

Item 6 **11/00635/FUL**

Case Officer **Caron Taylor**

Ward **Wheelton And Withnell**

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

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

Applicant **Daniel Thwaites Brewery**

Consultation expiry: 17 August 2011

Application expiry: 8 September 2011

Proposal

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 Two previous applications for three dwellings on the site have been withdrawn (10/00795/FUL and 11/00195/FUL).

Recommendation

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

Main Issues

4. The main issues for consideration in respect of this planning application are:

- Principle of the development
- Background information
- Housing Development
- Density
- Levels
- Impact on the neighbours
- Design
- Open Space
- Trees and Landscape
- Ecology
- Flood Risk
- Traffic and Transport
- Public Right of Way
- Drainage and Sewers

Representations

5. Seventeen letters of objection have been received on the following grounds:
 - Congestion problems for car parking will increase and result in people parking in surrounding roads. It will also result in the access to the lane being blocked making it one way. This will mean that cars will have to wait on the A674 causing a traffic hazard and a danger for walkers. Parking will also block field gates in the lane;
 - Brown House Lane is a public footpath and parking will cause a danger to pedestrians;
 - Additional luxury housing is not a priority;
 - They erected a garage on the site 25 years ago because parking in front of 368 Blackburn Road across from the Golden Lion was almost impossible due to the public visiting the pub. This will be worse if they lose most of their car park;
 - The existing car park is often full to capacity, with the growing popularity of the pub with patrons subsequently parking in the adjacent Brown House Lane. Although the applicant's traffic counts show the capacity will be adequate they know from experience this is very unlikely to be the case. It is a very popular pub;

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

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

Concerns about the evidence supporting the application:

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

- The width of the lane is that where there is only access for one vehicle at a time and as there are no passing places further up on the lane where the public house is situated this is going to cause further problems with the increased volume of traffic going down the lane as well as the amount of ramblers that use this lane to access numerous public footpaths within the area. The applicant talks about making enough access space for two car passing places in accordance with a city plan that was undertaken by their consultants however as this is a rural location it does not take into account the 7.5 ton vehicles used as horse boxes or the tractors which would be accessing the lane as well as your usual traffic;
- A little while ago the same public house applied for an extension as they were unable to cope with the demand of the people using the facility especially when they have their promotional steak nights on a Tuesday and Thursday evening, this was granted and since then the trade has increased further and this is acknowledged by the applicant. Therefore how can they now look at reducing the amount of car places available especially when on these evenings there are not enough parking spaces now and a noticeable increase in the amount of traffic parking on Blackburn Road and the surrounding areas. She also questions the suggestion made by the applicant that the closure of the Golden Lion was under review and if this was still a current suggestion?
- A plan of a typical day was submitted with an average number of 12 vehicles which she would like to question when this was done as usually even on a lunch time there is a minimum of 15 vehicles parked in the car park and if they took into account the amount of weekend traffic or when they have a match being played as the Golden Lion makes full use of their sky sports promotions and would ask for a recalculation of this figure done by LCC Highways;
- Within the design and access statement it states at 2.4.02 that "Low fencing & hedgerows are proposed as a natural boundary between the three Housing plots. I would question why Three not two?"
- Within the same document at 3.1.05 it states that buses run along Blackburn Road every ten minutes which is not the case and there is actually no bus service at all to Withnell Fold so that also has a problem for the quote at 3.1.06 that states the local village school situated in Withnell Fold is only 1 mile away and there is a bus to access this facility every ten minutes, again this is incorrect and there is no bus at all to Withnell Fold. There is a bus 124 that goes from Chorley interchange to Blackburn every hour and this accesses Wheelton, goes along Blackburn Road to Brinscall and Abbey Village onto Blackburn. Therefore making the provision of cars more important as bus service is very limited within the area and even more so on a Sunday and evenings;
- There is also an additional report by Brian Evans which again states that there are three detached houses and 26 car parking spaces which is not in keeping with the application so I would ask that this report is either amended or removed;
- She would like to know if the person who has the ownership of the lane has given permission for the lane to be used by the residents of these properties as currently the lane is unadopted and is not maintained by Chorley or Lancashire Councils.

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

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

Consultations

9. Lancashire County Council (Highways)

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

Lion car park. They recommend conditions to be applied to any approval.

10. **United Utilities**

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

11. **Environment Agency**

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

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

Request a condition in relation to ground contamination.

Assessment

Principle of the development

13. The application site is an area of land to the rear of the Golden Lion Public House and access from Brown House Lane, Higher Wheelton. It is currently occupied by the pub car park and a row of garages and is therefore previously developed land. All the land is owned by Daniel Thwaites Brewery, the land the garages are on being leased by the brewery.
14. The application site is within the settlement of Higher Wheelton apart from a very small triangular part at the northern end of the site that is in the Green Belt (and will form a small part of the garden of the property). Policy GN4 of the Local Plan covers development in Higher Wheelton and states that the re-use of previously development land will be permitted, bearing in mind the scale of any proposed development in relation to its surroundings and the sustainability of the location.
15. A very small piece of the garden of Plot 1 would fall within the Green Belt but it is not considered the proposal would have an impact on its openness and the garden boundary follows the natural boundary of the site as exists.
16. The proposal is therefore considered acceptable in principle, subject to the other aspects of the proposal also being acceptable.

Levels

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

Impact on the neighbours

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

Design

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

the properties is considered to be acceptable in relation to HS4.

Trees and Landscape

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

Ecology

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

Flood Risk and Drainage

23. The site is not within a flood zone area as identified by the Environment Agency. Between the eastern embankment and the boundary there is a narrow watercourse in a ditch.
24. United Utilities have not objected to the application subject to conditions.
25. The Environment Agency have noted that the site is adjacent to an ordinary watercourse and stated that United Utilities may request that, if possible, the applicant discharge clean, uncontaminated surface water from the proposed development to the watercourse. They state any surface water discharge to the adjacent ditch should be restricted to Greenfield rates and, in the case of the car park, should be via trapped gullies. Any works to the watercourses within or adjacent to the site which involve infilling, diversion, culverting or which may otherwise restrict flow, require the prior formal Consent of the Environment Agency under Section 23 of the Land Drainage Act 1991. Culverting other than for access purposes is unlikely to receive Consent, without full mitigation for loss of flood storage and habitats. Details of any proposed new surface water outfalls, which should be constructed entirely within the bank profile, must be submitted to us for approval in accordance with the Water Resources Act 1991.
26. To respond to the comments above a condition is proposed requiring full details of the foul and surface water arrangements to be submitted to the Council including any treatment of the watercourse on the site.
27. The case officer has checked with building control and the main sewer is to the rear of the Golden Lion pub, however building control state that the sewage can be pumped from the properties if necessary. This would not need a separate planning application.

Traffic and Transport

28. The proposed dwellings each have three dwellings and therefore require two off road parking spaces each in line with the parking standards. One of these spaces will be provided under a carport and the other in front of it. It is considered that the properties are more likely to use the spaces within the carport than if it was a garage and therefore it is considered that a condition would be appropriate to prevent it being converted to a garage if the application is approved. The parking at the properties complies with the relevant policies and is therefore considered acceptable in terms of parking provision.
29. The current car park for the pub has 33 parking spaces, however at least one of these spaces is unusable due to it having recycling containers on it, effectively giving the current car park 32 usable spaces. The car park as proposed would also have 32 spaces, which has been achieved by rearranging its layout and also removing the verge from around the edge.
30. The pub will therefore effectively have the same number of spaces as it has at present and although it is accepted that the current car park is full to capacity at certain times the proposal will not make this worse in terms of the change to the car park itself.

31. The proposal will however, also result in the loss of five (one double) garages. It is noted from the representations received to the application that at least one of these is used as storage rather than for the parking of a vehicle. The garages are on land owned by the applicant (brewery). Therefore if the application was refused on the grounds that the garages would be lost, the brewery could end the lease of the land resulting in the garages being lost anyway and therefore overcoming this issue. It is not therefore considered that the Council could substantiate a refusal on these grounds.
32. The applicant proposes to re-site the recycling receptacles that are on the present car park and a condition is proposed requiring details of this to be provided.

Public Right of Way

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

Section 106 Agreement

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

Overall Conclusion

35. The proposed development is acceptable in principle under policy GN4 of the Local Plan. The main issue with the application is highways and parking. The proposed properties have the necessary relevant parking spaces for their size. Although it is accepted that there will be loss of one parking space in the pub car park as a result of the scheme, it will effectively be the same size, as one of the current spaces is unusable due to recycling receptacles placed in it. Therefore although it is accepted that the current car park is often full and requires parking on the road, the parking situation for the pub will remain as at present. The loss of the garages to the north of the site is unfortunate but as the land is only leased to them by the applicant this could be ended anyway (not just as a result of the proposal), resulting in them having to find alternative parking. It is therefore not considered that the Council could substantiate a refusal on highways grounds and the application is recommended for approval subject to conditions and a section 106 agreement.

Planning Policies

National Planning Policies:

PPG2, PPS3, PPS9, PPG13, PPG25

Adopted Chorley Borough Local Plan Review

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

Planning History

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

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

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

Recommendation: Permit (Subject to Legal Agreement) Conditions

1. The proposed development must be begun not later than three years from the date of this permission.
Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall not commence until details of the re-siting of the recycling receptacles on the existing carpark have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.
Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (Schedule 2, Part 1, Class A) or any Order revoking or re-enacting the Order, the carports hereby permitted shall not be converted to living accommodation or be enclosed to form garages. They shall be left open for the parking of cars.
Reason: To ensure the properties permitted have sufficient off road parking, to discourage on-road parking and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.

4. The site must be drained on a separate system with only foul drainage connected into the foul sewer.
Reason: To secure proper drainage and in accordance with Policy EP17 of the Adopted Chorley Borough Local Plan Review.
5. No development shall take place until details of the proposed surface water drainage arrangements have been submitted to and approved by the Local Planning Authority in writing. This shall include details of any treatment to the ditch within the application site. Any surface water discharged to the adjacent ditch should be restricted to Greenfield rates and, in the case of the car park, should be via trapped gullies. No part of the development shall be occupied until the approved surface water drainage arrangements have been fully implemented.
Reason: To secure proper drainage and to prevent flooding and in accordance with PPS25 and Policy Nos. EP18 of the Adopted Chorley Borough Local Plan Review.
6. Before the dwellings hereby permitted are commenced the car park hereby approved shall be surfaced or paved, drained and marked out all in accordance with the approved plan. The car park and vehicle manoeuvring areas shall not thereafter be used for any purpose other than the parking of and manoeuvring of vehicles.
Reason: To ensure adequate on site provision of car parking and manoeuvring areas and in accordance with Policy No. TR4 of the Adopted Chorley Borough Local Plan Review.
7. During the construction period, all trees to be retained, as shown on the approved plans, shall be protected by 1.2 metre high fencing as specified in paragraph 8.2.2 of British Standard BS5837:2005 at a distance from the tree trunk equivalent to the outermost limit of the branch spread, or at a distance from the tree trunk equal to half the height of the tree (whichever is further from the tree trunk), or as may be first agreed in writing with the Local Planning Authority. No construction materials, spoil, rubbish, vehicles or equipment shall be stored or tipped within the area(s) so fenced. All excavations within the area so fenced shall be carried out by hand.
Reason: To safeguard the trees to be retained and in accordance with Policy No. EP9 of the Adopted Chorley Borough Local Plan Review.
8. The development hereby permitted shall not commence until full details of the all hard ground-surfacing materials (notwithstanding any such detail shown on previously submitted plans and specification) have been submitted to and approved in writing by the Local Planning Authority. This shall include details of the surfacing of the car park and specifically the materials to be used within the roof protection areas of the trees shown to be retained on the approved plans. The development shall only be carried out in conformity with the approved details.
Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area and in accordance with Policy Nos. GN5 and EP9 of the Adopted Chorley Borough Local Plan Review.
9. Before the development hereby permitted is first commenced full details of the proposed finish floor levels (all relative to ground levels adjoining the site) shall have been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on previously submitted plan(s). The development shall only be carried out in conformity with the approved details.
Reason: To protect the appearance of the locality, in the interests of the amenities of local residents and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.
10. Before the dwellings hereby permitted are first occupied, their driveways shall be surfaced or paved, drained and marked out all in accordance with the approved plan. The driveway shall not thereafter be used for any purpose other than the parking of and manoeuvring of vehicles.
Reason: To ensure adequate off-road car parking is provided and in accordance with Policy No. TR4 of the Adopted Chorley Borough Local Plan Review.
11. No development shall take place until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail which may have previously been submitted. The scheme shall indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform.
Reason: In the interests of the amenity of the area and in accordance with Policy No. GN5 of the Adopted Chorley Borough Local Plan Review.
12. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be

replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

13. The approved plans are:

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

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

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

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

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

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