

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

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

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

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

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

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

**Consultation expiry: 17 August 2011**

**Application expiry: 13 October 2011**

### **Proposal**

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

### **Recommendation**

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

### **Main Issues**

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

### **Representations**

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

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

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

## **Consultations**

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

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

### **11. The Environment Agency**

Have no comments to make on the application.

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

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

### **13. United Utilities**

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

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

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

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

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

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

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

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

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

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

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

### **Applicants Case**

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

environment to aid the rehabilitation of patients.

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

## **Assessment**

### Principle of the development

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

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

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

### Levels

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

### Impact on the neighbours

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

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

### Design

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

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

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

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



### Trees and Landscape

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

### Ecology

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

### Flood Risk

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

### Traffic and Transport

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

### Contamination

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

### Sustainable Resources

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

### Drainage and Sewers

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

### **Overall Conclusion**

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

### **Other Matters**

#### Public Consultation

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

### **Planning Policies**

#### National Planning Policies:

PPG2, PPS4, PPS9, PPS22, PPS23, PPS25

#### Adopted Chorley Borough Local Plan Review

Policies: GN5, DC1, EP9, EP18, TR4

#### Chorley's Local Development Framework

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

### **Planning History**

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

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

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

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

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

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

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

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

*Reason: To safeguard the trees to be retained and in accordance with Policy No. EP9 of the Adopted Chorley Borough Local Plan Review.*

10. Japanese knotweed (*Fallopia japonica*) is present within the site. This shall be eradicated from the site and working methods shall be adopted to prevent the spread of this species.

*Reason: To ensure the eradication of Japanese Knotweed in accordance with the Wildlife and Countryside Act 1981 (as amended) and PPS9.*

11. No development shall take place until details of the proposed surface water drainage arrangements have been submitted to and approved by the Local Planning Authority in writing. Surface water should discharge directly in to the adjacent watercourse and may require the consent of the Environment Agency. No part of the development shall be occupied until the approved surface water drainage arrangements have been fully implemented.

*Reason: To secure proper drainage and to prevent flooding and in accordance with PPS25.*

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

*Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.*

13. No part of the development hereby approved shall be occupied or opened for trading until the access works as shown on the approved site plan have been constructed and completed in accordance with the approved details.

*Reason: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.*

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 there shall not at any time in connection with the development hereby permitted be erected or planted or allowed to remain upon the land hereinafter defined any building, wall, fence, hedge, tree, shrub or other device. The visibility splay to be the subject of this condition shall be that land in front of a line drawn from a point 2.4m measured along the centre line of the proposed road from the continuation of the nearer edge of the carriageway of Hall Lane to points measured 120m in the westerly direction and 90m in the easterly direction along the nearer edge of the carriageway of Hall Lane, from the centre line of the access, and shall be constructed and maintained at footway/verge level.

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

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

*Reason: Required to be imposed by Section 51 of the Planning and Compulsory*

***Purchase Act 2004.***

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

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

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

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

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

17. No development shall take place until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail which may have previously been submitted. The scheme shall indicate all existing trees and hedgerows on the land; detail any to be retained, together with measures for their protection in the course of development; indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform. It shall specifically include detail of a replacement tree for the Oak tree to be removed on the site frontage. The scheme shall specifically include details of the landscaping of the site (including any walls) to the frontage of the site in front of the approved car park.

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

18. The approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

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

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

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

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

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

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

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

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

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