rate which shall be agreed with the statutory undertaker prior to connection to the public sewer.</p>																								

	<i>Reason: To secure proper drainage and to manage the risk of flooding and pollution.</i>
5.	<p>Prior to the erection of the superstructure of the dwellings hereby approved samples of all external facing and roofing materials, and boundary treatment materials, (notwithstanding any details shown on previously submitted plan(s) and specification) shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved.</p> <p><i>Reason: To ensure that the materials used are visually appropriate to the locality.</i></p>
6.	<p>No dwelling shall be occupied until all fences and walls shown in the approved details to bound its plot, have been erected in conformity with the approved details. Other fences and walls shown in the approved details shall have been erected in conformity with the approved details prior to substantial completion of the development.</p> <p><i>Reason: To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents.</i></p>
7.	<p>No building demolition nor works to trees and shrubs shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the LPA.</p> <p><i>Reason: Nesting birds are a protected species.</i></p>
8.	<p>Prior to any earthworks being carried out a method statement detailing eradication and/or control and/or avoidance measures for cotoneaster shall be supplied to and agreed in writing by the Local Planning Authority. The agreed method statement shall be adhered to thereafter and implemented in full unless otherwise agreed in writing by the Local Planning Authority.</p> <p><i>Reason: Due to the presence of invasive plant species.</i></p>
9.	<p>Prior to the erection of the superstructure of any dwelling hereby approved a scheme for the landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority. The content of the plan should include elements to mitigate for loss of trees, shrubs and bird nesting and hedgehog habitat. Landscaping proposals shall comprise only native plant communities appropriate to the natural area. The approved scheme shall thereafter be implemented in accordance with the approved details within the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.</p> <p><i>Reason: To mitigate for the loss of habitat and to ensure that a satisfactory landscaping scheme for the development is carried out to mitigate the impact of the development and secure a high quality design.</i></p>
10.	<p>The dwellings hereby approved are required to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations.</p> <p><i>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</i></p>

	<p><i>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.</i></p>
11.	<p>Prior to the erection of the superstructures of the dwellings hereby approved 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.</p> <p><i>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 it can be assured that the design meets the required dwelling emission rate.</i></p>
12.	<p>No dwelling hereby approved shall 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.</p> <p><i>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.</i></p>
13.	<p>No part of the development hereby approved, other than demolition, shall commence until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority as part of a section 278 agreement, under the Highways Act 1980.</p> <p><i>Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site and to enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users.</i></p>
14.	<p>No part of the development hereby approved shall be occupied until the approved scheme for the construction of the site access and the off-site works of highway improvement has been constructed and completed in accordance with the approved scheme details, without prior agreement from the Local Planning Authority.</p> <p><i>Reason: In order that the traffic generated by the new development does not exacerbate unsatisfactory highway conditions in advance of the first occupancy or trading.</i></p>
15.	<p>The existing access shall be physically and permanently closed and the existing footway and kerbing of the vehicular crossing shall be reinstated in accordance with the Lancashire County Council Specification for Construction of Estate Roads (concurrent with the formation of the new access)</p>

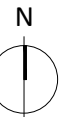
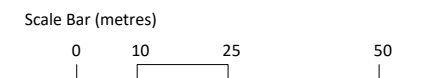
	<p><i>Reason: To limit the number of access points and to maintain the proper construction of the highway.</i></p>
16.	<p>A private car park and manoeuvring scheme shall be submitted to and approved by the Local Planning Authority and the car parking spaces and manoeuvring areas shall be marked out in accordance with the approved plan prior to occupation of the associated dwellings and permanently maintained thereafter.</p> <p><i>Reason: To allow for the effective use of the parking areas.</i></p>
17.	<p>Notwithstanding the details shown on the submitted plans, the proposed driveway/hardsurfacing to the rear of the properties shall be constructed using permeable materials on a permeable base, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the boundaries of the property (rather than to the highway), unless otherwise agreed to in writing by the Local Planning Authority.</p> <p><i>Reason: In the interests of highway safety and to prevent flooding.</i></p>
18.	<p>Due to the proposed sensitive end-use (residential housing with gardens), the development should not commence, other than demolition, until the applicant has submitted to and had approved in writing by the Local Planning Authority a report setting out the results of an intrusive ground investigation to assess the ground conditions through obtaining soil samples for contamination analysis and asbestos detection and, where possible, groundwater and surface water samples for contamination analysis. A detailed geological and mining risk assessment should also be carried out.</p> <p>The development shall thereafter only be carried out following the remediation of the site in full accordance with the measures stipulated in the approved report.</p> <p><i>Reason: It is the applicant's responsibility to properly address any land contamination issues, to ensure the site is suitable for the proposed end-use, in accordance with Paragraph 121 of the National Planning Policy Framework (DCLG, 2012).</i></p>
19.	<p>No development shall take place, including any works of demolition, until a Construction Method Statement has been 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"> i. the parking of vehicles of site operatives and visitors ii. hours of operation (including deliveries) during construction and delivery times iii. loading and unloading of plant and materials iv. storage of plant and materials used in constructing the development v. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate vi. wheel washing facilities vii. measures to control the emission of dust and dirt during construction viii. a scheme for recycling/disposing of waste resulting from demolition and construction works ix. vehicle routing and site access during construction <p><i>Reason: in the interests of highway safety and to protect the amenities of the nearby residents.</i></p>



All dimensions to be checked on site.
 Figured dimensions to be read in preference to scaled.
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Revisions / Notes:

- KEY**
- Site Boundary
 - Existing Building / Structure
 - Proposed Development



Job Title:	COPPULL		
Purpose:	PLANNING		
Client:	F4 DEVELOPMENTS		
Date:	28/05/2020		
Drawing Title:	LOCATION PLAN AS EXISTING		
Drawn By:	MJY	Checked By:	MJY
Scale:	1:1250	Paper Size:	A3
Job Number:	20.010	Drwg No:	SK(--)001
		Rev:	

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APPLICATION REPORT – 20/00377/FULMAJ

Validation Date: 28 April 2020

Ward: Clayton-le-Woods West And Cuerden

Type of Application: Major Full Planning

Proposal: Erection of 115 dwellings with associated parking, landscaping, drainage, pump station, layout of roads and footways and other associated works

Location: Land Adjoining Cuerden Residential Park Nell Lane Cuerden

Case Officer: Mr Iain Crossland

Applicant: Monaco Nell Lane Limited

Agent: Mr Simon Pemberton, Lichfields

Consultation expiry: 3 June 2020

Decision due by: 28 July 2020

RECOMMENDATION

1. It is recommended that planning permission is refused for the following reasons:
 1. Due to the rural character of Nell Lane, which provides a high level of public amenity, works to the highway along Nell Lane necessary for the construction of access to the proposed development would be harmful to the character of the lane and locality through the urbanising effect from the scheme of highway works and removal of important hedgerow contrary to policy BNE1 of the Chorley Local Plan 2012 - 2026.
 2. The application proposes a level of affordable housing that is below that required by policy 7 of the Central Lancashire Core Strategy. The financial viability case advanced by the applicant does not adequately justify the non provision of affordable housing and does not meet the requirements of the National Planning Policy Framework and National Planning Practice Guidance. The proposal, therefore, conflicts with policy 7 of the Central Lancashire Core Strategy.
 3. The application does not propose to provide any contribution towards public open space as required by policy HS4b of the Chorley Local Plan 2012-2026. The financial viability case advanced by the applicant does not adequately justify the non provision of public open space and does not meet the requirements of the National Planning Policy Framework and National Planning Practice Guidance. The proposal, therefore, conflicts with policy HS4b of the Chorley Local Plan 2012-2026.

SITE DESCRIPTION

2. The application site comprises an area of grassland located to the south of Nell Lane between the Cuerden Caravan Park and Shady Lane. The site is located on part of a wider mixed use allocation as defined in the Chorley Local Plan 2012 – 2026, and is positioned to the north of a major development site that continues to be developed, in part, for housing. The character of the area is one of urban rural fringe, however, the immediate area has become increasingly suburban following its allocation within the local plan and subsequent phased residential development.

3. The site is framed by mature trees to the perimeter, and in particular along the border with Nell Lane. The trees are protected by Tree Preservation Orders. The character of Nell Lane is that of a rural tree lined lane.
4. It is noted that in 2018, there was a proposal for the development of 87 dwellings (18/00917/FULMAJ) on this site with access from Nell Lane. The proposed development was considered at the February 2019 Committee, whereby members voted to defer the application for a site visit. Following this the application remained under assessment but was never determined and was eventually withdrawn by the applicant.
5. A further application for a slightly larger site, including an additional parcel of land to the south, for the erection of 115 dwellings with access to be taken from Parkhurst Avenue (ref.19/00417/FULMAJ) was approved in December 2019 and remains extant.

DESCRIPTION OF PROPOSED DEVELOPMENT

6. This application seeks planning permission for the erection of 115 dwellings with associated parking, landscaping, drainage, a pump station, layout of roads and footways and other associated works on land adjoining Cuerden Residential Park. The proposed dwellings would be private rented properties managed by a private organisation.
7. Vehicular access would be gained from Nell Lane and a pedestrian and cycle link would be developed to the south of the site with the intention of linking with the existing developments. The dwellings themselves would be of a simple modern design and would include detached and semi-detached property types. A pumping station would be developed in the north east corner of the site around which a wildflower meadow would be planted.
8. A programme of highway works would be carried out along Nell Lane to facilitate the passage of vehicles generated by the proposed development between the site and the main local highway network. This would include speed limit signage along Nell Lane, footway extensions and road markings to delineate pedestrian walking areas; installation of traffic calming features (speed cushions and chicanes) and introduction of priority traffic flows to cause vehicles to slow down on entry to Nell Lane and approaching the site access; and minor realignment/alteration to the south radius of Shady Lane and Nell Lane with give-way and hazard line markings for improved junction visibility.

REPRESENTATIONS

9. Representations have been received from the occupiers of 124no. addresses citing the following, summarised, grounds of objection:
 - Impact on highway safety
 - Unsuitable access to the site from narrow lanes
 - Impact on highway and junction capacity affecting the efficient functioning of the highway network
 - Access should be through the existing access road at Parkhurst Avenue.
 - Nell Lane is well used by pedestrians, cyclists and horse riders
 - Impact on the character of Nell Lane through highway works and increased vehicular usage
 - No affordable housing provision.
 - Lack of cycle or pedestrian provision
 - Loss of trees
 - Loss of hedgerow
 - Ecological impact
 - Biodiversity would be reduced.
 - Flood risk and drainage
 - Loss of access to land for recreation / dog walking, and in particular loss of access to caravan park residents, which the site owner is failing to provide
 - Potential archaeological importance
 - Lack of school place provision

- No provision towards public open space
- The design of the dwellings does not reflect local character
- Should include more housing for elderly
- There is a need for affordable housing
- Lack of local amenities
- Lack of access to public transport
- Consultation not adequate / extensive enough
- No more houses are needed
- The amount of housing should be reduced and replaced by recreational amenity space for residents
- The Ikea site should be used instead

10. An objection has been received from **Cllr Gabbott** as follows:

As Ward Councillor I will be objecting to this planning application because the access via Nell Lane is unsafe and unsuitable. It is a narrow country lane, the average width is 3m and we have already documented the safety concerns at the previous planning meeting surrounding this particular rural country lane.

This development's proposed access from Nell Lane will have a significant and severe impact on the local highways and road safety. It has previously been noted that Nell Lane has sub-standard visibility and it is unfathomable that Nell Lane Monaco Ltd want construction vehicles careering up and down throughout each day. We as a council are responsible for ensuring we take these concerns seriously, advise the committee appropriately so they can make the correct decision which can surely only be to reject this application in its entirety because there is no alternative route that can be used as access other than the Parkhurst Avenue development.

The sightlines have been described as severely hindered due to the mature hedgerow and a previous application wanted to destroy 90m of it and this application looks set to cause destruction of yet more ancient and well established hedgerow with the proposed road widening. It will surely cause this amount of hedgerow to vastly increase with a proposal of a 5m widening which is almost double the average width. I believe this further evidences the unsuitability of this Lane by the fact that a 3m width lane requires an additional 5m. This will have a detrimental impact on the natural landscape and is clearly unnecessary because access can quite clearly be utilised from the Parkhurst Avenue development without any destruction of the environment. I understand that this may not be a possible alternative for this application and that is not a concern for the council but for this developer and is why I am requesting this application is refused.

The Fire and Rescue Service which must be seen as absolutely vital when reviewing a planning application as they are the emergency responders and must be able to service a development. They recommend a minimum carriageway width between kerbs of 3.7m (MfS section 6.7) and the fact that the average width is 3m goes to show just how unsuited Nell Lane is as a main and sole access road into a development. The plan is to widen the road in the centre of Nell Lane however the junction with Wigan Road or Shady Lane Junction with Sheep Hill Brow will still remain considerably less than 3.7m meaning there is inadequate space for emergency vehicles to access this new development even with the widening scheme in place. This practically guarantees that if emergency vehicles would still struggle for access and is considerably under the recommended requirement width which I assume presents a risk to safety that construction vehicles including; excavators; wagons and construction workers would significantly increase risk to the residents I serve, the general public and the construction workers themselves.

The main point that you can see running through my opposition to this is Nell Lane as access, it is absolutely vital that access is not granted from this road. When the construction phase commences, it will be putting the community I am elected to represent at risk. Not only does it risk their wellbeing in the event of collisions that could occur but it also risks harming the local landscape too.

I am extremely disappointed in the developer as they have not once attempted to contact me as the local ward councillor to address the issues I have raised. It seems rather the opposite that during the Coronavirus Pandemic they deliver a few leaflets and submit a planning application with little consultation with the community. It feels this application has been hastily written by the Salford based company rather than to try and understand and assuage local concerns they have gone full steam ahead hoping the application will get through with minor adjustments that make no real difference to the previous application. The 1 page document detailing a road widening proposal is an outrage and I am appalled by its lack of quality because it does not address the issue and solve a problem, it helps the middle of Nell Lane but costs us more loss of the environment and does not help improve the wider routes e.g. access from Wigan road to Nell Lane which is still too narrow and the access from shady lane with the junction being with sheep hill lane/town Brow which is also too narrow.

Cuerden is known for its corridors of hedgerows and trees and in an ever-developing world it is essential we keep these features to ensure the countryside feel to our rural areas.

Finally, this application fails to comply with the following in our local plan:

- Chapter 2, vision, paragraph 2.3: the area has a lack of services due to nothing being built to support this development e.g. school or GP.
- Chapter 7: this does not protect or enhance the natural environment but in fact harms in substantially and goes directly against the councils newly adopted green agenda.
- SO17: it restricts room for the villages to breathe and will have a detrimental impact to central Lancashire's natural environment assets.
- BNE 1, D) as it will have a severe impact on highways and will prejudice highway safety not just located at the development access but a knock on affect to neighbouring junctions.
- BNE 1, F) as it will have an enormous impact on historic hedgerows and local landscape features such as tree and hedgerows.

11. An objection has been received from **Cllr Clifford** as follows:

As Chorley Council's Champion of Environment and Green Space I wish to object to this planning application on the grounds of loss of amenity and the damage it will cause to the established Wildlife corridors of Nell Lane, Shady Lane and the wider area.

Since Chorley Council has declared a Climate Emergency and the Executive has adopted the findings of the Overview and Scrutiny Task Group set up to develop Chorley's Green Agenda we must embed green considerations in all decisions more than ever.

Nell Lane is the quintessential 'English country Lane' with a beautiful array of trees and native hedgerow, throughout the year it is a delight to visit. Its visual appeal is enjoyed by all and this plan destroys the essence of what it is, a 'country lane'. By removing the established hedgerow, removal of trees, severe crowning of remaining trees, installation of a footpath and the addition of street furniture to Nell Lane, the essence of Nell Lane as a 'country lane is lost'.

This urbanisation of Nell Lane will be a huge loss of amenity and constitutes the destruction of Clayton-le-Woods finest example of an 'English country lane' and a beautiful lane that should be protected for the public and not be destroyed by unsuitable development.

Residents do not want footpaths and street furniture they want to see insects flying along by the narrow lane edges, birds nesting in the hedgerows, a wealth of small mammals scurrying along in the grassy ditches and most of all this narrow green corridor remain intact with no new entrances now and for future generations. Our environment protected in Chorley.

The removal of nearly 100 metres of hedgerow to allow this development will have a huge impact on the established Wildlife corridors around Nell Lane and Shady lane resulting in a net loss of biodiversity.

The impact caused by increased vehicle movements along Nell Lane cannot be mitigated. The increase in traffic along Nell Lane and neighbouring Shady Lane will cause huge mortality to the remaining wildlife population (insects and mammals alike) residing in the area.

As nature plays an equal part in the fight to mitigate the Climate Emergency allowing this application to proceed is against the aims of the Council and our green agenda and therefore should be refused on the above grounds.

CONSULTATIONS

12. Greater Manchester Ecology Unit: Have recommended conditions.
13. Waste & Contaminated Land: Have no objection.
14. Lancashire County Council Highway Services: Have no objection subject to conditions.
15. Lead Local Flood Authority: Have no objection subject to conditions.
16. United Utilities: Have no objection.
17. Lancashire County Council (Education): Comment that there is a requirement for primary school places from this development of 26 primary places x current cost per place = 26 x £16,645.01 = £432,770.26. There would be no secondary place requirement.
18. Lancashire County Council (Archaeology): Have no objection.
19. Lancashire Wildlife Trust: No comments have been received.
20. CPRE (Lancashire Branch): Object to the proposed development for reasons including highway safety, highway capacity, lack of affordable housing provision, insufficiently high quality design, loss of trees and hedgerows, biodiversity impact, and impact on the character of the area.
21. Lancashire Fire And Rescue Service: No objection
22. **Clayton le Woods Parish Council:** Object citing the following reasons:
 1. The Nell Lane access road is deemed unsuitable, potentially dangerous and unnecessary.
 2. Further to the above as the access via Nell Lane is unnecessary all the destruction of natural habitat, hedgerows, trees, vegetation and the environment is unnecessary and would result in the loss of green space and wildlife corridors. There is a significant detrimental impact to the area if access is granted from Nell Lane i.e. safety, traffic congestion, flooding issues.
 3. This new application has the proposed permanent entrance from Nell Lane as the only access to these properties once the development is completed. This would be unsuitable for a development of this size and would also fragment the community.
23. **Cuerden Parish Council:** Object to this application and have commented as follows:

Nell Lane was deemed unsuitable for construction traffic by Chorley Borough Councillors last July 2019 when Redrow Homes made their application so why should this decision be reversed?

Before the COVID outbreak many people accessed Nell Lane for pleasure, health benefits and to appreciate its unique and natural charm. Post COVID these numbers have increased substantially and will, hopefully, continue to increase in the future. If this application is

allowed many families, elderly residents of the Cuerden Residential Park and children walking to the school bus will have to negotiate construction traffic on Nell Lane for the duration of this development's construction. Then they will have to negotiate the excessive traffic 115 new dwellings will bring to the area as they attempt to walk on Shady Lane and negotiate an area without a footpath at the end of Nell Lane on to Wigan Road. As one Chorley Borough Councillor said the last time this plan was proposed when they visited this site "It was like dodgems" trying to avoid traffic.

Nell Lane is prone to flooding and these incidents are well documented. LCC have failed to adequately address this issue and the added burden of 115 houses and their infrastructure will exacerbate this problem.

Over 80 metres of hedgerows, 60 metres of which is on Nell Lane, will be removed causing the loss of wildlife and harm to existing established hedgerows. Hedgehogs are in decline and will soon be extinct. This entire development will have a detrimental effect on all local wildlife. Removal of habitat such as hedgerows will severely impact a variety of species such as the beloved hedgehogs (once regularly seen in the area) and other precious wildlife. By removing this wildlife corridor, habitat and nesting area, our dwindling British Countryside Wildlife will be a distant memory conforming with the current national trend. Nell Lane is host to many trees protected with TPOs. This protection is for a reason and the same importance must be acknowledged for hedgerows under "The Hedgerows Regulations 1997 DEFRA".

700 houses have already been built on this estate within the last 2 years and added to the existing neighbouring "Flowers Estate", we have serious concerns regarding the additional traffic that these developments bring to the already congested Hayrick, M6 junction and Wigan Road. Can the current infrastructure cope with another 115 dwellings?

It is disappointing that at such a time of national crisis that COVID brings, this developer has sought to proceed with this application when many of our parishioners are self isolating, may be sick or are unable to voice their concerns as they have on the previous attempts to develop this site.

PLANNING CONSIDERATIONS

Principle of the development

24. 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.
25. The application site forms part of an allocated mixed use site for housing and employment covered by policies HS1.31 and EP1.15 of the Chorley Local Plan 2012 - 2026. The total area of the mixed use site allocation is approximately 38Ha and the proportion that is estimated for employment development is 15Ha under policy EP1.15. This suggests that the remaining 23Ha is available for housing development under allocation HS1.31.
26. To date a number of housing developments have been approved across the area of the site allocated as mixed use and whilst there have been no proposals for employment development, approximately 15Ha of land would remain available within the allocation for employment uses when accounting for previous planning permissions for housing and including the current application. On this basis, an adequate area of employment land, in line with the policy requirement, could still be realised across the site. The balance of the remaining undeveloped land will be reviewed as part of the ongoing local plan update process.
27. It is noted that planning permission has been granted for the erection of 115 dwellings on this site and on adjoining land (ref. 19/00417/FULMAJ) in December 2019 and that this permission remains extant. As such the 115 dwellings could be built out without the need for any further planning permission. The development for 115 homes was considered against

the Development Plan in place at the time and found to be in conformity with the relevant policies of the Development Plan. The same Development Plan remains in place today and the acceptability of the principle of residential development on this site has been established.

28. The housing allocation HS1.31, that includes the application site, estimates that the whole allocation will provide 699 dwellings in total. The planning permissions that have been approved within the allocation to date already exceed this figure. It should be noted, however, that the housing allocation numbers detailed in policy HS1 are indicative and that the housing requirement is a minimum to ensure enough housing is provided through the Local Plan period. It is considered that in this case, the greater level of housing cannot fail to comply with the Development Plan given that there is no express limitation upon the number of dwellings as allocated in the site-specific policy and within the wider plan (as is the case with all Development Plan) housing figures are not to function as ceilings.
29. Consequently, the development of housing on this site is considered to be in compliance with the development plan and is acceptable in principle.

Design and impact on the character of the area

30. The proposed development would be located to the east of a residential caravan park, and to the north of recent residential housing developments some of which have been completed and others that are under development. Otherwise the site is bound by Nell Lane to the north and open land to the east and south. As such the site is most visually prominent from the north at Nell Lane. There are mature trees and hedgerow along this boundary of the site.
31. Nell Lane is a lane of rural character dividing pasture land on either side, other than in the area of the caravan park to the south. There are two dwellings at the eastern end of the road and one dwelling at the western end. The lane is lined by mature trees and hedgerow on low embankments, which results in a sense of enclosure. The hedgerows are considered to be 'important' in line with The Hedgerows Regulations 1997. These features also conceal the caravan park and dwellings to some extent. There are no footways, streetlighting or other highway paraphernalia, and as such the lane has a simple rural character.
32. Nell Lane itself is well used by pedestrians and cyclists, and in particular by residents of the nearby caravan park in seeking recreational amenity. This has been identified through a number of the representations that have been received. This has also been recognised by Lancashire County Council (LCC) having recently implemented a temporary road closure along Nell Lane and Shady Lane under Section 14 (1) (b) of the Road Traffic Regulation Act 1984. The LCC webpage dedicated to promoting 'Active Travel in Lancashire' explains that this is in response to the corona virus lockdown, whereby LCC have introduced a range of temporary measures across the county, creating more space for people to safely walk or cycle as an alternative to public transport and also to help people adhere to social distancing guidance. LCC state that they have introduced a number of new measures to make it easier for people to walk and cycle in busy areas whilst maintaining social distancing.
33. LCC state that they have reallocated some road spaces, by creating modal filters and pop-up cycle lanes. This will help people who have chosen to travel in different ways rather than by public transport or car as lock down continues to ease. A modal filter, sometimes referred to as a road closure, is a road design that restricts the passage of certain types of vehicle. Examples of modal filters include cul-de-sacs, bollards, boom barriers and planters. Modal filtering is often used to help create a low traffic neighbourhood, where a transport network is reconfigured to divert motor traffic away from residential streets and instead toward feeder roads. Nell Lane has been closed to all vehicular traffic since July 2020 through using planters as physical barriers to traffic as part of the road closure order.
34. On the basis of the above it is concluded that Nell Lane is a well used public thoroughfare used for leisure and recreational purposes. Its present simple rural character is well established amongst those that use it, and is of value locally.

35. The application proposes that vehicular and pedestrian access would be provided from Nell Lane and it is proposed to deliver road improvement works along Nell Lane to ensure a safe access point to and from the site. A comprehensive scheme of highway improvement works have been agreed with LCC Highways as a way of ensuring an appropriately safe access. This would include widening the highway to 5.5m wherever possible, speed limit signage along Nell Lane, footway extensions and road markings to delineate pedestrian walking areas; installation of traffic calming features including speed cushions and chicanes created through road markings and kerbed build outs with bollards, and the introduction of priority traffic flows to cause vehicles to slow down on entry to Nell Lane and approaching the site access; and minor realignment/alteration to the south radius of Shady Lane and Nell Lane with give-way and hazard line markings for improved junction visibility. Street lighting along the entire length of Nell Lane would also need to be introduced.
36. There would also be approximately 60m of established and 'important' hedgerow removed in the creation of the access to the site. Although this would be mitigated to some extent through replacement planting, the hedging that would be planted would be set further back within the site rather than in the position the existing historic hedge. Further a paved footway would be constructed either side of the access road for approximately 24m west and 14m east along the south side of Nell Lane.
37. The extent of the necessary highway works to Nell Lane, and associated loss of 'important' hedgerow would be such that it would change the character of Nell Lane from a simple rural lane to that of an urbanised estate road along its entire length. This would be harmful to the character of the lane and the locality to such an extent that it would result in an unacceptable impact.
38. The proposed housing would comprise 14 two-bed units, 60 three-bed units and 41 four-bed units. There are seven different house types proposed across the application site, providing a mix of semi-detached and detached dwellings. The access would link into the main internal estate spine road, leading into a series of cul-de-sacs. The majority of dwellings would be accessed off this main spine road, with a number accessed off the separate cul-de-sacs. A pedestrian footpath would run along the north of the site parallel to Nell Lane. This would provide a route for pedestrians and would be made available for public use.
39. Parking would be provided by a mix of private driveways and shared parking courts to the front and sides of the dwellings. All units would be provided with two parking spaces. Each dwelling would have an enclosed rear garden and designated spaces for the storage of waste and recycling bins.
40. Landscaping and vegetation would be used to create a boundary that would separate the adjoining fields to the east and south, with existing hedgerows retained within the site and along these boundaries. The trees located to the north of the site are to be retained and accompanied by additional landscaping. There would be a soft entrance into the site, with landscaping located to the east and west of the proposed access, where the existing hedge would need to be removed. There would also be significant landscaping in the north east corner of site, surrounding the proposed pump station. The majority of trees and shrubs that run through the middle of the site from east to west are to be retained. The proposals also include trees in the front garden areas of dwellings.
41. The dwellings themselves would be well set back from the highway along Nell Lane and any views from Nell Lane would be filtered by the trees and hedgerow that would be retained, in addition to a new hedgerow and planting that would take place as part of the landscaping scheme. The dwellings closest to Nell Lane would face this highway, with an intervening estate road between. Dwellings at plots 1 and 98, would be corner properties next to the access road and would be dual aspect, which would respond well to this positioning providing a frontage to Nell lane and detail facing the new estate road. This would result in a positive relationship with Nell Lane that is not obtrusive in the context of this lane of rural character, given the degree of separation and retention of landscaping.

42. The proposed estate roads and layout follow a logical pattern and would incorporate a range of dwelling types and designs that would provide enough difference so as to create some distinctiveness, whilst the dwellings themselves would include consistent materials and details that would provide a level of coherence across the new estate.
43. The design of the dwellings themselves would be simple in appearance and includes red brickwork to reflect the existing local vernacular. Features such as porches, different roof types and varying set backs would provide some diversity across the development. It is noted that there is a range of property types in the area and that the proposed dwellings reflect the scale of existing dwellings and the suburban setting. In particular, this reflects more recent development to the south.
44. The properties would all have garden areas providing sufficient space for the storage of bins and driveway parking. The frontages would be open plan contributing to an open and uncluttered street scene. The density of the development would be relatively low, and reflects the evolving suburban character of the area and density of nearby housing estates.
45. There are numerous mature trees and hedgerows to the periphery of the site, which would largely be retained in accordance with the proposed landscaping and tree protection plan, which would help to frame the development within the landscape to some extent. There are also trees and hedgerows within the site that would be retained.
46. Overall, the layout and design of the proposed housing and landscaping would result in an adequate form of development in and of itself, however, the necessary works to the highway along Nell Lane would be so transformative as to completely alter the character of the lane from a simple rural thoroughfare to that of an urban estate road. It is, therefore, considered that the proposed development in implementing a necessary scheme of highway works along Nell Lane would be harmful to the character of the locality to the extent that it would not comply with policy BNE1 of the Chorley Local Plan 2012-2026.

Impact on neighbour amenity

47. There is a sufficient degree of separation between the proposed development and the existing dwellings on Nell Lane and Shady Lane to ensure that the Council's spacing guidelines are met. As such it is considered that the proposal would not result in any loss of amenity for existing residents or the future residents within the development.
48. There are a series of caravans / mobile homes along the western boundary of the site. The rear gardens to the proposed dwellings at plots 1 to 24 would adjoin the mobile home park. The relative positioning and degree of separation between these proposed dwellings and the mobile homes is such that there would be no unacceptable impact on outlook, light or privacy and that the amenity of existing residents of the mobile homes and future residents of the proposed dwellings would not be harmed.
49. In terms of the interface distances between the proposed properties themselves, these are considered to be acceptable in relation to the Council's guidelines taking into account the level changes across the site. The proposal is, therefore, considered acceptable in terms of the relationship with the existing surrounding properties and between the proposed dwellings.
50. Overall, therefore, the proposed housing would have no adverse impact on the amenity of any existing or future residential occupiers.

Impact on highway safety / access

51. In 2018, there was a proposal for the development of 87 dwellings (18/00917/FULMAJ) on this site with access from Nell Lane. To mitigate the impacts of the proposal and ensure safe access for all, various highway improvement measures were agreed for implementation. The measures agreed were as follows.
 - Implement a TRO to reduce the existing speed limit of the 40mph on Nell Lane to 30mph.
 - Widen the carriageway of Nell Lane as far as possible to 5.5m.

- Implement horizontal and vertical speed reduction measures to include carriageway narrowings, speed cushions, priority gateways and associated signage and lighting.
 - Provide street lighting on the entire Nell Lane.
 - Provide footways on the south side of Nell Lane from the site access to the entrance to the Cuerden Residential Park and towards east of the site access for improved visibility.
 - Provide 3.0m wide pedestrian/cyclist link from the development along the edges of the open fields south of the site to connect Parkhurst Avenue to include lighting.
 - Provide 3.0m wide pedestrian/cyclist access through the site from the proposed site access to the existing field access near Shady Lane to include lighting. It was agreed that the access will not be accepted for highway adoption and that its maintenance would be the applicant's responsibility.
 - Install pedestrian phase to the existing traffic signal at A49 Wigan Road/A5083 Lydiate Lane.
 - Implement physical measures to improve visibility at Shady Lane/Nell Lane.
 - Improve two existing bus stops south of A49 Wigan Road/A5083 Lydiate Lane to quality disability compliant standard with raised kerbs, boarding areas, bus stop bay markings, 'bus stop' worded markings, clearways and bus shelters.
 - Provide commuted sum of £5,000 per bus stop, secured through s106 agreement of the Town and Country Planning Act 1990 towards maintenance of the bus shelters for a period to be agreed with LCC Highways.
52. Apart from the 3.0m wide pedestrian/cyclist access to be provided through the site from the proposed access to the existing field access near Shady Lane, the commuted sums for bus stop improvements and the Travel Plan contribution, dealt with below, all highway improvement works were to be carried out through the s278 agreement of the Highways Act 1980. The 2018 proposal for 87 dwellings was, however, later withdrawn.
53. In 2019, a further proposal was submitted and granted planning permission (19/00417/FULMAJ) for development of 115 dwellings on the same but expanded site to include the open field immediately south of the site. The development was proposed to be accessed from Parkhurst Avenue, with a secondary narrower access proposed to Nell Lane that would be restricted to emergency use only for vehicles by means of installation of rising/collapsible bollards, whilst allowing everyday pedestrian/cyclist use.
54. In the 2019 proposal, as Nell Lane was no longer going to be the main access to the site, some of the highway improvements that were agreed with the Local Highway Authority as part of the 2018 withdrawn application were no longer considered necessary and as such were reduced to the following.
- Provide footways on the south side of Nell Lane from the site access to the entrance to the Cuerden Residential Park and towards east of the site access for improved visibility.
 - Provide 3.0m wide pedestrian/cyclist access through the site from the proposed site access to the existing field access near Shady Lane to include lighting. The access was not to be accepted for highway adoption with the applicant responsible for its maintenance.
 - Install pedestrian phase to the existing traffic signal at A49 Wigan Road/A5083 Lydiate Lane.
 - Implement physical measures to improve visibility at Shady Lane/Nell Lane.
 - Improve two existing bus stops south of A49 Wigan Road/A5083 Lydiate Lane to quality disability compliant standard with raised kerbs, boarding areas, bus stop bay marings, 'bus stop' worded markings, clearways and bus shelters.
 - Provide commuted sum of £5,000 per bus stop, secured through s106 agreement of the Town and Country Planning Act 1990 towards maintenance of the bus shelters for a period to be agreed with LCC Highways.
55. The current 2020 application is also for development of 115 dwellings at the same site, but unlike the approved 2019 proposal, the site no longer incorporates the open field between it and the existing developments to the south. The current site boundary is the same as that of the 2018 application and the development would be accessed from Nell Lane with only a pedestrian/cyclist access to Parkhurst Avenue.

56. The submitted Transport Assessment has provided adequate description of existing site information and baseline conditions such as location and use of the site, current personal injury accidents on the studied road network and traffic forecasts to assist in understanding the context of the proposed development. In the TA, issues such as measures to reduce the need to travel, sustainable accessibility, residual trips and mitigation measures were addressed.
57. The proposed site access to Nell Lane would be 5.5m wide with 6.0m corner radii, similar to the 2018 withdrawn application. The proposed 115 dwellings comprise 14no, 2-beds, 60no, 3-beds and 41no, 4-beds. The dwellings include no integral garages, but in contrast with Local Authority Parking Standard, the applicant proposes 2no. curtilage parking spaces for each dwelling including the 4-bedrooms each of which requires 3no parking spaces under the Council's adopted standards. This means the applicant's overall parking provision would be 41no. spaces below the standard.
58. In paragraph 3.3.4 of the TA, the applicant seeks to justify the proposed parking provision by citing the provisions under policy ST4 of the current Chorley Local Plan. Policy ST4 states that parking provision for proposed developments should be made in accordance with the Parking Standard and that provision below the standard should be supported by evidence detailing the local circumstances that justify deviation from the standard. Although the application site is not located in a particularly sustainable area in terms of the availability of public transport provision and local amenities there is a need to balance the provision of adequate car parking with an adequate form of development and an efficient use of land in the provision of housing. In consideration of the need to create an attractive street scene through the development of the site it is considered that a small reduction in off street parking can be accepted on the basis that full provision would lead to a street scene awash with hard surfacing leading to a poor form of development.
59. In the 2018 withdrawn application, it was considered that there was need for external connectivity of the proposed development to the existing residential area to the south. As most of the destinations to local shops, amenities and services listed in paragraph 4.2.3 of the TA were outside walking distance of site, it was proposed to provide a lit pedestrian/cyclist link from the site along the edge of the open fields south of the site to connect Parkhurst Avenue to facilitate access to amenities in the south direction of the site. The current proposal would provide a similar link, thereby providing the same level of integration.
60. The applicant has agreed to implement the above listed highway improvement measures agreed for the 2018 withdrawn application to ensure sustainability of the proposed development and has reproduced the plan agreed for the Nell Lane scheme as shown on submitted drawing no. 73518-CUR-00-XX-DR-TP-75001-P01 (09/03/20). However, the proposed improvements listed by the applicant in paragraph 3.2.4 of the TA falls far short of the measures agreed. For the proposal to be acceptable the above list of the 2018 agreed improvements will need to be adhered to. There is a long-standing highway drainage issues on Nell Lane which need to be taken into account during the implementation of the scheme. It should also be noted that the improvement schemes on Nell Lane will be subject to stage 1 road safety audit. The Trigger point for the s278 off-street works of highway improvements will be before commencement of development.
61. The interim travel plan submitted is acceptable as it contains the following minimum highway requirements.
- Commitment and timescale for the appointment of a Travel Plan Coordinator at least 1 month prior to first occupation and the position retained for at least 5 years.
 - Commitment and timescale to undertake travel surveys within 3 months of business commencing.
 - Commitment and timescale for developing a Full Travel Plan within 3 months of 1st travel survey.
 - Details of cycling, pedestrian and public transport links to and within the site.
 - Details of provision of secure cycle storage.

- Outline objectives and targets.
 - List of proposed measures to be introduced particularly those to be implemented prior to the development of the Full Travel Plan.
 - Details of arrangements for monitoring and review of the Travel Plan for a period of at least 5 years.
62. When developed, the Full Travel Plan will include the following as a minimum:
- Contact details of a named Travel Plan Co-ordinator.
 - Results from the travel survey.
 - Details of cycling, pedestrian and public transport links to and through the site.
 - Details of the provision of secure cycle storage.
 - Objectives.
 - SMART Targets for non-car modes of travel, taking into account the baseline data from the survey.
 - Action plan of measures to be introduced, and appropriate funding.
63. Based on the proposed scale of development, LCC would request a developer contribution of £18,000 secured through the s106 agreement to enable LCC Highways to provide the following range of services:
- Appraise initial Travel Plan submitted to the Planning Authority and provide constructive feedback.
 - Work closely with the Developer's appointed Travel Plan Coordinator, the end use where appropriate, local community groups.
 - Oversee the progression from the Interim Travel Plan to the Full Travel Plan/s in line with agreed timescales.
 - Monitor and support the development, implementation and review of the Full Travel Plan for minimum of 5 years. This will include reviewing:
 - Annual surveys.
 - Progression of initiatives / actions plan.
 - Targets.
64. The Trigger point for the s106 contributions will be prior to commencement of development to enable suitable support to be provided early in the process.
65. The proposal is acceptable in principle from a highway safety perspective, subject to the implementation of the above 2018 agreed full list of improvements including the provision of the pedestrian/cyclist link to the south of the site.

Ecology and trees

66. Due to the nature of the application site, the application is supported by an ecological survey and assessment, as well as supplementary reports. These have been reviewed by the GMEU Ecologist. They advise that ecological issues relating to this site have been discussed at length previously as part of planning applications 18/00917/FULMAJ and 19/00417/FULMAJ. The updated survey has found no change in circumstances. The main ecological issue, however, is mitigation for loss of over 3ha of grassland.
67. The 3.3 hectare (ha) site comprises one field of unmanaged semi-improved grassland with tall-herb vegetation, marshy grassland and bramble scrub and one field of managed improved grassland with boundary hedgerows and mature trees. Nell Lane is present to the north, Cuerden Residential Park lies to the west and fields of improved grassland are present to the south and east.
68. The ecology report states that the site and the adjacent land has no statutory or non-statutory designation for nature conservation and no designated sites would be directly or indirectly adversely affected by the proposals.
69. No species-rich habitats are present. No rare or uncommon plant species were detected at the site. None of the semi-improved grassland habitats and tall-herb vegetation within the site are of significant interest in terms of their plant species composition.

70. The semi-mature and mature trees on the site boundaries are of local value as they function as minor wildlife corridors and provide habitat for animal life. The retention and protection of the trees is considered feasible within the remit of the development proposals, and is reflected in the tree protection plan.
71. With regards to the presence of bats the current and previous surveys have identified that a significant number of the boundary trees have bat roosting potential. The majority of these trees are to be retained and previous emergence surveys found no evidence of bats roosting in trees to be removed. Two trees identified in the most recent survey are stated to require removal, T31 and T35 on the tree constraints plan. However, the landscape proposals indicate that only T35 is to be removed. The last emergence survey for this tree occurred in September 2018. It is, therefore, accepted that the updated ecological reports recommendation that prior to removal the tree should be resurveyed. These details could be conditioned. The consultants also note the risk of external lighting on the bat foraging and commuting potential of the hedgerows and mature trees to be retained. However, the proposed layout shows that any street lighting would be screened from these features by the housing. Therefore, no further information or measures are required.
72. Previous surveys have assessed the risk of great crested newts being present due to a combination of factors including distance, physical barriers to movement and ponds being dry. The updated ecology report carried out an eDNA survey of the pond adjacent to the site, which has previously been dry but presumably owing to the wet winter and early spring is currently holding water. The survey proved negative.
73. The proposed development would result in the loss of significant lengths of hedgerow and a number of trees. This has the potential to affect bird nesting habitat. All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended, therefore, it is an offence to damage or destroy such features whilst in situ. The removal of such features outside the bird nesting season can be controlled by condition. It is noted that trees and hedgerow would be planted through the landscaping of the site, which would help to return the nesting opportunities that would be initially lost.
74. A number of invasive species listed under schedule 9 part 2 of the Wildlife & Countryside Act 1981, as amended were recorded on the site including Japanese knotweed, rhododendron, monbretia, cotoneaster and Virginia creeper. It is an offence to introduce or cause to grow wild any plant listed under this schedule. As such a method statement detailing eradication and/or control and/or avoidance measures for Japanese knotweed, rhododendron, monbretia, cotoneaster and virginia creeper prior to any earthworks taking place would need to be secured.
75. Section 170 of the National Planning Policy Framework (the Framework) states that the planning system should contribute to and enhance the natural and local environment. The development would result in the loss of two fields, one of low ecological value, the other of low to moderate ecological value. The development would also result in the loss of a small number of mature trees and approximately 80m of native hedgerow.
76. The proposed development would provide an increased area of on-site mitigation relative to previous proposals through the provision of an area of species rich grassland in the north east corner of the site. This would have some ecological value in that it is a block rather than a strip of grassland. There would also be three smaller areas of species rich grassland within the site in addition to the planting of over 50 new trees and new hedgerow. Previously the on-site mitigation was covered by a Landscape and Environmental management plan. This is still valid as the ecological issues remain unchanged i.e. mitigation for grassland, hedgerows, loss of trees and bird nesting habitat.
77. Overall, it is considered that the proposed mitigation measures are adequate compensatory measures for the impact on biodiversity from the proposed development. It is considered that the ecological impacts of the proposal have been fully considered and as such it is

considered that the Council, subject to suitable conditions, has discharged its obligations in consideration of biodiversity mitigation and any potential impact on protected species.

Drainage

78. The applicant has provided a flood risk assessment (FRA) and drainage strategy with the planning submission. This demonstrates that the site is at low risk of flooding from all sources.
79. Some surface water attenuation may be provided on site by a cellular attenuation structure that would be detailed as part of any Detailed Drainage Strategy for the site. All the surface water collected on site would be conveyed via a pumping station, discharging into the River Lostock. Currently based on levels, there is the potential for some water to shed from the site onto Nell Lane. The Drainage Strategy would be designed so as to prevent water shedding onto Nell Lane following development of the site as all surface water would be intercepted and discharged via the pumping station.
80. With regards to the historical flooding in the area, United Utilities and the Environment Agency have not provided any records of flooding to the site or in the vicinity to date, however, the Lead Local Flood Authority have advised of flooding, which has occurred along Nell Lane. The location, extent or cause of the flooding are not recorded. As such it is unknown as to whether this flooding was due to excessive surface water or a lack of maintenance of existing drainage. The capture of all surface water on site and discharge via the pumping station would, however, ensure that no excess water is shed onto Nell Lane over and above existing levels.
81. The Lead Local Flood Authority (LLFA) have assessed the site in consideration of this strategy and have no objection to the proposed development subject to the inclusion of an appropriate condition requiring the final details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme.
82. The LLFA note, however, advise that Standard S12 of the Non-Statutory Technical Standards for Sustainable Drainage Systems requires that pumping should only be used to facilitate drainage for those parts of the site where it is not reasonably practicable to drain water by gravity and have concerns over the use of this method. A previous development at the Hedgerows to the south of the proposed site included an 8 l/s surface water and separate foul connection on Parkhurst Avenue, which were designed to accommodate drainage from future development on the proposed site. However, the proposed development would not make use of this arrangement, which would allow for gravitational drainage of the proposed site and should normally be prioritised over drainage via pumping.

Archaeology

83. The site is thought to be crossed by the line of the Roman road from Wigan to Preston, Margary 70c, a non-designated heritage asset recorded on the Lancashire Historic Environment Record (PRN26143). The road is shown running north to south through the site, along the eastern boundary. There is, therefore, a potential for the proposed development to encounter buried archaeological remains associated with the Roman road and associated road side activity. Surviving remains are however considered unlikely to be of the highest significance and could be adequately preserved by record (archaeological excavation and recording).
84. Furthermore, the development site also falls within an area identified by Historic England as a possible deserted medieval settlement (PRN1647). Although the site was visited by the Ordnance Survey in 1975 and no traces of the settlement were observed, there is still some potential for below-ground remains of medieval date to be encountered by any ground disturbance in this area.

85. The current Ordnance Survey map shows the Parish boundary between Cuerden and Clayton-Le-Woods to run down the middle of Nell Lane, rather than either side of it. The Tithe map appears to show the same arrangement and, therefore, as far as Lancashire County Council Historic Environment Team are aware the hedgerow does not satisfy Criteria 1-4 of the Hedgerows Regulations 1997.
86. The requirements under Criterion 5 were further clarified by a note issued by DEFRA on 23rd May 2002, which quote case law and states that the phrase in 5 (a) "pre-dating the Inclosure Acts" should be taken to mean "before 1845 (whether or not Inclosure Acts exist for the area in question)" and also notes that the completeness of the field system in question is irrelevant.
87. The boundaries on the north (south side of Nell Lane), east and south of the site, as well as that which runs E-W across the centre of the site, would appear to be visible on the 1838 Clayton-Le-Woods Tithe map, all forming part of the as-then existing field system. This would confirm their pre-1845 origin, and in doing so satisfy Criterion 5a, meaning that they should be considered 'Important Hedgerows' in line with the Hedgerows Regulations 1997.
88. In line with previous advice concerning the development of this site (18/00917/FULMAJ, dated 30/10/2018 & 19/00471/FULMAJ, dated 03/06/2019) the Historic Environment Team would wish to re-iterate the need for a programme of post-permission archaeological evaluation of the site by means of a combination of geophysical survey and trial trenching, and the archaeological excavation and recording of any archaeological deposits encountered by such evaluation work. A 'watching brief' on all site groundworks (as required in previous planning conditions) is not considered to be an appropriate mitigation strategy by virtue of the fact that it would necessarily involve the observation of construction works in areas of no archaeological interest, and might cause significant delay should works need to be halted to enable remains that have been encountered to be excavated and recorded. The use of condition is therefore advised requiring a programme of archaeological works

Affordable housing

89. Paragraph 64 of the Framework states that where major housing development is proposed, planning policies and decisions should expect at least 10% of the homes to be made available for affordable home ownership. Policy 7 of the Central Lancashire Core Strategy requires 30% affordable housing to be provided on sites of 15 or more dwellings, or 0.5 hectares in size (which this is), in urban areas such as this. The proposed development would make no provision or contribution towards the provision of affordable housing.
90. The application is supported by a viability report, which seeks to demonstrate that viability is a significant issue in the current case of providing a scheme of 100% private rented homes. It seeks to demonstrate that even without any s.106 contributions, the scheme is at the margins of viability. It is recommended in the report that this be a material consideration when the Council is considering the site's ability to provide any planning obligations. It is concluded that it would be *"unreasonable for the Council to impose any additional burden on the development by seeking affordable housing"*.
91. The Council has sought the services of a viability consultant in assessing the applicant's case, and are advised that the development is capable of contributing towards the provision of affordable housing. Notwithstanding this it is noted that the previously approved development (ref.19/00471/FULMAJ) covering this site committed towards the full provision of affordable housing in line with Core Strategy Policy 7 through the delivery of a market housing scheme.
92. The Central Lancashire Housing Study identifies a need for 132 affordable rented units a year in Chorley, as such it is important that housing developments, particularly those sites allocated for housing in the Local Plan, contribute to affordable housing delivery in line with Core Strategy policy 7. As at 31st March 2020 there were 850 households on the housing waiting list in the borough, which further demonstrates the need for affordable housing in Chorley. There is currently no up to date evidence relating to private rented housing in

Chorley, therefore, it not possible to identify any benefits of a 100% private rented scheme that would outweigh the requirement to deliver affordable housing at an allocated site.

93. On the basis of the above the proposed development would not comply with the policy 7 of the Central Lancashire Core Strategy.

Public open space

94. Central Lancashire Core Strategy policy 24 seeks to ensure that all communities have access to sports facilities. Chorley Local Plan 2012 – 2026 policy HS4A stipulates that all new housing developments will be required to make provision for open space, and recreation facilities where there is an identified deficiency in the area. Where there is an identified local deficiency in quantity and/or accessibility, open space provision will be required on-site. Where on-site provision is not appropriate, off-site financial contributions are required. Chorley Local Plan 2012 – 2026 policy HS4B stipulates that all new housing development will be required to pay financial contributions towards new playing pitch provision.
95. The proposed development would generate a requirement for the provision of public open space in line with policies HS4a and HS4b of the Chorley Local Plan 2012 – 2026 and the Open Space and Playing Pitch SPD.
96. In relation to policy HS4a there is currently a deficit of provision for children and young people in Clayton-le-Woods in relation to this standard. As such a contribution towards new provision in the settlement is, therefore, required from this development. As the development is 100 or more dwellings the required provision for children and young people should be provided on-site. The amount required is 0.022 hectares. However, the extant planning permission covering the site (ref.19/00417/FULMAJ) does not include for any on-site provision and, therefore, it is not considered reasonable to seek such provision in this instance.
97. In relation to policy HS4b a Playing Pitch Strategy was published in June 2012, which identifies a Borough wide deficit of playing pitches but states that the majority of this deficit can be met by improving existing pitches. A financial contribution towards the improvement of existing playing pitches is therefore required from this development. The Playing Pitch Strategy includes an Action Plan, which identifies sites that need improvements. The amount required from the development is £1,599 per dwelling.
98. The proposed development would make no provision or contribution towards the provision of public open space on the basis of marginal viability, the case being that the scheme is for 100% private rented homes. A viability report has been advanced in support of this setting out why the applicant considers the provision of planning obligations to be unviable.
99. The Council has sought the services of a viability consultant in assessing the applicant's case, and are advised that the development is capable of contributing towards the provision of public open space. Notwithstanding this it is noted that the previously approved development (ref.19/00471/FULMAJ) covering this site committed towards the full provision of contributions towards public open space in line with policy HS4b of the Chorley Local Plan 2012 – 2026 and the Open Space and Playing Pitch SPD.
100. On the basis of the above the proposed development would not comply with policy HS4b of the Chorley Local Plan 2012 – 2026.

Education

101. The application site forms part of an allocated site designated for housing and employment use within the Chorley Local Plan 2012 to 2026. The allocation includes the delivery of a primary school. Lancashire County Council as Local Education Authority note that there would be a shortfall impact on primary school place provision across the wider strategic site. It is the intention the new school would be delivered through planning obligations and Community Infrastructure Levy funds.

Sustainability

102. Policy 27 of the Core Strategy requires all new dwellings to be constructed to Level 4 of the Code for Sustainable Homes or Level 6 if they are commenced from 1st January 2016. It also requires sites of five or more dwellings to have either additional building fabric insulation measures or reduce the carbon dioxide emissions of predicted energy use by at least 15% through decentralised, renewable or low carbon energy sources. 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.”

103. Given this change, instead of meeting the code level, the dwellings should achieve a minimum dwelling emission rate of 19% above 2013 Building Regulations in accordance with the above provisions. This can be controlled by a condition.

Employment skills provision

104. The Central Lancashire Employment Skills Supplementary Planning Document (SPD) was adopted in September 2017. The SPD introduces Employment Skills Statements and provides clarity as to how this requirement relates to the relevant policies set out in the Core Strategy and Local Plan as well as the guidance set out in the Framework. The SPD goes on to state that one of Central Lancashire’s priorities is to encourage economic growth within Central Lancashire that benefits the people and businesses in the three boroughs. The SPD seeks to;

- Increase employment opportunities by helping local businesses to improve, grow and take on more staff
- help businesses to find suitable staff and suppliers, especially local ones
- improve the skills of local people to enable them to take advantage of the resulting employment opportunities
- help businesses already located in Central Lancashire to grow and attract new businesses into the area

105. The SPD requires development over certain thresholds to be accompanied by an Employment and Skills Statement to ensure the right skills and employment opportunities are provided at the right time. This is to the benefit of both the developer and local population and covers the following areas:

- Creation of apprenticeships/new entrants/graduates/traineeships
- Recruitment through Job Hub and Jobcentre plus and other local employment vehicles.
- Work trials and interview guarantees
- Vocational training (NVQ)
- Work experience (14-16 years, 16-19 years and 19+ years) (5 working days minimum)
- Links with schools, colleges and university

- Use of local suppliers
- Supervisor Training
- Management and Leadership Training
- In house training schemes
- Construction Skills Certification Scheme (CSCS) Cards
- Support with transport, childcare and work equipment
- Community based projects

106. This could be secured by a condition.

Community Infrastructure Levy (CIL)

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

Planning balance

108. The application site has been allocated for mixed use development including residential, and the acceptability of the principle of the residential development of the site has been established through a previous planning permission. As such, there is a social benefit through the development of the site in line with the allocation as set out in the Chorley Local Plan 2012-2026, which carries significant weight.

109. The development would contribute to the provision of housing and the housing land supply within the Borough, and it is considered that significant weight should be attached to this social benefit.

110. The development of the site would result in on-site construction jobs and off-site jobs in construction related industries. The construction phase would also provide training opportunities in the form of apprenticeships. In the longer-term new residents would increase local expenditure which would boost the local economy and sustain local jobs. The Central Lancashire Employment Skills Supplementary Planning Document (the SPD) would also help to secure local employment benefits through the development of the scheme. These economic benefits are considered to carry some moderate weight.

111. Through the assessment of the development as set out above it is considered that the extent of the necessary highway works to Nell Lane would be such that it would change the character of Nell Lane from a simple rural lane to that of an urbanised estate road along its entire length. Furthermore, the removal of 60m of 'important' hedgerow would further exacerbate the impact on character. This would be harmful to the character of the lane and the locality contrary to policy BNE1 of the Chorley Local Plan 2012 – 2026, which is considered to carry significant weight.

112. The development would make no contribution towards the provision of affordable housing as required by policy 7 of the Central Lancashire Core Strategy, and it is not considered that there are matters affecting the viability of the scheme to such an extent that no contribution is possible. Furthermore the development of a private rented housing scheme as opposed to a market housing scheme is of no greater benefit, whilst a previously approved market housing scheme committed to making policy compliant provision of affordable housing on site, and addition to a commuted sum equivalent to part of a dwelling. The non provision of affordable housing contrary to policy 7 of the Central Lancashire Core Strategy would therefore harm the delivery of much needed affordable housing in the Borough, which is considered to carry significant weight.

113. The development would make no contribution towards the provision of public open space as required by policy HS4b of the Chorley Local Plan 2012-2026, and it is not considered that there are matters affecting the viability of the scheme to such an extent that no contribution is possible. Furthermore, the development of a private rented housing scheme as opposed to a market housing scheme is of no greater benefit, whilst a previously

approved market housing scheme committed to making full provision of public open space via a commuted sum payment. The non provision of public open space contrary to policy HS4b of the Chorley Local Plan 2012-2026 would be detrimental to ensuring that everyone has the opportunity to access good sport, physical activity and recreational facilities, which is considered to carry significant weight.

114. It is concluded that, on balance, the benefits associated with the proposed development would not outweigh the significant harm through the impact on the character of Nell Lane, non provision of affordable housing and non provision of any contribution to public open space. The proposal conflicts with policy 7 of the Central Lancashire Core Strategy, and policies HS4b and BNE1 of the Chorley Local Plan 2012-2026, and would not therefore constitute sustainable development (in the terms of the Framework).

Other matters

115. Loss of access to land for recreation / dog walking, and in particular loss of access to caravan park residents, which the site owner is failing to provide: The application site has no status as recreational land and is allocated for housing and employment uses in the Chorley Local Plan 2012 – 2026. The level of recreation provision for residents at the caravan park is the responsibility of the site owner, and does not relate to the assessment of a planning application on this site.
116. Impact of construction traffic on highway safety and amenity: Concerns have been raised with regards to the impact of construction traffic using Parkhurst Avenue on highway safety and public amenity. It is recognised that this would lead to a period of disruption for residents of Parkhurst Avenue. It is, however, recognised that this would be a temporary impact and that construction sites are often located within urban areas close to residential properties and smaller highways that are normally only used by cars. It is considered that in circumstances, such as this, where construction is likely to impact on residential amenity and the efficient functioning of the highway network that a construction method statement is provided prior to the commencement of development. This would include information about vehicle routing, delivery times, details of site operation, materials storage, wheel wash facilities etc, and it is recommended that this is required by condition. This could include the routing of vehicles along Nell Lane and could be secured by condition.
117. Consultation not adequate / extensive enough: Consultation on the planning application has been carried out in full accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 and Chorley Council Statement of Community Involvement.

CONCLUSION

118. The proposed development would require an extensive scheme of highway works to be implemented along Nell Lane in order to provide adequate access to the proposed residential development. This would result in significant harm to the character of Nell Lane such that it is considered unacceptable and contrary to policy BNE1 of the Chorley Local Plan. The proposed development would not provide any affordable housing contrary to the provisions of policy 7 of the Central Lancashire Core Strategy, and the viability case submitted in support of the proposal is not accepted. The proposed development would make no contribution towards the provision of public open space contrary to policy HS4b of the Chorley Local Plan 2012-2026 and the viability case submitted in support of the proposal is not accepted. It is therefore recommended that the application be refused on this basis.

RELEVANT HISTORY OF THE SITE

Ref: 89/01222/FUL **Decision:** WDN **Decision Date:** 26 April 1990
Description: Development of 1.3ha of land east of mobile home park for car park bowling green and pitch and putt course

Ref: 83/00694/FUL **Decision:** REFFPP **Decision Date:** 6 December 1983

Description: Extension to Leyland Mobile Homes Park by approximately 1.8 acres (15 units and bowling green)

Ref: 00/00073/COU **Decision:** REFEUD **Decision Date:** 29 March 2000

Description: Change of use from redundant agricultural land to uses in connection with a mobile home site, including the siting of mobile homes,

Ref: 01/00291/COU **Decision:** PERFPP **Decision Date:** 1 August 2001

Description: Change of use from agricultural land to uses in connection with a mobile home site, including allotments, footpaths, informal open space and tree planting,

Ref: 11/00941/FULMAJ **Decision:** REFFPP **Decision Date:** 14 February 2012

Description: Planning Application for 52 bungalow style park homes for older people (over 55s) and associated development including replacement community building, bowling green, allotments, pavilion/equipment store, activity trail, balancing ponds, access arrangements and internal roads, footpaths and landscaping

Ref: 12/00872/FULMAJ **Decision:** PERFPP **Decision Date:** 20 August 2013

Description: Planning application for 52 style park homes for older persons (over 55) and associated development including replacement community building, bowling green, allotments, pavilion, equipment store, activity trail, balancing ponds, access arrangement, internal roads, footpaths and landscaping (resubmission of refused application 11/00941/FULMAJ)

Ref: 18/00917/FULMAJ **Decision:** WDN **Decision Date:** 7 February 2020

Description: Erection of 87no. dwellings on land to the south of Nell Lane

Ref: 19/00417/FULMAJ **Decision:** PERFPP **Decision Date:** 6 December 2019

Description: Erection of 115 dwellings on land at Nell Lane, Clayton-le-Woods with access taken from Parkhurst Avenue

Ref: 20/00053/DIS **Decision:** PCO **Decision Date:** Pending

Description: Application to discharge conditions 8 (invasive species method statement), 11 (hard landscaping), 14 (surface water drainage scheme - phase 1), 15 (dwelling emission rate - phase 1), 19 (employment and skills plan), 24 (estate phasing plan - phase 1), 26 (highway management and maintenance - phase 1), 27 (section 38 details - phase 1), 28 (site access - phase 1) attached to planning permission 19/00417/FULMAJ - Erection of 115 dwellings on land at Nell Lane, Clayton-le-Woods with access taken from Parkhurst Avenue

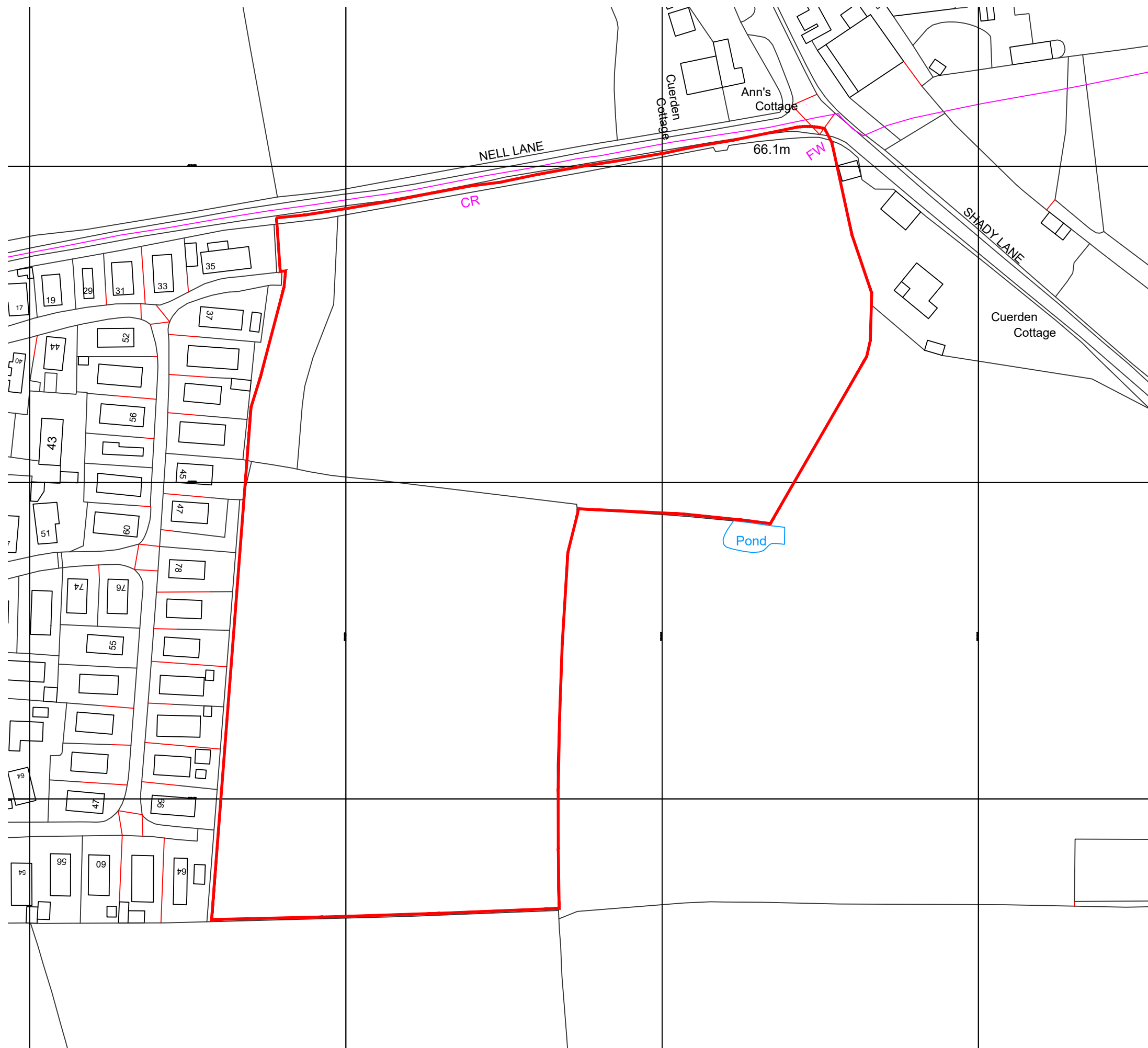
Ref: 20/00931/DIS **Decision:** PCO **Decision Date:** Pending

Description: Application to discharge conditions 18 (broadband strategy - phase 1) and 32 (construction plan) attached to planning permission 19/00417/FULMAJ - Erection of 115 dwellings on land at Nell Lane, Clayton-le-Woods with access taken from Parkhurst Avenue

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

REVISIONS

A 24/04/20 SH
 ANNOTATION TO SHADY LANE ADDED



LOCATION PLAN 1:1250



DISCLAIMER

This drawing is for design intent purposes only and is based on topographical survey data supplied by the client.

The drawing is subject to design development and to Local Authority Planning Department and Building Control/Approved Inspector approvals/comments.

Do not scale off this drawing. Work to figured dimensions only. Any discrepancies should be brought to the attention of DLA Architecture immediately. All dimensions are in millimetres, unless otherwise stated.

ARCHITECTURE

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PROJECT

NELL LANE
 CLAYTON-LE-WOODS

TITLE

LOCATION PLAN

SCALE

1:1250 @ A3

DATE

09/03/2020

DRAWN

BW

REVIEWED

SH

DRAWING NO

2018-202/101

REVISION

A

FILE PATH

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STATUS

PLANNING

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Agenda Item 3b

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APPLICATION REPORT – 20/00841/FUL

Validation Date: 7 August 2020

Ward: Clayton-le-Woods West And Cuerden

Type of Application: Full Planning

Proposal: Excavation of a trench and the installation of separate surface and foul water drains between Shady Lane and the River Lostock to serve a residential development on land off Nell Lane (Resubmission of application reference 20/00023/FUL)

Location: Cuerden Valley Park Shady Lane Cuerden Bamber Bridge

Case Officer: Mike Halsall

Applicant: Cuerden Valley Park Trust

Agent: Mr Simon Pemberton, Lichfields

Consultation expiry: 4 September 2020

Decision due by: 2 October 2020

RECOMMENDATION

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

The proposal would result in the loss of trees that make a valuable contribution to the character of the landscape and the benefits of the proposal would not outweigh the harm caused by this loss. The proposal is, therefore, contrary to policies BNE1 and BNE10 of the Chorley Local Plan 2012 - 2026.

SITE DESCRIPTION

2. The application site stretches across the Cuerden Valley Park, starting on the eastern side of Shady Lane, opposite Cuerden Cottage, and crossing the Park from west to east, passing through an area of protected woodland (ref. TPO 14 1950, W24) before crossing an open field, then diverting to the south east to avoid a large area of protected woodland (ref. TPO 14 1950, W30), passing through a further two fields and heading in a north east direction to connect with the River Lostock and an existing foul sewer.

DESCRIPTION OF PROPOSED DEVELOPMENT

3. The application seeks planning permission for the excavation of a trench and the installation of separate surface and foul water drains/pipelines between Shady Lane and the River Lostock in order to facilitate the wider residential development proposed on Nell Lane. The proposed housing development is currently under consideration (ref. 20/00377/FULMAJ). The proposal is a resubmission of previously refused planning application ref. 20/00023/FUL. This resubmitted application was initially submitted with the same route for the pipelines as the previously refused scheme, but with a revised Arboricultural Implication Assessment submitted in support of the scheme. Through consultation with the Council's Tree Officer, the scheme has been during and now involves an alternative route for the pipelines. This is discussed in more detail later within this report.

REPRESENTATIONS

4. 23 representations have been received, including one from Councillor Mark Clifford and one from Cuerden Parish Council (the neighbouring parish), raising objections to the proposal on the following grounds:
 - Increased flooding on Shady Lane and River Lostock
 - The removal of protected trees with high amenity value, including a veteran oak
 - Harm to wildlife / Biological Heritage Site
 - Visual impact
 - Landscape impacts
 - Harm to the Green Belt
 - Harm to Local Geodiversity Site
5. The above issues are addressed later in this report.

CONSULTATIONS

6. Clayton-le-Woods Parish Council: Object to the proposal as follows:
 1. The route of the proposed drainage system runs through a biological heritage site, the loss of bio-diversity caused by the drainage work would take decades to recover.
 2. The flow of water through the proposed drainage system into the River Lostock would adversely impact Cuerden Valley Park in that it would increase the risk of flooding. It would also negatively impact the natural habitats along the River Lostock.
 3. The installation of the proposed drainage would negatively impact an important Notified Local Geodiversity Site.
 4. The work on installing the proposed drainage system would result in the felling of a number of trees in that locality, including a veteran oak tree, that is potentially the finest example of an oak in the entire Chorley area. The loss of this would be irreplaceable.

This is a re-submission without any changes to an earlier plan, Ref 20/00023/FUL which has already been rejected, the Parish Council wishes to see this new application refused.

7. Environment Agency: Have no objection to the proposal but have requested an informative be attached to any grant of planning permission outlining that a permit would be required for works near the River Lostock.
8. Greater Manchester Ecology Unit (GMEU): Have advised that their comments in relation to the previous planning application at this site remain relevant (see below) and request that an informative be added to any grant of planning condition to draw the applicant to paragraph 5.12 of the submitted bat survey which explains what to do if bats are unexpectedly encountered during works.

The application can be forwarded to determination in respect of biodiversity without the need for any further work and conditions are recommended in relation to the reinstatement of habitats, reasonable avoidance measures for Great Crested Newts and pre-commencement water vole and nesting bird surveys.

9. United Utilities (UU): No comments have been received. Although, the applicant has forwarded an email from UU which states that they have reviewed the plans and can confirm that the route and the point of discharge for surface water draining to watercourse and foul draining to the foul sewer are acceptable to United Utilities.
10. Lancashire County Council Archaeology Service: Have stated that they have checked their records and the proposed development site is considered to have negligible archaeological potential and therefore advise that archaeology does not need to be considered further for this application.

11. It should be noted that the scheme was amended by the applicant following the receipt of the above comments from neighbours and consultees. The revised scheme amends the route of the proposed pipelines slightly at its western end to avoid the removal of an oak tree and the root protection areas of the woodland to the north. It was not considered necessary to renotify neighbours on this change as given the nature of the responses, they would not be prejudiced by this change to the proposal. Similarly, the above consultee comments would be unlikely to be any different following the change in route of the pipelines. The Council's tree officer was however reconsulted on the revised plans and their response is provided below.

12. Council's Tree Officer: Advises that the amended route has resulted in less proposed tree loss. T40, which is considered to be a possible veteran Oak, is now proposed to be retained. However, it is still proposed to remove four individual trees, three groups of trees and a section of hedgerow approximately 20m long. Two of these groups and three of the individual trees are protected by TPO.

T2, T3, T4, G1 and G4 all provide a relatively high level of visual amenity, being situated in the woodland adjacent to and visible from Shady Lane.

The AIA submitted also recommends other trees are removed for arboricultural management reasons, rather than to facilitate the development. T1 in particular is a prominent, mature tree, adjacent to Shady Lane.

PLANNING CONSIDERATIONS

Principle of development

13. The application site is located within the Green Belt. Paragraphs 143 and 144 of the National Planning Policy Framework (the Framework) state that development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Paragraph 146 states that some forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it (listed below) and includes engineering operations.

Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, , *by encouraging the recycling of derelict and other urban land.*

14. The proposed development is classed as an engineering operation. The trench would be re-filled following installation of the pipelines and a condition could be attached to any grant of planning permission for the method of excavation, infilling and restoration/landscaping details to be agreed with the Council prior to the commencement of the development. The pipelines would be imperceptible once the land had been restored. It is considered, therefore, that the proposal would preserve the openness of the Green Belt and would not conflict with any of the above listed purposes of including land within it. As such, the proposal is considered appropriate development in the Green Belt and is acceptable in principle, subject to the other considerations outlined below.

Ecology and trees

15. Section 170 of the Framework states that the planning system should contribute to and enhance the natural and local environment.

16. Policy BNE1 of the Chorley Local Plan 2012 – 2026 requires that proposals do not have a detrimental impact on important natural habitats and landscape features such as historic landscapes, mature trees, hedgerows, ponds and watercourses. In some circumstances where on balance it is considered acceptable to remove one or more of these features then mitigation measures to replace the feature/s will be required either on or off-site.
17. Policy BNE9 of the Chorley Local Plan 2012 – 2026 explains that biodiversity, geological heritage and ecological network resources will be protected, conserved, restored and enhanced.
18. Policy BNE10 of the Chorley Local Plan 2012 – 2026 states:

“Development proposals which would result in the loss of trees and/or involve inappropriate works to trees which contribute positively to the character and appearance of a Conservation Area will not be permitted. The removal of such trees will only be permitted in exceptional circumstances and where consent is granted, replacement trees will be required to be planted.

Proposals that would result in the loss of trees, woodland areas or hedgerows which make a valuable contribution to the character of the landscape, a building, a settlement or the setting thereof will not be permitted.

Replacement planting will be required where it is considered that the benefit of the development outweighs the loss of some trees or hedgerows. Tree planting will be required as part of new development proposals and an associated maintenance scheme. Tree Preservation Orders will be used to protect trees of landscape or townscape significance.”

19. With regards to ecology, it is noted that the Council’s ecological advisors have no objections to the proposal and are satisfied that planning conditions can mitigate any harm caused to ecological receptors by the approval of the proposed development. It is not considered that any geological heritage sites / geodiversity features would be harmed by the proposed development. It is, therefore, considered that the proposal complies with policy BNE9 of the Chorley Local Plan 2012 – 2026.

Applicant’s Assessment

20. With regards to trees, the applicant proposes to remove four individual trees, three groups of trees and a section of hedgerow approximately 20m long. Two of these groups and three of the individual trees are protected by a Tree Protection Order. The applicant has provided the following justification for the loss of trees summarised to focus on the areas of discrepancy and to relate to the revised pipelines route):

“LP Policy BNE10 states that proposals that would result in the loss of trees, woodland areas or hedgerows which make a valuable contribution will not be permitted. However, it should be noted that no definition of what 'valuable contribution' means is provided.

Following the receipt of the additional comments from the Tree Officer, two further site visits have been undertaken by Arbconsultants Ltd. These site visits were to ascertain whether the trees surveyed within the AIA have been given the incorrect classification, in line with the Tree Officer’s comments set out above.

T1 has structural weaknesses. As shown on the photographs, there is a significant included union on both sides of the tree (where a side branch of a tree grows at an acute angle that leads to the branch and the main stem growing into one another). Furthermore, the tree is adjacent to a highway. As such, due to its structural weakness, Arbconsultants have recommended its felling to provide a duty of care for those using the adjacent highway.

Both T1 and T5 are considered to be of low amenity value. As such, the classifications given to trees T1 and T5 remain as those first provided within the AIA; Category U.

Notwithstanding this, as set out previously, this drainage application has been made in order to facilitate the wider residential development proposed on Nell Lane. It should be noted that application ref. 20/00377/FULMAJ includes extensive landscaping proposals. As set out on the landscaping plans for application 20/00377/FULMAJ, it is proposed to provide 53 trees within the development, with extensive hedgerow and shrub planting included also. It is requested that the Council take a pragmatic approach to the re-submission. When reviewing the two applications in tandem, it is evident that while only one tree that is moderate value will be lost as a result of the laying of the pipes, the proposals that will be facilitated as a result of this drainage solution will result in extensive tree, shrub and hedge planting.

Thus, it is considered that the benefit of approving application ref. 20/00023/FUL outweighs the loss of the single tree that is of moderate value. Indeed, it will facilitate a wider housing development, that will provide 115 privately rented homes and therefore contribute to Chorley's housing supply. Not only this, the replacement planting of this single tree that is of moderate value will from part of the landscaping proposals for application ref. 20/00377/FULMAJ (with the provision of 53 trees within the development, with extensive hedgerow and shrub planting included also)."

21. Further to the above, the revised Arboricultural Implications Assessment submitted by the applicant asserts that trees T2, T3 and T4 and groups of trees G1 and G4 are amongst those within Category C. Category C are of lower quality and value; currently in adequate condition which could if necessary remain until new planting is established, trees present in groups or woodlands, but without this conferring on them significantly greater landscape value.

Case Officer's Assessment

22. Whilst the Town and Country Planning Act does not offer an exact definition of the meaning of amenity it has been variously described as: "Pleasant circumstances or features, advantages." (Ellis & Ruislip-Northwood UDC (1920) & FFF Estates v Hackney LBC [1981] "Visual appearance and the pleasure of its enjoyment". (Cartwright v Post Office (1968) "The pleasantness or attractiveness of a place". (The New Oxford Dictionary of English, 1st Edition, 1998). Government guidance requires that TPOs should only be served on trees and woodlands where their removal would have a significant negative impact on the enjoyment of the local landscape by the public.
23. The trees are subject to a TPO and so their removal would have a significant negative impact on the enjoyment of the local landscape by the public. This is further supported by the relatively high number of objections having been received to the planning application.
24. As identified within the Tree Officer's comments above, he disagrees with the applicant's assessment of the value of some trees to be lost, identifying T2, T3, T4 and groups G1 and G4 as all providing a relatively high level of visual amenity, being situated in the woodland adjacent to and visible from Shady Lane. In addition, T1 is in a particular prominent location and is a mature tree, adjacent to Shady Lane.
25. The above identified trees that would be lost as a result of this proposal are considered to provide a valuable contribution to the character of the landscape in this location and so, in accordance with policy BNE10, the proposal should not be permitted.
26. Policy BNE10 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. The applicant has not offered to provide any replacement planting on-site but refers to 53 trees being proposed to be planted as part of the Nell Lane housing development. Regardless of this, the applicant would need to first demonstrate that the benefit of the proposal outweighs the loss of the trees. The applicant refers to the proposed pipelines as facilitating the wider housing development, contributing to Chorley's housing supply. It is not considered however that this argument holds water as a previous approval for housing on the Nell Lane site, ref. 19/00417/FULMAJ did not require an off-site connection for foul and surface water

drainage. It is, therefore, reasonable to conclude that the current proposal is not necessary to facilitate housing on the Nell Lane site.

27. It is considered that the benefits of the proposal do not outweigh the harm caused through the loss of seven trees and two groups of trees, two trees of which are of high amenity value, a third of medium quality and a fourth a veteran oak, all recommended to be retained by the Council's Tree Officer. The proposal, therefore, conflicts with policies BNE10 and BNE1 of the Chorley Local Plan 2012 – 2026 with regards to loss of trees.

Mineral safeguarding

28. The application site crosses two Mineral Safeguarding Areas (MSA) to which policy M2 of the Joint Lancashire M&W Local Plan, Site Allocation and Development Management Policies – Part One 2013 applies. Policy M2 explains that planning permission will not be supported for any form of development that is incompatible by reason of scale, proximity and permanence with working the minerals unless the applicant can demonstrate one of a number of criteria apply.
29. When taking into account Lancashire County Council's guidance document, entitled 'Guidance Note on Policy M2 – Safeguarding Minerals (Minerals Safeguarding Areas)', one of the questions to ask when making a planning decision on a non-minerals development within an MSA is 'is prior extraction practicable?' and the document explains that prior extraction is unlikely to be practicable for small developments, and significant levels are unlikely on any development proposal less than 5ha.
30. Sterilisation, both on the development site and proximal to the development, is likely to be the main consideration for small sites, which have just as much potential to sterilise a mineral resource as a large development. The application site covers an area of just 0.275 hectares and so is a small site. The route of the pipelines would sever the MSA and so would potentially sterilise a much larger area of the resource. However, once reasonable buffer zones are placed around features such as roads, existing buildings, the River Lostock, the existing sewer pipelines etc. the actual area of workable mineral resource becomes so small it is extremely unlikely to be economically viable to extract any minerals in this part of the MSA. This is explained in the guidance document that states "*small ribbons or isolated occurrences of mineral resource are unlikely to be economic to work and so sterilisation may not be an issue. Likewise, if the surrounding area is developed to such an extent that it makes the potential extraction of minerals uneconomic it can be considered that the mineral resource is already sterilised; for example if the area contains scattered houses, or fields broken up by roads, that reduce the amount of free land potentially developable for a quarry.*"
31. In light of the above, it is considered there is no conflict with policy M2 of the Joint Lancashire M&W Local Plan, Site Allocation and Development Management Policies – Part One (2013).

Drainage and flood risk

32. The proposal is designed to take surface water from a proposed housing development at the Nell Lane site, to the River Lostock. The discharge rate from the housing site could be controlled by a planning condition, should that application be approved. This proposal for the pipelines would not involve the installation of any substantial areas of hardstanding, although a condition could be attached to any grant of planning permission in relation to hard and soft landscaping to ensure surface water run-off is not increased. It would be expected that the surface would be reinstated to its current condition once the pipelines have been installed. It is, therefore, not considered that the proposal would increase the risk of flooding either on or off-site.

Design

33. Policy BNE1 of the Chorley Local Plan 2012 – 2026 states that planning permission will be granted for new development, including extensions, conversions and free-standing structures, provided that (amongst other things):

"a) The proposal does not have a significantly detrimental impact on the surrounding area by virtue of its density, siting, layout, building to plot ratio, height, scale and massing, design, orientation and use of materials."

34. The pipelines would be located below ground and so any impacts would be limited and temporary during the construction period. No other impacts are anticipated with regards to policy BNE1 and the proposal is, therefore, considered acceptable with regards to its design.

Community Infrastructure Levy

35. The proposal is not a CIL chargeable development.

CONCLUSION

36. It is recommended that the application be refused as the proposal would result in the loss of trees that make a valuable contribution to the character of the landscape and the benefits of the proposal would not outweigh the harm caused by this loss. The proposal, therefore, conflicts with policies BNE1 and BNE10 of the Chorley Local Plan 2012 – 2026 in this regard.

RELEVANT HISTORY OF THE SITE

- Ref:** 75/00106/TPO **Decision:** PERTPO **Decision Date:** 3 April 1975
Description: Fell trees
- Ref:** 90/01014/TPO **Decision:** PERTRE **Decision Date:** 8 January 1991
Description: Woodland management to trees covered by TPOs LCC No.14 (1950) and CBC TPO No.13 (Clayton-le-Woods) 1984
- Ref:** 91/00913/TPO **Decision:** PERTRE **Decision Date:** 10 December 1991
Description: Management of woodland covered by LCC TPO NO.14 (Clayton-le-Woods) 1950
- Ref:** 92/00677/FUL **Decision:** PERFPP **Decision Date:** 23 October 1992
Description: New foul and surface water sewers (approx 1333 metres) and erection of prefabricated building to house control equipment to serve existing premises
- Ref:** 93/00442/TPO **Decision:** PERTRE **Decision Date:** 6 August 1993
Description: Woodland management on trees covered by TPOs Nos 1 and 13 (1984)
- Ref:** 93/00443/TPO **Decision:** PERTRE **Decision Date:** 6 August 1993
Description: Woodland management on trees covered by TPOs Nos 1 and 13 (1984) Clayton le Woods/Cuerden
- Ref:** 96/00633/NLA **Decision:** PERNLA **Decision Date:** 9 October 1996
Description: Neighbouring Local Authority consultation in respect of extraction of 35000 cu. metres of sand and gravel for use as fill material for M65 Blackburn Southern Bypass,
- Ref:** 97/00455/TPO **Decision:** PERTRE **Decision Date:** 12 August 1997
Description: Woodland management to trees covered by T.P.O. Nos 14 1950 (Clayton -le-Woods), No 1 1984 (Clayton Brook), No 13 1984 (Clayton-le-Woods)
- Ref:** 98/00264/TPO **Decision:** PERTRE **Decision Date:** 2 June 1998
Description: Felling of sycamore tree and pruning of 1 sycamore and 1 willow tree covered by T.P.O. No 14 (Clayton Le Woods) 1950,
- Ref:** 04/00056/HDG **Decision:** PERHDG **Decision Date:** 1 March 2004
Description: Removal of hedgerows marked A-B and C-D,
- Ref:** 09/00748/ADV **Decision:** PERADV **Decision Date:** 2 December 2009

Description: Erection of flagpole and flying of flag

Ref: 14/01216/TPO **Decision:** PERTRE **Decision Date:** 20 January 2015

Description: Works to trees covered by TPO 14 (1950) _ TPO 8 (2013) as per the submitted 'Cuerden Valley Park Tree Inspection Plans and Schedules August 2014'.

Ref: 17/00230/NOT **Decision:** PERTEL **Decision Date:** 14 March 2017

Description: Notice of intention to install 1no. BT Openreach broadband cabinet

Ref: 19/00937/FUL **Decision:** PERFPP **Decision Date:** 6 March 2020

Description: Installation of 4no. pole mounted CCTV cameras and solar panels at car parks across Cuerden Valley Park to facilitate the provision of a car park management system.

Ref: 19/00938/ADV **Decision:** PERADV **Decision Date:** 6 March 2020

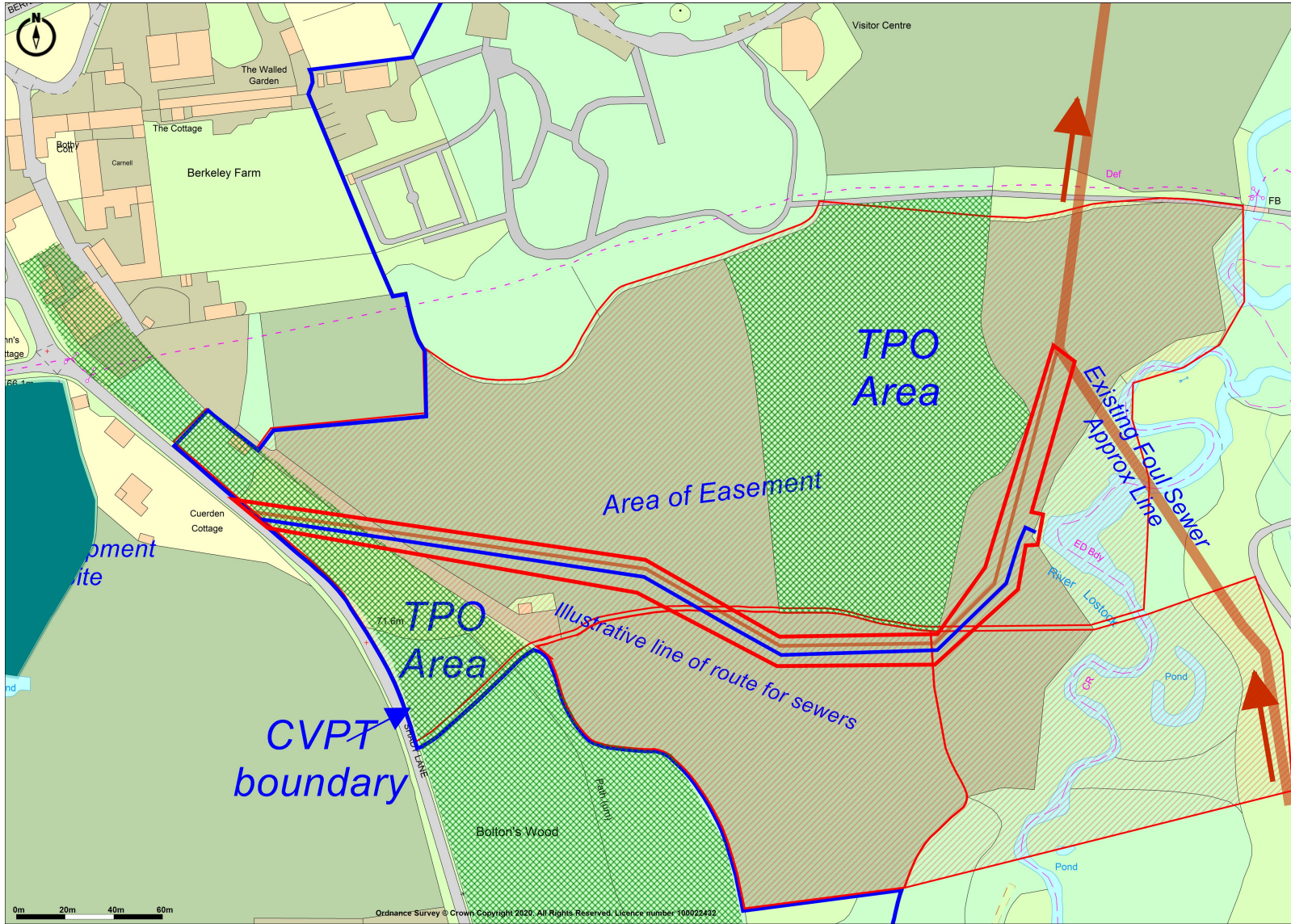
Description: Application for advertisement consent for the display of 28no. non-illuminated car park signs for car parks across Cuerden Valley Park (including 10no. signs at Berkeley Drive car park, 6no. signs at Factory Lane car park, 7no. signs at Town Brow car park and 5 no. signs at Back Lane car park).

Ref: 20/00023/FUL **Decision:** REFFPP **Decision Date:** 22 June 2020

Description: Excavation of a trench and the installation of separate surface and foul water drains between Shady Lane and the River Lostock to serve a residential development on land off Nell Lane

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

Cuerden Valley Easement



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APPLICATION REPORT – 20/00848/FUL

Validation Date: 10 August 2020

Ward: Heath Charnock And Rivington

Type of Application: Full Planning

Proposal: Change of use from residential dwelling (Use Class C3) and agricultural land to mixed use of residential (Use Class C3) and home dog boarding, sitting and exercise/training area (sui-generis) (retrospective)

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

Case Officer: Mike Halsall

Applicant: Mrs Susan Knight

Consultation expiry: 11 September 2020

Decision due by: 9 October 2020 (Extension of time agreed)

RECOMMENDATION

1. It is recommended that planning permission is refused for the following reasons:

The proposed change of use would have an unacceptable adverse impact on the amenity of the neighbouring occupiers and satisfactory mitigation measures could not be put in place to reduce any detrimental impact to the occupiers of such properties, contrary to policy BNE1 of the Chorley Local Plan 2012 - 2026.

SITE DESCRIPTION

2. The application site relates to the grade 2 listed building of Hallsworth Manor and an adjoining agricultural field to the east. The site is located on Long Lane in Heath Charnock which is a narrow track leading from Hut Lane to the south. There are residential dwellings neighbouring the site on Olde Stoneheath Court to the south east, Red Row to the south and Hallsworth Fold Cottage and Hallsworth Fold Farm to the north west which shares a courtyard with Hallsworth Manor. The land to the north east is open agricultural land.

DESCRIPTION OF PROPOSED DEVELOPMENT

3. The application seeks planning permission, retrospectively, for the change of use of the dwelling and agricultural land to a mixed use of residential and home dog boarding, sitting and exercise/training area. The business has been running since December 2019.
4. A previous planning application on this site was recently withdrawn by the applicant upon being informed that it would likely be recommended for refusal (ref. 20/00393/FUL). That application also sought planning permission to retain a wooden building on the agricultural land for uses associated with the dog training activities. The building was considered to be inappropriate development in the Green Belt by the case officer and hence the application was to be recommended for refusal. It was considered that very special circumstances did not exist to outweigh the harm to the Green Belt. The building has since been removed from the land by the applicant.
5. Activity at the site is somewhat suppressed at the moment due to the Covid-19 pandemic with group sizes limited to avoid conflict with Government legislation/guidance. A summary

of the typical activities that would normally take place at the site are provided below, as provided by the applicant. Other supporting evidence is available online amongst the planning submission documents:

- There is no building work proposed for the purpose of dog boarding as that runs strictly within the dwelling house by the owners themselves. There are no employees. It is purely a 'home-from-home' home boarding service that is offered.
- There are NO outside kennels, nor is there any intention /proposals to have kennels.
- Chorley Council granted a licence for home boarding for a maximum of 5 dogs and that number includes the boarding of any resident dogs, which is 1. Muckypups Manor would only be able to take on a maximum of 4 extra dogs, or less if the owners ever increase the number of resident dogs they have. It is purely a home sitting business from the residential dwelling.
- The Courtyard used for parking has space for 5 vehicles just on the area owned directly by Hallsworth Manor. There is a courtyard agreement in place allowing the use of the rest of the courtyard and outlines Hallsworth Manor pays towards the maintenance of that courtyard.
- Parking for up to 5 cars is strictly kept to the area within the sole ownership of Hallsworth Manor. There is ample room on the shared courtyard for turning vehicles. All visits are supervised and movement of vehicles controlled for safety in terms of making sure only one car is turning around at any one time.
- On scheduled group bookings, for example puppy classes and breed meets, where there may be more than 5 vehicles the owners have accommodated all other vehicles on their private drive at the side of the Manor (15 cars).
- Bookings are restricted to numbers that can be accommodated for within Hallsworth Manor.
- It has to be noted that Muckypups Manor only ever had one issue with visitors parking on Hut lane, which was the very first breed specific meet for Beagles in December 2019. Unfortunately, there was a larger number arrived than anticipated (18) and this was a quick learning curve for the owner. From that day forth breed specific meets have been restricted in numbers and visitors need to book their place on the visit beforehand. This ensures parking can be controlled and maintained within the grounds of the Manor so as to not cause any highways issues on nearby roads.
- Hours /days of operation:
 - Mondays closed
 - Tuesday – Friday 9.30am – 7.30pm
 - Weekends and Bank Holidays 9am – 6pm
 - Late night openings Tuesday and Thursday 7.30pm by special appointment only e.g. puppy training classes
- The 0.5 hectare dog exercise field can comfortably accommodate a maximum of 20 dogs at any one time, however the majority of bookings since opening in December 2019 have been for individual hire with between 1 and 4 dogs at a time transported in 1 – 2 cars.
- Average dogs and cars attending the site per booking slot for June 2020 are provided at Appendix A to this report.

REPRESENTATIONS

6. There have been objections received to the planning application from 30 individuals (multiple representations have been received from some individuals), a summary of the topics covered is provided below:
- Green Belt harm
 - Traffic congestion
 - Parking issues
 - Highway safety
 - Houses are elevated higher than field so have views of the dog sessions
 - Noise and general disturbance
 - Privacy / overlooking / security
 - Amenity
 - Health and wellbeing of residents
 - Harm to the Listed Building
 - Landscape and visual impacts
 - Legal covenants on the land preventing business use
7. There have been representations received in support of the planning application from 106 individuals (multiple representations have been received from some individuals), a summary of the topics covered is provided below:
- Well ran business
 - No alternatives locally
 - Safe and secure facility
 - Good parking
 - Covid safe (ran by a former award-winning nurse)
 - No views into neighbouring properties
 - Trees and walls provide screening
 - Indoor venues not running due to Covid
 - Cater for dogs with special needs
 - Ideal for rescue dogs and those recovering from injury that cannot travel far
 - Not many local alternatives for off-lead walks – banned in parks
8. The above issues are discussed within the Planning Considerations section of this report, where these are considered to be material planning considerations. For example, legal covenants are not a material planning consideration, but a civil matter.

CONSULTATIONS

9. Regulatory Services - Environmental Health: Have responded to state that whilst they have received a few complaints about the site, none of the complainants have chosen to pursue the nuisance procedure, so they have not investigated and have no evidence of noise nuisance. Therefore, they have no objections in principle to the proposal.
10. Council's Heritage Advisor: Initially responded as follows (summarised):

Hallsworth Manor itself is a historic late C17/early C18 farmhouse, constructed of local sandstone with vernacular detailing, including mullion windows and a double height porch to the principal (west facing) elevation. Hallsworth Manor is a Grade 2 Listed Building. Formally Listed as Hallsworth Fold Farmhouse on 17 April 1967.

By reason of its statutory designation the LPA must have regard to the potential impact of the development on the Listed Building which includes its setting.

In this regard I consider there are two heritage aspects to consider;

1. The impacts of the COU on the special interest of the listed building, and
2. The impact of the COU on the contribution made to its historic setting

On the first issue I remain satisfied that the new proposal does not impact upon the special interest of the actual listed building as no works or alterations are proposed to the building. In this respect the proposal meets the statutory test to preserve the heritage asset.

In relation to the second point, as indicated previously I am mindful that the setting to a heritage asset is defined (in the National Planning Policy Framework) as being the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change over time. Elements of a setting may make positive, neutral or negative contributions to the significance of a heritage asset.

Historic mapping from 1845 and 1890 shows that Hallsworth Manor had an historic association with the farm yard, which lies to the north. This is still evidenced by the way the house relates to the yard, with its north elevation fronting onto the former enclosure. These buildings form an important part of the setting and make a positive contribution to it.

The land/fields to the east provide a much wider diffused agricultural setting which is essentially characterised by its openness. The land allows the listed building to be more extensively viewed and adds some significance to its setting.

The use of the site clearly generates the need for parking. The applicant has produced a statement which indicates that up to 5 spaces are currently available within the courtyard to the north of the house and that a further 15 cars can park in a linear fashion along the existing private drive on the south side. From my visit this area is enclosed by a tall timber fence which limits views into this area from Hut Lane.

Whilst this illustrates that the COU brings new activity onto the site I would not expect the activity or the parking arrangements to necessarily harm the setting to the listed building subject to it being confined to those existing areas indicated. Any slight visual intrusion from the vehicles themselves is temporary and not fixed.

On this basis I feel the development will have a neutral effect on the significance of the historic setting and therefore preserves the special interest of the listed building.

Notwithstanding the above comments it is worth noting that the erection of any fences, walls, or other means of enclosure etc. within the curtilage of a listed building need planning permission. If any fence/enclosures have been erected, which are within its curtilage, they should be included in a planning application.

Conclusion/ Recommendation

As I am required to do so, I have given the duties imposed by s.66 of the P (LBCA) Act 1990 considerable weight in my comments.

I do not consider the COU proposal to have a detrimental impact upon the setting to Hallsworth Fold Farmhouse and the contribution it makes to the buildings significance. The proposal therefore meets the statutory obligation 'to preserve' and accords with the guidance contained in Chapter 16 of the National Planning Policy Framework. The development also conforms to Policy BNE8 b (iii) of the Chorley Local Plan which seeks to conserve the settings to heritage assets.

Further comment

The Council's Heritage Advisor provided a further response at the request of the case officer, following receipt of comments made by a planning consultant acting on behalf of local residents. The comments, amongst other things, identify that the lack of a heritage assessment in support of the application is a sufficient basis on which to refuse the application. The comments also criticise the Council's Heritage Advisor's response as not having identified or properly considered the matter of access and parking arising from the proposed change of use within and adjoining the curtilage.

The Council's Heritage Advisor has responded to the planning agent's comments, to state:

Paragraph 189 of the Framework identifies that LPA's should require the applicant to describe the significance of heritage assets affected by proposals including any contribution made by their setting. The level of detail should be proportionate and be no more than is sufficient to understand the potential impact on their significance. From my view point this is for the LPA to decide whether the application is valid taking into account its own validation procedures. He is however correct in expressing some concern that no heritage assessment has been produced to support the application.

In relation to the parking provision and the likely impacts on the setting to the Listed Building I feel I have adequately provided a view in my response.

Paul, acting on behalf of local residents is providing his own subjective view on the matter. He has referred, as I did, to the Historic England guidance on setting, however what he fails to do is offer any view on how the setting contributes to the significance of the Listed Building.

In my comments I set out that the historic association to the farm yard to the north is important to the setting and that land/fields to the east form part of a wider open setting. This allows wider views (visual experience) of the Listed Building. The presence of cars, closer to the house, are already seen in that domestic environment and the modern drive across the southern part of the garden would not in my view harm the contribution made by the setting to the significance of the building. I made reference to the timber fence, enclosing the garden/drive, as this clearly limits extensive views into the site from off Hut Lane. Paul disagrees with my assessment but fails to provide any reasoned justification to the contribution made to the setting and why the COU and/or parking cause harm.

Clearly so long as the LPA considers the impacts in a responsible way following the provisions laid down in law and the guidance contained in the Framework and policies of the Local Plan, this I see as being one of planning balance and judgement.

11. Lancashire County Council Highway Services (LCC Highways): Have responded to state that a previous planning permission at this site, ref. 10/00362/FUL requires the boundary fence to be set 4.0m back from the edge of highway with any trees or planting within the setback perpetually maintained at a height not exceeding 1.0m as highway requirement to ensure visibility to the right hand side when leaving the site. However, this does not appear to be the case as a result of which visibility to the north of the access is currently obscured. As this is of highway safety concern, unless remedial measures can be taken to ensure visibility at the site access, LCC Highway would find the proposal unacceptable.

Due to its narrow width, the internal access road is not suitable for parking vehicles due to the space then left for cars and pedestrians to pass. Whilst the southernmost site access point is identified on the site plan as 'Exit' as the site plan does not include the northern access point, it must be assumed that the southern access is used for 2 way traffic. The minimum width required would therefore be 4.1 to allow two cars to pass, at its narrowest the access is 3.5m. Revised plans would, therefore, be required to show adequate parking for 20 vehicles. A passing place would also be required to be 36m long and 5.5m wide on Long lane.

12. Heath Charnock Parish Council: Have responded to state that it is concerned that the proposal represents an over-intensive use of this site given the seven day per week timetable with potentially both daytime and early evening usage, often involving more than one dog, and with organised activities for groups of dogs including dog parties.

Residents of surrounding properties will be impacted the most by this proposal in several ways.

1. The amount of traffic generated by people bringing and taking their dogs to/from the property/site and by business suppliers.

2. Provision has been made for the parking of vehicles on the land owned by the applicant and on land subject to shared use with the adjacent property. Inevitably the in-curtilage parking provision will be inadequate at times, so vehicles will park also on the public highway. This will restrict safe access to and from the site and will hinder traffic movement generally in this location.

3. Noise due to dog barking, trainers shouting instructions and arising from group activities and events.

4. Visual intrusion and loss of privacy for the adjacent property owners due to the difference in land levels between the land within the application site and the adjacent gardens outside of the application site. This will have the effect of 'dwarfing' the height of the existing stone wall to the application site. No additional screening with trees or shrubs is proposed.

5. The proposal has generated a substantial and a mixed response but with extensive opposition as shown by the comments placed on the Planning website and on social media. The views of neighbouring properties should be taken into consideration.

PLANNING CONSIDERATIONS

Principle of development

13. The application site is located within the Green Belt and National policy on Green Belt is contained in Chapter 13 of the Framework, which states:

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

134. Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;*
- b) to prevent neighbouring towns merging into one another;*
- c) to assist in safeguarding the countryside from encroachment;*
- d) to preserve the setting and special character of historic towns; and*
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

143. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

144. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

146. Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

- a. mineral extraction;*
- b. engineering operations;*
- c. local transport infrastructure which can demonstrate a requirement for a Green Belt location;*
- d. the re-use of buildings provided that the buildings are of permanent and substantial construction;*
- e. material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and*
- f. development brought forward under a Community Right to Build Order or Neighbourhood Development Order.*

14. The proposal is solely a change of use application with no built development proposed. The proposal, therefore, falls within exception 'e' of paragraph 146 as not being inappropriate development, providing it preserves the openness of the Green Belt and does not conflict with the five purposes of including land within it (listed above).
15. In relation to impact on the openness of the Green Belt, it is important to note that the Framework contains no specific definition of openness and so this is a subjective judgement. The change of use would result in dogs and their owners using the field and there would be occasional use of small pieces equipment for dog training purposes within the field. There would also be an increase in vehicles parking at the site, but this could be restricted to the curtilage of the dwelling by planning condition and no change of use is required for this. Visual impacts from the proposal would be transient and minimal. The proposed change of use would have little, if any impact upon the openness of the Green Belt and, therefore, its openness would be preserved.
16. In relation to the five purposes of including land within the Green Belt, as no built development is proposed and the nature of the proposed use being akin to a recreational use of land, it is considered that there would be no conflict with these purposes. The proposal is, therefore, not considered to be inappropriate development in the Green Belt.

Impact on the listed building

17. Paragraph 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the PLBCA) are relevant to the '*Special considerations affecting planning functions*'.

Section 66 states:

'(2) 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.'

18. Section 16 of the Framework refers to conserving and enhancing the historic environment. The following paragraphs contained therein are considered to be pertinent in this case:

189. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

190. 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 any conflict between the heritage asset's conservation and any aspect of the proposal.

192. In determining applications, local planning authorities should take account of:

a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

c) the desirability of new development making a positive contribution to local character and distinctiveness.

193. 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

194. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;

b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*

195. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

a) the nature of the heritage asset prevents all reasonable uses of the site; and

b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and

c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and

d) the harm or loss is outweighed by the benefit of bringing the site back into use.

196. 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, where appropriate, securing its optimum viable use.

200. Local planning authorities should look for opportunities for new development within Conservation Areas and 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 the asset (or which better reveal its significance) should be treated favourably.

19. The Central Lancashire Core Strategy (2012) (the Core Strategy), 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.*

20. 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.'

21. The proposal would involve no physical changes to the listed building itself but would introduce dogs, their owners and small pieces of equipment for dog training purposes into the adjacent field. There would also be an increase in vehicles parking at the site, within the curtilage of the listed building; on the driveway and within the courtyard. These features would all be introduced within the setting of the listed building, however, any visual intrusion from these aspects are slight, temporary, and not fixed.
22. In light of the above, it is considered that the change of use proposal would not have a detrimental impact upon the setting to Hallsworth Manor and the contribution it makes to the significance of the building. The proposal, therefore, meets the statutory obligation 'to preserve' and accords with the guidance contained in Chapter 16 of the National Planning Policy Framework. The development also conforms to policy BNE8 b (iii) of the Chorley Local Plan which seeks to conserve the settings to heritage assets.
23. As noted earlier within this report, there has been some criticism made by the planning agent, acting on behalf of neighbours, relating to the lack of a heritage assessment having been submitted in support of the planning application. The Council's validation checklist for planning applications mirrors the wording of paragraph 189 of the Framework which states that:
- In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.'* [emphasis added]
24. The proposal is retrospective in nature as the business has been operating since December 2019. The planning application (and the previous application which was withdrawn by the applicant prior to a decision having been made) were invited by the Council's planning enforcement team following receipt of a complaint about the unauthorised use. The enforcement team had discussed the unauthorised use with the case officer and so the nature of the use was already known to him prior to the submission of the planning application. The case officer was, therefore, able to form a judgement that the listed building would not be affected by the proposed change of use and so no heritage assessment was deemed necessary at validation stage. If it became apparent during the determination process that an assessment was deemed necessary, e.g. if the Council's heritage advisor had concerns about the impact of the proposal on the listed building or if the case officer had concerns following a site visit, then a heritage assessment would have been requested from the applicant prior to the determination of the planning application.

Design, amenity and access

25. Policy BNE1 of the Chorley Local Plan 2012 – 2026 states that planning permission will be granted for new development, including extensions, conversions and free-standing structures, provided that (amongst other things):
- a) *The proposal does not have a significantly detrimental impact on the surrounding area by virtue of its density, siting, layout, building to plot ratio, height, scale and massing, design, orientation and use of materials.*
- c) *The layout, design and landscaping of all elements of the proposal, including any internal roads, car parking, footpaths and open spaces, are of a high quality and respect the character of the site and local area;*
- d) *The residual cumulative highways impact of the development is not severe and it would not prejudice highway safety, pedestrian safety, the free flow of traffic, and would not reduce the number of on-site parking spaces to below the standards stated in Site Allocations Policy – Parking Standards, unless there are other material considerations which justify the reduction;*
- g) *The proposal would not cause an unacceptable degree of noise disturbance to surrounding land uses;*

26. Many of the objections received identify that the use of the field results in overlooking into the rear gardens and windows of the adjoining properties. However, the level of the field is at a lower land level than the adjoining dwellings that back-on to the application site and so the opposite is the case, i.e. the gardens/dwellings overlook the field.
27. The proposal does result in privacy issues however as the field adjoins the rear gardens on Red Row and Olde Stoneheath Court and users of the field could walk up to the boundary and look directly into the gardens and rear windows of those dwellings. The boundary wall is not high enough along its entire length to screen views and there are gaps in the vegetation along the boundary. This issue could however potentially be overcome through the imposition of a planning condition to include a buffer between the boundary wall and the active part of the field within which no dog exercise/training would be allowed. Although there is potential that such a condition would be unenforceable (see below).
28. LCC Highways have identified concerns relating to lack of sufficient parking being identified on the submitted plans and the safe egress of vehicles from the site due to poor visibility caused by vegetation and fencing on Long Lane. A passing place would also be required on Long Lane to make the proposal acceptable. These issues could however potentially be dealt with by planning condition and / or by the submission of revised plans and so are not a reason to refuse the planning application.
29. The proposal involves, at the most active sessions, up to 20 dogs and their owners using the field at any one time resulting in dog barking and owners shouting commands. Although it is noted that this level of activity is not a common occurrence, particularly during the current pandemic, the following has been provided by the applicant in terms of the higher number of dogs being present:

January

Saturday 11th Greyhounds Makhants Rescue Breed Meet - 9 dogs
 Sunday 12th Mini Dachshund meet - 14 dogs
 Sunday 19th Springer Spaniel Breed Meet - 8 dogs
 Saturday 25th Bury Bolton Beagle club - 14 dogs

February

Wednesday 12th Irish setters – dog birthday party - 7 dogs
 Saturday 22nd Makhants Greyhound Rescue - 13 dogs

March

Sunday 8th dog birthday party - 7 dogs
 Sunday 8th dog birthday party - 5 dogs
 Saturday 14th dog birthday party - 7 dogs,
 Sunday 15th Beagle litter meet - 6 dogs,

May

Sunday 24th dog birthday party 3 dogs

June

Saturday 13th dog birthday party - 8 dogs
 Wednesday 17th dog birthday party - 11 dogs
 Saturday 20th Puppy Training Class - 7 pups
 Friday 26th dog birthday party - 5 dogs
 Saturday 27th Puppy Training Class - 6 dogs
 Monday 29th Dog Training Class –7 dogs

July

Wednesday 1st Dog birthday party 2 dogs
 Thursday 2nd Dog Training Class - 6 dogs
 Saturday 4th Puppy Training Class - 3 dogs

30. The above sessions would undoubtedly generate noise and disturbance to the occupiers of those dwellings that adjoin the application site. Such occupants have a right to the quiet enjoyment of the countryside that would be (and is being) substantially disrupted by the proposal. The proposal, therefore, gives rise to unacceptable noise and disturbance to the occupiers of adjoining properties. Such activities have taken place on every day of the week, including Sundays and as late as 7:30pm.
31. The question then arises as to whether this issue could be adequately controlled by the imposition of planning conditions, e.g. limiting the number of dogs that can use the field at any one time and restricting the hours of operation to perhaps exclude Sundays and no later than 6pm on any day, rather than 7:30pm. Paragraph 55 of the Framework states that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
32. Restricting the days and hours of operation would meet the tests of planning conditions as identified in the Framework and is a common condition attached to planning permissions relating to the operation of a business. Restricting the number of dogs however is not considered to be an enforceable condition and is similar to that of providing a buffer between the shared boundary and the active area of the field as discussed above. It would be extremely difficult, if not impossible, to enforce such conditions as some dog owners could claim to be walking their dogs on the field / visiting the landowner and not using the field in connection with the proposed new use of the field, should it be approved. It is not considered that there are any other mitigation measures that could overcome this issue.

Community Infrastructure Levy

33. This is not a chargeable development for the purposes of the Community Infrastructure Levy.

CONCLUSION

34. In light of the above, it is considered that the proposal would give rise to unacceptable noise and disturbance to the occupiers of adjoining properties which could not be adequately mitigated. The proposal, therefore, conflicts with policy BNE1 of the Chorley Local Plan 2012 – 2026 and it is recommended that the application is refused.

RELEVANT HISTORY OF THE SITE

- Ref:** 02/00392/LBC **Decision:** WDN **Decision Date:** 30 April 2002
Description: Application for Listed Building Consent to create a new entrance and driveway
- Ref:** 10/00215/FUL **Decision:** WDN **Decision Date:** 7 May 2010
Description: To extend existing fencing around the perimeter of the property and the addition of two stone pillars with an oak timber gate
- Ref:** 10/00216/LBC **Decision:** WDN **Decision Date:** 7 May 2010
Description: To extend existing fencing around the perimeter of the property and the addition of two stone pillars with an oak timber gate
- Ref:** 10/00362/FUL **Decision:** PERFPF **Decision Date:** 15 July 2011
Description: Part retrospective planning application to retain existing gates at driveway entrance and gates adjoining north-west corner of application dwelling; retain existing stone pillars; reduce the existing 1.8m high fence adjacent to the north boarder of the application site to 1.2m; install a small pedestrian access gate adjoining dwelling; and partially reposition the existing 2m high fence adjacent to long lane behind existing tree line
- Ref:** 13/00107/FUL **Decision:** WDN **Decision Date:** 2 February 2015
Description: Partial removal of internal wall, formation of new opening in external wall & installation of bi-fold doors, new staircase & replacement of existing softwood window to half landing, repositioning of garage opening & erection of garden wall to replace existing gates

Ref: 13/00108/LBC **Decision:** WDN **Decision Date:** 30 April 2015

Description: Partial removal of internal wall, formation of new opening in external wall & installation of bi-fold doors, new staircase & replacement of existing softwood window to half landing, repositioning of garage opening & erection of garden wall to replace existing gates

Ref: 20/00393/FUL **Decision:** WDN **Decision Date:** 31 July 2020

Description: Erection of an outbuilding and change of use of residential dwelling (Use Class C3) and attached field to mixed use as residential (Use Class C3) and dog boarding, sitting, walking and exercise area (Sui Generis) (all retrospective)

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

Appendix A – Application ref. 20/00848/FUL

Average number of dogs and cars visiting the application site per booking slot in June 2020

Week 1 Day	Total No. of dogs	Total No. of cars	Total No. of slots booked	Average no. of dogs per slot	Average no. of cars per slot	Notes
Monday 1 st	8	8	7	1.1	1.1	
Tuesday 2 nd	15	9	7	2.1	1.2	
Wednesday 3 rd	15	8	7	2.1	1.1	
Thursday 4 th	24	12	11	2.1	1.1	
Friday 5 th	25	12	11	2.2	1.1	
Saturday 6 th	17	9	9	1.8	1	
Sunday 7 th	18	11	9	2	1.2	

Week 2 Day	Total No. of dogs	Total No. of cars	Total No. of slots booked	Average no. of dogs per slot	Average no. of cars per slot	Notes
Monday 8 th	18	11	9	2	1.2	
Tuesday 9 th	22	11	9	2.4	1.2	
Wednesday 10 th	24	10	9	2.6	1.1	
Thursday 11 th	27	11	10	2.7	1.1	
Friday 12 th	31	13	11	2.8	1.18	
Saturday 13 th	34	13	9	3.7	1.4	Includes dog

						birthday party, 8 dogs, 3 cars, 1 hour
Sunday 14 th	14	10	9	1.5	1.1	

Week 3 Day	Total No. of dogs	Total No. of cars	Total No. of slots booked	Average no. of dogs per slot	Average no. of cars per slot	Notes
Monday 15 th	11	6	6	1.8	1	
Tuesday 16 th	11	7	5	2.2	1.4	
Wednesday 17 th	30	13	8	3.75	1.6	Includes dog birthday party, 11 dogs, 4 cars, 1 hour
Thursday 18 th	24	8	8	3	1	
Friday 19 th	26	15	10	2.6	1.5	
Saturday 20 th	21	15	8	2.6	1.875	Includes puppy class 7 pups, 6 cars, 1 hour duration although field booked for 2 hours to allow time either side for set up of hay bales/smooth entry/exit
Sunday 21 st	14	9	9	1.5	1	

Week 4 Day	Total No. of dogs	Total No. of cars	Total No. of slots booked	Average no. of dogs per slot	Average no. of cars per slot	Notes
Monday 22 nd	11	9	9	1.2	1	
Tuesday 23 rd	23	13	12	1.9	1.1	
Wednesday 24 th	7	5	5	1.4	1	
Thursday 25 th	2	2	1	2	2	Heat wave bookings rescheduled as heat too dangerous for dogs
Friday 26 th	27	16	10	2.7	1.6	Includes a dog birthday party 5 dogs, 2 cars, 1 hour
Saturday 27 th	25	16	9	2.7	1.7	Includes puppy class, 6 dogs, 6 cars, 1 hour duration although field booked for 2 hours to allow time either side for set up of hay bales/smooth entry/exit
Sunday 28 th	13	9	8	1.6	1.1	

Week 5 Day	Total No. of dogs	Total No. of cars	Total No. of slots booked	Average no. of dogs per slot	Average no. of cars per slot	Notes
Monday 29 th	11	11	4	2.75	2.75	Includes Evening dog training class 6.30 – 7.30pm rescheduled from Thursday 25 th due to heatwave.

Tuesday 30 th	9	6	3	3	2	
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Hallsworth-Manor-Site-Plan-A



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APPLICATION REPORT – 20/00653/FUL

Validation Date: 29 June 2020

Ward: Lostock

Type of Application: Full Planning

Proposal: Change of use from RBS Bank (Use Class A2) into a coffee shop/bar (Use Class A4) with the first floor being used as a function room only

Location: The Royal Bank Of Scotland 23 Town Road Croston Leyland PR26 9RA

Case Officer: Mrs Hannah Roper

Applicant: Mr Lee Mossop, Mossgreen Developments Ltd

Agent: Mr Jason Linnane, JLP Design (UK) Ltd

Consultation expiry: 27 July 2020

Decision due by: 8 October 2020 (Extension of time agreed)

RECOMMENDATION

1. It is recommended that planning permission is refused for the following reasons:
 1. The proposed development would result in people congregating outside of an enclosed building that would result in noise, cigarette smoke and general disturbance, which would be harmful to the amenity of both direct neighbouring occupiers and those in the wider area, contrary to Policies EP9 and BNE1 of the Chorley Local Plan 2012 - 2026
 2. Insufficient information has been provided to demonstrate that the proposed drinking establishment, as a result of internal noise generation, would not have an unacceptable adverse impact on the amenity of the neighbouring occupiers or that satisfactory mitigation measures could be put in place to reduce any detrimental impact to the directly adjacent residential properties, contrary to Policies EP9 and BNE1 of the Chorley Local Plan 2012 - 2026.

SITE DESCRIPTION

2. The application relates to a mid terraced property located on Town Road, Croston. The property has most recently been used as a bank and has a square, ground floor bay window. The neighbouring residential property has a set back garage adjoining the property that has living accommodation above.
3. The property is located within Croston Conservation Area and within Croston Local Centre. The surrounding area is predominantly residential in nature. Croston has a number of existing public houses and a number of dispersed commercial uses along Town Road

DESCRIPTION OF PROPOSED DEVELOPMENT

4. The application seeks planning permission to change the use of the former bank (Use Class A2) into a coffee shop/bar (Use Class A4) with the first floor being used as a function room only.

5. Whilst the current proposal is for a coffee shop/bar with function room above, the A4 use class covers all types of drinking establishments.

6. No external alterations are proposed.

REPRESENTATIONS

7. Nine representations have been received citing the following grounds of objection:

- This is a busy road with restricted parking and there is already an issue with cars parking on pavements
- The building is in a bend with existing restricted views
- The bollards should remain to provide protection
- The proposal would make an existing poor situation worse Impacting on businesses on businesses and homes
- There is already noise and antisocial behaviour on most nights and in particular on weekends
- Taxis use their horns after closing to make their presence known
- There are cafes and function rooms already available on Croston, mostly with parking
- Noise from inside and outside the building would disturb neighbours
- The upstairs function room would be used as additional seating should the downstairs be busy
- There is nowhere proposed for smokers to go
- The proposal is adjacent to a child's bedroom
- What is defined as 'a function'? How will this be policed?
- There would be a general nuisance as people congregate, particularly by the adjacent garage doors
- There is limited access to the property for any form of commercial waste
- There is already an oversaturation if this type of use within Croston
- The smell of smoke would be a nuisance
- There would be problems relating to litter
- Will devalue properties and create issues with their sale in the future
- Lack of privacy from the function rooms to bedrooms in the opposite side of Town Road
- The first floor function room is directly adjacent to a neighbouring habitable room and no amount of sound proofing will detract from constant disruption.

8. The applicant has put forward the following arguments in support of the application. These are set out below:

- The proposed change of use is in line with national and local policy on the healthy functioning of local centres and an A4 use, unlike the currently vacant premises, would support the functioning of the local centre, as provided for by Local Plan Policy EP7.
- Town Road is located within an existing local centre. No external alterations are proposed and it is submitted that the proposed change of use would not give rise to any material increase in the potential for overlooking or overshadowing of neighbours when compared with the previous use of the premises as a bank with first floor office storage and would create no overbearing impacts. In consequence, the scheme would satisfy the stated requirements of Local Plan Policy BNE 1.
- To address any possible concern about potential noise generation or disturbance arising from the proposed use and affecting residential environments, the current submission includes provision for internal insulation to all party walls.
- The use of the first-floor function room would be restricted to use for pre-booked events only. Both these measures are designed to mitigate any risk of undue noise and disturbance for neighbours being caused by internally generated noise.
- The rear yard would be used, as before, for bin storage and service access, so any risk of increased disturbance being caused by activities there is deemed minimal. Servicing would

generally occur during the normal working day and therefore be unlikely to cause any material increase in ambient noise levels.

- The location of the property at a 'pinch point' and bend in the highway, with passing traffic in close proximity, and bearing in mind also the width of the footway outside the premises, it is submitted that customers of No. 23 Town Road would be most unlikely to attempt to congregate or linger outside. Indeed, anyone wishing to eat or drink in the open air would be far more likely to frequent the large 'beer garden' at The Wheatsheaf, just a short distance away.
- The premises are relatively modest (limited seating/covers to the ground floor and a function room for pre-booked events only on the first floor) and that the proposed hours of use are between 9am and 10pm only on Sundays through Thursdays, with an additional evening hour, taking opening to 11pm, on Fridays and Saturdays only. With a restaurant opposite that operates over similar hours, has a significantly greater capacity, and provides a takeaway facility; and with the Wheatsheaf and Lord Nelson public houses nearby, which both have restaurant facilities and open into the late evening seven days a week, the proposed use of 23 Town Road as a coffee shop/bar would be unlikely to generate significant additional or unacceptable evening activity in the vicinity.
- As no external alterations are proposed, the current proposals raise no issues concerning the character or appearance of the designated conservation area or the setting of any listed building, whilst the nature of the proposed use would be in keeping with its location within the defined local centre of this historic village.
- No altered or additional pedestrian or vehicular access is proposed.

CONSULTATIONS

9. Environment Agency – Have no objection
10. Regulatory Services - Environmental Health – Have no objection in principle but have concerns relating to noise disturbance, cigarette smoke and the lack of an Acoustic Survey.
11. Croston Parish Council – Object to the proposal on the grounds that the Officer's Report (Delegated Report) for the previous application (19/01119/FUL) raised a number of issues related to the impact on neighbouring properties of noise disturbance and smoking outside the premises and reason no 1 for the refusal of the previous application was given as "The proposed development would result in people congregating outside of an enclosed building that would result in noise, cigarette smoke and general disturbance, which would be harmful to the amenity of both direct neighbouring occupiers and those in the wider area, contrary to Policies EP9 and BNE1 of the Chorley Local Plan 2012- 2026" and that these issues have not been dealt with.
12. CIL Officers – Comment that the proposal is not CIL liable.
13. Lancashire County Council Highways – Have no objection in principle to the proposal but have requested additional information on bin storage and servicing.

PLANNING CONSIDERATIONS

Principle of the development

14. Paragraph 92 of The National Planning Policy Framework (The Framework) states that to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- a) Plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places

of worship) and other local services to enhance the sustainability of communities and residential environments;

15. Policy V2 of the Chorley Local Plan 2012 – 2026 states that within the settlement areas excluded from the Green Belt, and identified on the Policies Map, there is a presumption in favour of appropriate sustainable development, subject to material planning considerations.

16. The application site is located in the settlement area of Croston which is excluded from the Green Belt and identified on the Policies Map. The property is located within the defined local centre of Croston, however this is a small centre surrounded by dense residential dwellings.

17. Policy EP7 of the Chorley Local Plan 2012 – 2026 seeks to states that planning permission will be granted for A1, A2, A3 and A4 uses which support the function of the district and local centre.

18. The principle of the proposal is, therefore, considered to be acceptable subject to other material planning considerations.

Impact on the amenity of neighbouring occupiers

19. Policy BNE1 of the Chorley Local Plan 2012-2026 states that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that, the development would not cause harm to any neighbouring property by virtue of overlooking, overshadowing or by creating overbearing impacts.

20. The application premises comprise a mid-terraced dwelling located directly between a residential dwelling to one side and a hairdressers, with residential flat above to the other. The proposed development involves the provision of a coffee shop/bar drinking establishment with a function room on the first floor. No exterior alterations would be made to the property.

21. Hours of opening for the proposed use vary throughout the week with operational hours of up to 9pm and 10pm during the week and Sundays. The latest hours proposed are on a Saturday where the premises would operate between 9am and 11pm. It is, therefore, considered that there would be potential for the generation of noise disturbance which would go above and beyond that typically associated with a retail unit or the former bank unit that would have predominantly operated during the day-time or early evening. This noise would include conversation, laughter and other noise usually associated with a A4 drinking establishment of this type.

22. Whilst the previously refused application sought planning permission for a generic class A4 use, the current proposal specifies an class A4 use but with a function room on the first floor. No evidence of how this would be operated or controlled has been submitted. Whilst the Planning Statement states that the function room would be pre-booked, in reality it is considered that there would be no means of conditioning that this room is used only for functions or for certain hours, or certain numbers of functions given that it is used in association with the coffee shop/bar for which an overall class A4 use is sought. Regardless of this, functions at which alcohol is required are likely to taken place into the evenings and weekends when they are likely to result in the most disturbance. Furthermore, the pre-booking of a function would not result in any less noise generation. It is also considered likely that when there are no functions taking place that it is likely that this will form overspill seating for the downstairs area.

23. A drinking establishment with evening opening hours would be a more intensive use than the former bank, with greater potential for noise generation and disturbance. This would be exacerbated by general comings and goings at late evening hours and the potential for customers to congregate outside the premises.

24. Limiting the use of the upstairs to a function room, if this could be achieved, would exacerbate this situation further as it would result in large numbers of customers, known to each other, leaving the premises simultaneously. This would have an impact on residents in the wider area which consists of dense terraced properties. Whilst it is acknowledged that there are other drinking establishments within Croston these do not form part of a row of terraced properties adjacent to residential dwellings. It is, therefore, considered that the proposed use of the first

floor as a function room would not result in any less impact on the surrounding residents than the previously refused scheme.

25. Residential properties are located directly adjacent to the application property with an adjoining bedroom wall at first floor. The large doors and balcony previously proposed have now been omitted from the scheme, however it is likely that windows adjacent to the neighbouring property would be opened especially during the summer months and during functions. The impact of noise disturbance as a result of this would be especially acute during the summer months where surrounding residential dwellings may wish to have windows open.

26. The previously refused scheme, application ref: 19/01119/FUL was refused on a number of grounds including that '*Insufficient information has been provided to demonstrate that the proposed drinking establishment, as a result of internal noise generation, would not have an unacceptable adverse impact on the amenity of the neighbouring occupiers or that satisfactory mitigation measures could be put in place to reduce any detrimental impact to the directly adjacent residential properties, contrary to Policies EP9 and BNE1 of the Chorley Local Plan 2012 - 2026.*'

27. In support of this application, the applicant has submitted details of specific sound boarding, however this has not been accompanied by any form of Acoustic Assessment that identifies the potential sources of noise, makes a realistic assessment as to the level of sound proofing required or demonstrates the proposals put forward would adequately mitigate any noise disturbance. Environmental Protection have been consulted on the proposal and given the importance of this issue, they do not consider that the level of information submitted is adequate to alleviate any concerns relating to noise disturbance.

28. Furthermore, Environmental Protection have again raised concerns as the area adjacent to the properties frontage, especially adjacent to the neighbouring garage doors, is likely to result in congregation for those needing to leave the premises to smoke. The neighbouring properties have habitable room windows in close proximity to these congregation points and, therefore, likely to be particularly susceptible to the impacts of both noise and smoke.

29. A recent appeal decision (ref: PP/D2320/W/19/3230707) dealt with a similar application for a micro pub in close proximity to residential dwellings. It was dismissed at appeal with the Inspector placing significant weight upon the impacts of smoke and noise on neighbouring dwellings, stating that "The noise and cigarette smoke associated with its use by a potentially large number of people over long hours would be detrimental to the living conditions of nearby residential occupiers, both within their homes and using their gardens."

30. The Inspector also considered the position of the refused application within a defined centre stating "*The Local Centre would be expected to be a vibrant and busy area. However, and irrespective of some late-night uses, activity would be likely to be greatest during daytime retail hours. At other times, including weekday evenings and Sundays, there would be a reduction in footfall and traffic in the surrounding area with a consequent reduction in background noise. The extended opening hours of the appeal scheme and the nature of the proposal would therefore result in an increase in noise and activity in and around the premises at otherwise quieter times when residential occupiers might reasonably expect to enjoy their homes free from significant noise and disturbance.*"

31. The application currently being considered is located within a significantly smaller defined centre than the appeal property, with a small number of commercial uses surrounded by residential dwellings in close proximity. As such, the level of noise and footfall is significantly smaller than at the site where the appeal was dismissed. This would result in a more pronounced difference in noise and activity between the daytime and night time for the surrounding residents should this application be approved. This issue formed a reason for refusal in respect of the previous application (ref:19/01119/FUL) and there has been no additional information put forward to address this issue or to alleviate these concerns. The proposal also, therefore, remains unacceptable on these grounds.

32. No indication has been given with regard to the storage of empty barrels and kegs or rubbish at the site, however it is assumed that this would also take place to the rear of the property with

access gained to the side of the building This would result in a further disturbance and disruption to the neighbouring residential dwellings as the yards to these properties are small and in close proximity to habitable room windows. Details of bin storage and servicing were requested from Lancashire Highways on the 27 July 2020, however these have not been submitted.

33. Issues in relation to privacy with the properties on the opposite side of Town Road have been raised. The previous application proposed the use of the flat roof as a balcony/congregation space. This has been omitted from the current proposal and as such the relationship between the two properties would not be altered.

Design and impact on the dwelling, street scene and the setting of the Croston conservation area

34. Paragraph 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the PLBCA) are relevant to the '*Special considerations affecting planning functions*'.

Section 66 states:

(1) 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.

(2) 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 16 of the National Planning Policy Framework (the Framework) refers to conserving and enhancing the historic environment. The following paragraphs contained therein are considered to be pertinent in this case:

189. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

190. 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 any conflict between the heritage asset's conservation and any aspect of the proposal.

192. In determining applications, local planning authorities should take account of:

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

193. 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 (and

the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

194. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

195. Where a proposed development will lead to substantial harm to (or total loss of significance

of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

196. 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, where appropriate, securing its optimum viable use.

200. Local planning authorities should look for opportunities for new development within Conservation Areas and 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 the asset (or which better reveal its significance) should be treated favourably.

The Central Lancashire Core Strategy (2012) (the Core Strategy), 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.'*

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.'

35. The site is located within the Croston Conservation Area, a designated heritage asset. This end of Town Road is predominantly characterised by traditional terraced dwellings created of red brick with uniform windows and stone plinths. In contrast to the previously refused scheme, the current proposal does not include any plans to alter the appearance or façade of the building and as such it is concluded that the proposal would not result in any detrimental impact on the appearance of the property, surrounding streetscape and the conservation Area. It is, therefore, considered that the proposal accords with policy.

Highway safety

36. Policy ST4 of the Chorley Local Plan 2012-2026 requires that proposals for development will need to make parking provision in accordance with the standards set out in Appendix A of the Local Plan. Appendix A identifies the Council's minimum parking standards for drinking establishments within Chorley Town Centre as being 1 space per 6sqm of public floor space. Policy ST4 does provide some flexibility in the parking standards and locations that are considered to be more sustainable and well served by public transport may be considered appropriate for lower levels of provision.

37. The site does not contain any parking provision and the application does not propose any. However, the site is located within Croston Centre. The application building was previously used as a bank that would already generate traffic in its own right. In this sense, any impact on highway safety in the local area would be similar to the previous situation and would not be unacceptable.

CONCLUSION

38. The proposed drinking establishment is likely to have an unacceptable adverse impact on the amenity of both neighbouring residents and those in the wider area by virtue of general noise and disturbance and smoking in close proximity to habitable spaces. The proposal for a first floor function room would not result any less concerns regarding noise and disturbance than the previously refused scheme for a class A4 use at the site and once again it is considered that insufficient evidence has been put forward to alleviate these concerns or address the reasons for refusal on the previously refused scheme

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

RELEVANT HISTORY OF THE SITE

Ref: 18/00906/FUL **Decision:** PERFPP **Decision Date:** 23 November 2018
Description: Removal of existing banking related fittings and ATM. New glazing panel to be installed following ATM removal.

Ref: 16/00125/ADV **Decision:** PERADV **Decision Date:** 8 April 2016
Description: One non-illuminated fascia sign, one non-illuminated hanging sign, one non-illuminated sign adjacent to door and one non-illuminated sign to cash machine.

Ref: 12/00289/ADV **Decision:** PERADV **Decision Date:** 8 May 2012
Description: Removal of existing signage and installation of replacement, converting the current Royal Bank of Scotland to Santander

Ref: 06/00274/ADV **Decision:** PERADV **Decision Date:** 19 April 2006
Description: Advertisement consent for one non-illuminated fascia sign and one non-illuminated projecting sign

Ref: 05/01140/ADV **Decision:** REFADV **Decision Date:** 18 January 2006
Description: Retrospective application for the erection of an internally illuminated fascia sign and projecting sign and non-illuminated welcome/security sign

Ref: 04/00429/FUL **Decision:** REFFPP **Decision Date:** 28 May 2004
Description: Formation of access ramp with barrier rail and installation of light above entrance

Ref: 02/00860/FUL **Decision:** PERFPP **Decision Date:** 18 October 2002
Description: Installation of Automatic Teller Machine

Ref: 92/00816/FUL **Decision:** PERFPP **Decision Date:** 10 December 1992
Description: Two storey rear extension

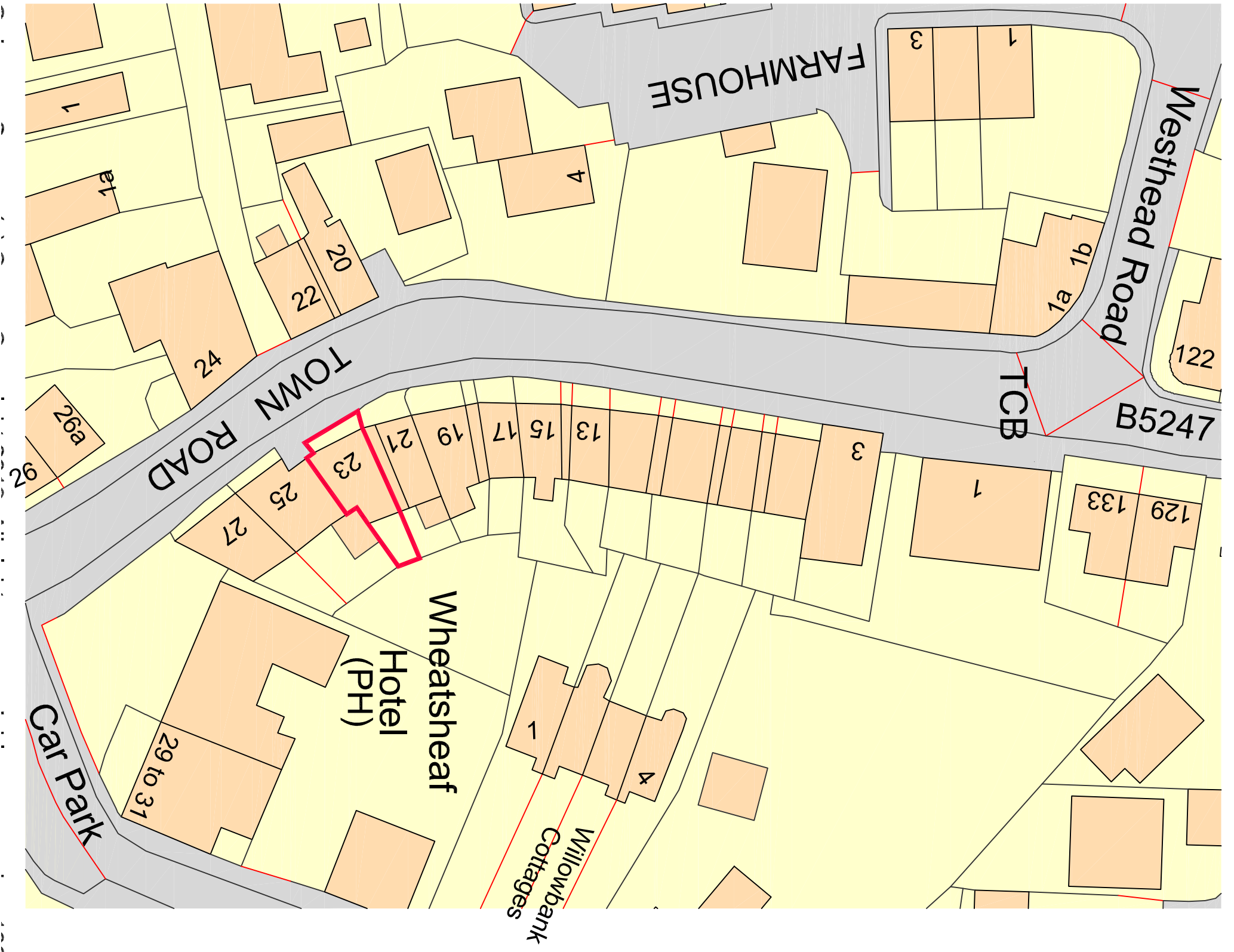
Ref: 91/00036/FUL **Decision:** PERFPP **Decision Date:** 12 March 1991
Description: Use of first floor for office storage

Ref: 85/00616/ADV **Decision:** WDN **Decision Date:** 28 October 1985
Description: Display of internally illuminated replacement fascia signs

Ref: 77/00027/FUL **Decision:** PERFPP **Decision Date:** 29 March 1977
Description: Change of use of part of ground floor from residential to banking and first floor to flat

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OS Location Plan
(SCALE 1:500)



NOTES AND AMENDMENTS
ALL DIMENSIONS TO BE CHECKED
ON SITE BEFORE WORK COMMENCES.
FIGURED DIMENSIONS TO TAKE PREFERENCE
OVER THOSE SCALED

REVISIONS			
REV.	DESCRIPTION	DRAWN	CHKD. DATE

JLP DESIGN UK LTD
Suite 45
Rodney House
King Street
Wigan
WN1 1BT
Tel - 01942 243313
Fax - 01942 492230
Mobile - 07917 878010
EMAIL:- jlpdesignuk@googlemail.com

PROJECT
Former RBS Bank
23 Town Road, Croston,
Leyland, PR26 9RA

DRAWING TITLE
OS Location Plan

SCALE	SHEET SIZE	No. of SHEETS	DATE	REVISION
AS SHOWN	A3	1	10.09.19	
DRAWING NUMBER 19-093-2				

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APPLICATION REPORT – 20/00811/LBC

Validation Date: 30 July 2020

Ward: Chorley North West

Type of Application: Listed Building

Proposal: Application for listed building consent for repairs and alterations to the south range of Astley Hall to include: (1) the removal of failing C19th concrete render to the exterior. (2) repair of the exposed C17th brick and stone façade. (3) repointing of brickwork and masonry. (4) stitching of movement cracks with stainless steel helical bar. (5) new leadwork cappings. (6) redecoration of the facade with limewash or breathable paint (if required). (7) rebuilding of the second-floor leaded light windows, retaining glazing. (8) replacement of the failing ground and first floor timber windows. (9) new chimney and buttress stone capping. (10) internal lime plaster repairs. (11) repair to internal window boards. (12) minor oak panelling repair and re-fixing. (13) provision of new access ramp to the west door.

Location: Astley Hall Astley Park Park Road Chorley PR7 1NP

Case Officer: Amy Aspinall

Applicant: Chorley Borough Council

Agent: Mr Geoff Maybank, Maybank Buildings Conservation

Consultation expiry: 27 August 2020

Decision due by: 24 September 2020

RECOMMENDATION

1. It is recommended that listed building consent is granted, subject to conditions.

SITE DESCRIPTION

2. The application relates to the south range and principal elevation of Astley Hall which is a grade 1 listed building. It is a former manor house of fine example dating from the C16 and C17 with early C19 addition; and was repaired and restored from 1949. The Hall is situated within the grade II registered Historic Park and Garden which is of special historic interest and a number of buildings within the curtilage are grade II listed in their own right. The official listing description is available to view online.

DESCRIPTION OF PROPOSED DEVELOPMENT

3. The application seeks listed building consent for a number of works to Astley Hall focusing mainly on the removal of the existing render to the south range, with repair works such as repointing and limewash (if necessary); the replacement and repair of windows; the provision of an access ramp to the west side of the building; stone cappings to the chimney and buttress; and other repair works.

REPRESENTATIONS

4. No representations have been received.

CONSULTATIONS

5. Historic England: Have no objection to the application. They state that they believe that the works have the potential to better reveal the special architectural and historic interest of the grade I listed building. Full comments are available to view on the Council's website.
6. The Gardens Trust: State that they have considered the information provided in support of the application and on the basis of this confirm that they do not wish to comment on the proposals at this stage. They do, however, also state that this does not in any way signify either their approval or disapproval of the proposals.
7. Lancashire County Council Archaeology Service: State that they have no objection, subject to a condition requiring the implementation of a programme of archaeological works and a watching brief.
8. Society for the Protection of Ancient Buildings (SPAB): At the time of report preparation, comments from the Society for the Protection of Ancient Buildings (SPAB) have not been received and are still awaited.
9. Twentieth Century Society: No comments have been received.
10. Ancient Monuments Society: No comments have been received.
11. The Council for British Archaeology: No comments have been received.
12. Friends of Astley Park: No comments have been received.
13. Friends of Astley Hall: No comments have been received.
14. Chorley Civic Society: No comments have been received.
15. The Georgian Group: No comments have been received.
16. The Victorian Society: No comments have been received.
17. CIL Officers: Advise that the development is not CIL Liable

PLANNING CONSIDERATIONS

18. The Planning (Listed Buildings and Conservation Areas) Act 1990 (The Act) sets out the principle duty that a Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Great weight and importance is attached to this duty.
19. The National Planning Policy Framework (The Framework) at Chapter 16 deals with conserving and enhancing the historic environment. The following paragraphs contained therein are considered to be pertinent in this case:
 20. The Framework at paragraph 184 recognises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.
 21. At paragraph 190 The Framework states that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal, 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 any conflict between the heritage asset's conservation and any aspect of the proposal.
 22. Paragraph 192 provides that in determining applications, Local Planning Authorities should take account of:

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

23. When considering the impact of a proposal on the significance of a designated heritage asset, The Framework is clear at paragraph 193 that great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be applied. This is irrespective of whether any harm is identified as being substantial, total loss or less than substantial harm to its significance.

24. Paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

25. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, paragraph 194 advises that Local Planning Authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use

26. Paragraph 196 identifies that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use

27. The adopted Central Lancashire Core Strategy (2012) policy 16 (Heritage Assets) states: *Protect and seek opportunities to enhance the historic environment, heritage assets and their settings by:*

- a) *Safeguarding heritage assets from inappropriate development that would cause harm to their significances.*
- b) *Supporting development or other initiatives where they protect and enhance the local character, setting, management and historic significance of heritage assets, with particular support for initiatives that will improve any assets that are recognised as being in poor condition, or at risk.*
- c) *Identifying and adopting a local list of heritage assets for each Authority.*

28. Chorley Local Plan 2012 - 2026 policy BNE8 (Protection and Enhancement of Heritage Assets) states that:

- a) *Applications affecting a Heritage Asset or its setting will be granted where it:*
 - i. *Is in accordance with the Framework and relevant Historic England guidance;*
 - ii. *Where appropriate, takes full account of the findings and recommendations in the Council's Conservation Area Appraisals and Management Proposals;*
 - iii. *Is accompanied by a satisfactory Heritage Statement (as defined by Chorley Council's advice on Heritage Statements) and;*

- b) *Applications will be granted where they sustain, conserve and, where appropriate, enhance the significance, appearance, character and setting of the heritage asset itself and the surrounding historic environment and where they show consideration for the following:*
- i. *The conservation of features and elements that contribute to the heritage asset's significance and character. This may include: chimneys, windows and doors, boundary treatments, original roof coverings, earthworks or buried remains, shop fronts or elements of shop fronts in conservation areas, as well as internal features such as fireplaces, plaster cornices, doors, architraves, panelling and any walls in listed buildings;*
 - ii. *The reinstatement of features and elements that contribute to the heritage asset's significance which have been lost or damaged;*
 - iii. *The conservation and, where appropriate, the enhancement of the setting of heritage assets;* iv. *The removal of additions or modifications that are considered harmful to the significance of any heritage asset. This may include the removal of pebbledash, paint from brickwork, non-original style windows, doors, satellite dishes or other equipment;*
 - iv. *The use of the Heritage Asset should be compatible with the conservation of its significance. Whilst the original use of a building is usually the most appropriate one it is recognised that continuance of this use is not always possible. Sensitive and creative adaptation to enable an alternative use can be achieved and innovative design solutions will be positively encouraged;* vi. *Historical information discovered during the application process shall be submitted to the Lancashire Historic Environment Record.*

29. The policy also states that development involving the demolition or removal of significant heritage assets or parts thereof will be granted only in exceptional circumstances which have been clearly and convincingly demonstrated to be in accordance with the requirements of the Framework

30. The application seeks listed building consent for a number of repairs and alterations to the south range of Astley Hall, as set out in the proposed works schedule. Astley Hall is a grade I listed building, which is also situated within the designated grade II Astley Hall Historic Park and Garden which is of special historic interest. With the exception of the external access ramp, the works are, in essence, to facilitate essential works and maintenance to the Hall where existing elements/ materials are failing and causing damage to the heritage asset.

Removal of C19th concrete render to the exterior

31. The application seeks consent to remove the existing concrete render to the south range of the building in those areas as shown on the submitted plan and to expose the original brickwork and detailing underneath. The information submitted with the application demonstrates that the render is not an original feature, and chemical analysis of the render shows it to be of very modern composition, suggesting a date towards the end of the C19th or early C20th. Nonetheless, the render is historic, has been in place for some time, and was in place at the time of listing.

32. The application seeks to justify the removal of the render as it is in poor condition, is failing, sections have become loose, and the render is saturated in parts and is holding damp against the historic fabric of the building. The failing render is preventing the historic fabric from managing moisture, resulting in deterioration and damage. Large areas are cracked and have been 'netted' at high level as pieces have started to fall away and, in time, this will freely allow water to seep behind the remaining render, and will put the historic fabric and interiors at much greater risk of damage. If no action is taken in relation to the render, the damp problem will worsen and the significance of the building harmed. Notwithstanding this, the loose render is also a health and safety hazard for this publicly accessible building. A test section of the render has previously been removed and this has allowed that section of the wall to dry out, which evidences that the removal of the current failing render is necessary.

33. The application is accompanied by a heritage statement which assesses the render as having no evidential value, although it recognises that it does hold medium historical value. The render is also recognised as an intrusive feature which negatively affects the south range elevation of the Hall and is also affecting the conditions of the underlying brick work. The removal of the render is recognised as having a moderate to large impact on the building.

34. The Local Planning Authority recognises that the removal of the render, which has been in place for a considerable amount of time on this principal elevation, would alter the visual character and appearance of the building and how it is currently viewed within its wider parkland setting. The render is, however, a more modern alteration, albeit in the last 100 years or so, and has harmed the architectural character of the building, by obscuring original decorative detailing. The later addition of the render has created a flat and dull character to the facade, as recognised by Historic England.

35. The removal and replacement of the render is not a feasible option as the non-permeable nature of cementitious render would have an ongoing negative impact on the historic fabric and is likely to fail over time, whereas other options such as a lime render would have a greater thickness and would further obscure architectural detailing of the building and would fundamentally alter its special architectural character. The application discounts both options and the Local Planning Authority concurs that neither are viable options at this present time as replacement render may further harm the significance of the building. Its removal has the potential to better reveal the special architectural and historic interest of the grade I listed building, which was not originally intended to be rendered.

36. The removal of the render is, however, a major alteration and whilst test patches of removal have been carried out which show that the render is poorly adhered to the building and can be removed with minimal damage, there is still the risk of damaging the face of the brickwork beneath with larger expanse of removal.

37. Test areas show that the brickwork was limewashed / painted and that this has largely prevented the render from adhering to the brick and stonework, however it has adhered to the mortar joints. The current unknowns associated with the render removal are set out below:

- The present condition of brick faces and the amount of repair and replacement of bricks in the elevations.
- The present condition of the stone quoins, although the application sets out that those which have already been exposed appear fair.
- The extent of structural tying of cracks in the masonry where differential settlement has occurred.
- The width of mortar joints to brickwork and the extent that careful repointing will be able to limit the artificial widening of these joints.

38. The application sets out different scenarios following removal of the render, ranging from minimal brick face loss, to the need for a higher percentage of replacement bricks, or limewashing of bricks where they can be retained but are in poor condition. The application has demonstrated that limewash has been used on the south range of the building, and is, therefore, based firmly based on historical evidence. If, however, the bricks were to be found in very poor condition, the application of 'keim' paint would be explored.

39. Due to the current unknowns following the removal of the render, a repair methodology could be secured by way of condition and would cover the final specification of the repairs to the brickwork and any other options if it found that the brickwork is unsuitable to be left uncovered.

Replacement windows / restoration

40. The existing windows identified for replacement are not original and date from 1963. They are failing, are heavily overpainted and many are rotted, both to the frames and glazing bars, and are allowing cold air and moisture into the building. These windows make a minimal contribution to the significance of the listed building and detract from it.

41. Initially the application proposed replacement windows of either Crittall or mild steel metal framed windows with leaded lights, or cast-iron frames and glazing bars, which was based on an interpretation of limited information available. During the course of the application, however, documentation has been discovered which provides evidence of original windows in the morning room, which were timber and not leaded. Further investigation was made into the windows and numerous surviving historic timber windows were identified, although these were mostly at

higher level and obscured beneath heavy overpainting. The design and profile of these timber existing windows match those shown in the recently discovered photograph of 1920(s). The application now seeks consent to replace the windows (identified as W1-18, W35, W42, W43, W76 and W77 on the submitted elevation drawings) with new oak windows to match the design and dimensions of the historic examples and as set out on drawing number 3148-104.

42. The application provides sufficient evidence for the authenticity of the proposed replacement windows of which the existing have negligible heritage value and the impact of the change is considered slight.

43. Window W76 as shown on the submitted plan, is of nineteenth century installation, and represents part of an earlier phase of alteration where a stone mullion was removed. This has caused structural damage to the stone lintel above and its replacement with an oak casement to visually mirror the existing sash and would provide greater structural support to the lintel. Whilst this window is of medium significance, the impact of its replacement is assessed as being slight. The benefits of rectifying the structural damage are considered to outweigh the slight harm caused, and the replication would be sympathetic.

44. Refurbishment of existing leaded light windows would affect features which are of very high significance, however, the works are necessary and justified and would help with the proper functioning of the Long Gallery space.

Provision of new access ramp to the west door

45. This wider area currently benefits from a network of paths set within landscaping and low-profile timber barriers and a sunken path. The proposal would realign the access path forming a continuation of a path which extends from the north. The access would be ramped, set at a fall of 1:12 and newly formed steps would connect to the existing pathway. Kerbs would be defined by brickwork, with a new dwarf wall and handrail, as shown on the submitted plan. Whilst the works here would change the way in which the building is viewed from the western side with a moderate to large impact of change, with the use of suitable materials, the access would have a sympathetic appearance and additionally, it would not affect the fabric of the building itself. The proposal would enhance access and user experience of the heritage asset, whilst complying with the Equality Act. The works would be of demonstrable public benefit and it is not considered that they would substantially affect the special interest of the Hall or the registered park and garden. Details of materials and soft landscaping could be secured by way of condition.

New chimney and buttress slope capping

46. A stone capping is proposed to the buttress which is formed from the remains of the rear wall of the former stair tower of likely C17th date. The buttress is rendered but presently has no capping and the wall is very damp, therefore the provision of a capping stone would help to keep the wall drier. The same principle applies to the capping of the stepped chimneys as the render has failed. These are used elsewhere on the building and would be an appropriate solution in keeping with the character and age of the building.

Other works

47. These are considered to be appropriate minor repairs to the heritage asset, with sympathetic materials being identified.

CONCLUSION

48. The Planning (Listed Buildings and Conservation Areas) Act 1990 (The Act) imposes a principle duty that a Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Great weight and importance is attached to the duty to preserve, regardless of the level of harm.

49. Whilst it is recognised that the proposals would involve a profound visual change to the building as it currently exists, in this instance it is not considered that the proposed works translate into harm to the significance of the building. The Local Planning Authority considers that the proposals set out in this application would better reveal the special architectural and historic interest of the grade I listed Astley Hall, thereby enhancing the heritage asset, rather than causing harm; and that the works are robustly justified and evidenced. The proposals would maintain the long-term viable use of the heritage asset as a public building being appropriately conserved for existing and future generations.

50. The application is considered to meet the principle duty of the Act, the objectives of Chapter 16 of The National Planning Policy Framework and heritage policy 16 of the Central Lancashire Core Strategy and policy BNE8 Chorley Local Plan 2012-2026. It is recommended to Members that the proposals contained within this listed building consent application are acceptable and should be granted, subject to conditions.

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

Suggested conditions

52. To follow.

RELEVANT HISTORY OF THE SITE

Ref: 90/00253/COU **Decision:** PERFPP **Decision Date:** 3 July 1990
Description: Change of use of agricultural dwelling to office accommodation

Ref: 07/00243/LBC **Decision:** PERLBC **Decision Date:** 19 November 2007
Description: Construction of 2.7m to 2.1m high brick wall between lean to of boiler house and corner of the rear of Astley Hall

Ref: 08/00060/LBC **Decision:** WDN **Decision Date:** 14 August 2008
Description: Listed Building Consent for the installation of six CCTV cameras on Astley Hall and The Coach House

Ref: 08/00884/CB3 **Decision:** PERFPP **Decision Date:** 4 February 2009
Description: Installation of a CCTV system including six cameras (located on Astley Hall, The Coach House, wall mounted and on poles in the grounds) and eight loudspeaker horns on the roof of Astley Hall and The Coach House

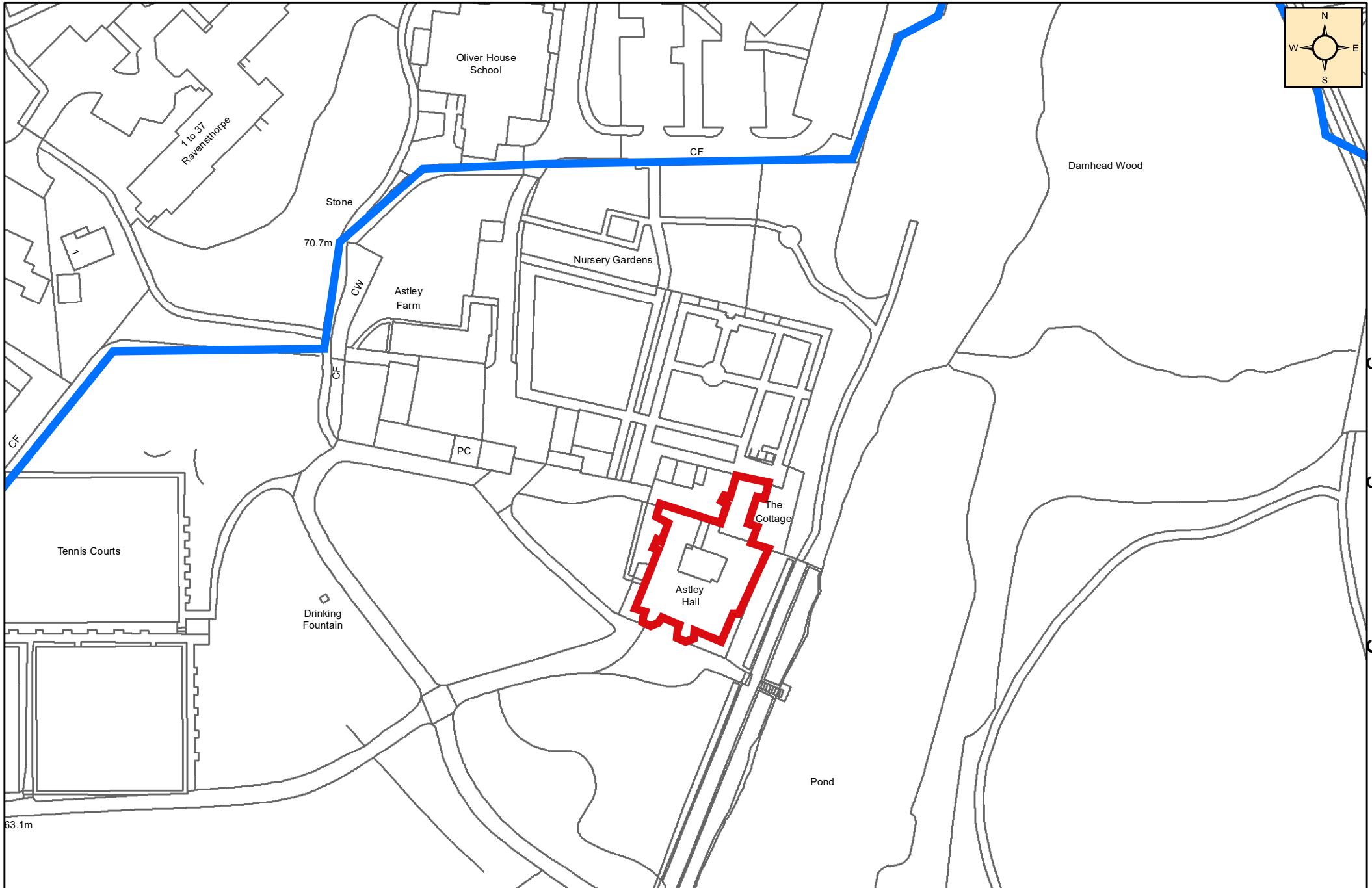
Ref: 08/00885/LBC **Decision:** PERLBC **Decision Date:** 4 February 2009
Description: Listed Building Consent for the installation of a CCTV system including six cameras (located on Astley Hall, The Coach House and wall mounted in the grounds) and eight loudspeaker horns on the roof of Astley Hall and The Coach House

Ref: 12/00750/LBC **Decision:** PERLBC **Decision Date:** 13 November 2012
Description: Repairs to stone archway, gates, side pillars and adjacent landscaping including: re pointing ashlar stonework; stone repairs with lime repair mortar; stone piecing-in repairs; renovation of gates; replacing corroding iron cramps; lifting and re bedding coping stonework; fitting of new metal capping to head of archway; making good adjacent landscaping.

Ref: 18/00178/CB3 **Decision:** PERFPP **Decision Date:** 25 April 2018
Description: Creation of covered event and performance space within the Walled Garden adjacent to Astley Hall

Ref: 18/00179/LBC **Decision:** PERLBC **Decision Date:** 25 April 2018
Description: Listed Building Consent for: Alterations to structure within the Walled Garden adjacent to Astley Hall to create a covered events and performance space

Ref: 18/00608/DIS **Decision:** PEDISZ **Decision Date:** 3 July 2018
Description: Application to discharge condition no.4 (sample materials) to permission granted under 18/00178/CB3: Creation of covered event and performance space within the Walled Garden adjacent to Astley Hall



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