

**Item A. 5**                      **06/00666/OUTMAJ**                      **Refuse Full Planning Permission**

**Case Officer**                      **Mrs Helen Lowe**

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

**Proposal**                              **Outline application for the demolition of redundant church hall and erection of 55 bed nursing/care home (Use Class C2).**

**Location**                              **St Marys Church Hall Lawrence Lane Eccleston Chorley PR7 5SJ**

**Applicant**                              **North East Care Homes**

**Proposal**                              This application proposes the demolition of an existing church hall, located at the junction of The Croft and Lawrence Lane in Eccleston, and the erection of a 55 bed nursing/care home (use class C2). The proposal comprises a two storey building, with 11 parking spaces (including 2 disabled).

It should be noted that although this is an outline application, the applicant has also applied for matters of siting, design and means of access.

**Planning Policy**                      The following policies from the Adopted Chorley Borough Local Plan Review are considered relevant:  
GN3: Settlement Policy – Eccleston  
GN5: Building Design and Retaining Existing Landscape Features  
DC10: Community Facilities in Rural Areas  
HS17: Sheltered Housing, Rest Homes, Nursing Homes and other Special Needs Housing  
TR4: Highway Development Control Criteria  
LT13: Playspace Allocations  
PS3: Protection of Community Centres and Village Halls

The following supplementary planning guidance is also considered relevant:

Proof of Marketing: Policy DC10 The Protection of Community Facilities in Rural Areas  
Interim SPG Windfall Housing Developments

The following policies from the Joint Lancashire Structure Plan are also considered relevant:

Policy 1: General Policy  
Policy 5: Development Outside Urban Areas

**Planning History**                      An outline application for a 70 bedroom care home on this site was withdrawn last year (ref. 9/05/00939/OUTMAJ).

Another relevant application, although not on the same site, is application 9/06/000099/FUL for the demolition of an existing outdoor store/toilets and erection of Sunday school/meeting rooms/kitchen and toilet facilities at the Church of the Blessed Virgin Mary, Towngate, Eccleston, which was granted permission in May of this year. The church hall on Lawrence Lane which is to be demolished as part of this current application was previously owned by the Church.

## Consultees Responses

**Strategic Housing (Chorley Council):** Comments awaited.

**Head of Street Scene, Neighbourhoods and Environment (Chorley Council):** The Council's Arboriculturalist advises that the only tree on the site worth retaining is the silver birch to the front. It is noted that the suggestion made previously as to revising the parking layout in the earlier application to protect this tree has been incorporated. As this has been done, there is no objection on arboricultural grounds.

Comments are awaited from Environmental Services, although no objections were raised to the previous application.

**Chorley Community Safety Officer:** Careful consideration should be given to the location of the bin storage facility. At present it is located very close to the main building. This is a potential climbing aid and fire hazard.

**Highways Engineer (Lancashire County Council):** There are no objections to the principle of the proposed development and its traffic. However, the proposal does not provide for an adequate, or safe means of access (both vehicular and pedestrian). There is no footway to the frontage to The Croft. I therefore have concerns regarding pedestrian access. There are also concerns regarding vehicle use of the access due to restricted vision from, and of the access. To overcome these concerns a footway of minimum 2m width should be provided on the frontage to The Croft, to be continuous with the footway on the Lawrence Lane frontage.

**Strategic Planning and Transport (Lancashire County Council):** The proposal would be acceptable in principle in strategic planning terms, provided that the proposed care home is required to meet an identified need in this location.

Policy JSLP directs the majority of development to Principal Urban Areas, Main Towns, Key Service Centres and Strategic Locations for Development. The proposed site is subject to the provisions of Policy 5 of the JSLP 'Development Outside of Principle Urban Areas, Main Towns, Key Service Centres (Market Towns). Policy 5 requires that development will meet an identified local need for housing or community Services or provide local employment opportunities that maintain, or strengthen and diversify the local economy. It is noted that the care home may be required to meet an identified need in this location.

The development is otherwise in conformity with Structure Plan policy. The proposed development offers the potential for reasonable accessibility and comprises the redevelopment of brownfield land, in line with policies 1b) and 1f) of the JSLP.

**Transport Policy Information and Marketing (Lancashire County Council):** The Business Travel Plan Co-ordinator at LCC has provided the following comments on the proposals: The travel plan submitted is short on detail, such as expected staff numbers and visitors. This is surprising, as you would expect that anybody developing a plan for a nursing/care home would have expertise in

this field and previous data on such numbers as well as typical visitor/health professional's patterns of travel to site.

The accessibility questionnaire has not been completed and, if it had, then it would show the site has a rating of low. In addition, the new Network Chorley routes have not been taken in to account. This could be important as the staff start and finish times could be developed to fit in with existing services rather than try to change the services.

The timing of the plan is after occupation and in this case it ought to be prior to occupation as the recruitment of staff could be targeted locally and a travel pack issued before they start work so that travel habits are formed and do not need to be altered. I would like to see a marketing plan for the recruitment of staff to be incorporated in to the action plan for this site and prior to recruitment.

The detailed plan will be required prior to any occupation and any targets that are set will be monitored. It will be advantageous to apply the new Planning Obligations to this site for transport to identify the shortfalls.

**Lancashire Teaching Hospitals: Directorate of Facilities and Services:** No comments.

**Lancashire County Council Adult and Community Services Directorate and Chorley & South Ribble PCT Older People's Services** have provided a joint response: Both the PCT and County Council recognise that the company planning the care home facility is operating within a free market and therefore at liberty to take the operational decision and risk to build this home. However, after consulting widely with colleagues, it is important to point out two key issues:

1. Needs analysis

National and local demographic projections confirm that the population of older people will increase. A relatively small proportion will be admitted to residential and nursing care with the majority opting to remain in their own homes with support. The lead commissioner regularly monitors care and nursing home capacity across the area and is of the view that, at present, there is adequate capacity within the system.

2. Commissioning intentions across the County Council and Primary Care

Both the lead commissioners are of the opinion that further increasing care and nursing home capacity is not a commissioning intention for Central Lancashire. It is felt that the commissioning intention is to seek to further reduce the overall capacity in residential care and nursing homes within the area, as it is our intention to re-provide this level of service within wider community Care Services both within the community and through newly developed Enhanced Sheltered and Extra Care Housing Services. Increased Residential and Nursing Care Capacity are not part of our commissioning plan at present.

**Eccleston Parish Council:** Make the following objections:

- A portion of the site is designated for the Provision of Play Space;
- The proposed access is via a small cul de sac, the use of which would have a significant impact on residents. The cul de sac is unsuitable for construction and delivery vehicles. Residential amenity would also be adversely affected by what, by its nature, would be a 24 hour per day operation;
- The estimate of daily vehicle movements is low;
- The level of parking provision is woefully inadequate;
- There is no evidence of local need for the village or the surrounding community;
- The area is already notorious for traffic congestion with access onto The Green from Lawrence Lane being particularly difficult. Parr Lane is effectively a narrow country lane and would not be a viable alternative route.

### **Third Party Representations**

Seventeen letters of objection have been received and one letter of support. In addition, a further 18 duplicated letters have been received stating that each person wishes the comments they made on the previous application regarding the care home to be taken into consideration again and 10 duplicated letters received stating that each persons wishes the comments they made on the previous application regarding the designated play space to be taken into consideration again. Some of those who have written individual letters of objection have also submitted a duplicated letter. The objectors make the following comments:

- The proposed access via The Croft is unsuitable, children use the street to play in. Increased vehicle movements will lead to more accidents. The existing entrance via Lawrence Lane should be used. There are already problems of congestion at the junction of Lawrence Lane and The Green;
- The design of the building is unsympathetic to a residential area. The size of the building is too big for this plot;
- The proposal would harm the amenity of neighbouring residents through loss of light, loss of privacy, increased noise and disturbance and overlooking;
- The loss of the existing village hall is contrary to council policy (a care home is not a community facility);
- The existing hall was never redundant, merely designated unusable so the church could sell it. The hall should not be allowed to deteriorate further to get a favourable response from the residents;
- Object to the loss of the field/play space;
- No trees on the site should be cut down;

- This type of development is unsuitable in a quiet cul de sac;
- Not enough parking is to be provided. Staffing levels would be very high for this type of facility. This would encourage on road parking in the area. ;
- There is no need for this type of facility in Ecclestone, other facilities nearby are not full;
- It is inappropriate to care for people with a mental illness in a quiet cul de sac;
- There will be unacceptable impacts on the environment, e.g. the sewerage system will not be able to cope, disposal of waste materials (e.g. dressings, incontinence pads etc.);
- The positioning of the services, e.g. kitchen, store, plant, laundry etc. next to the houses on The Croft would cause intrusion by way of loss of privacy, noise and disturbance to residents;
- The Croft is very narrow and access for emergency vehicles would be difficult
- Public transport in the area is not very good.

The letter of support makes the following comments

- The development would be a very appropriate use of the site;
- The site has been derelict and unsightly for too long.

Ecclestone Village Hall Trust: Object to the proposal as have been trying to buy the site to build a community hall. The existing hall was in fact in use for many different things and only deteriorated because of its poor state. Some of the rooms mentioned by Father Iain are not for rent to the public or suitable for all types of function. The room at the church is mainly for Church users, it is not easily accessible or central. There is only one doctor in the village. There are no parking facilities for the number of people you would expect over the day. The road is very narrow and would not be suitable for the large vehicles that would be doing the delivering of supplies.

### **Applicant's Case**

The applicant has submitted a supporting statement, a design statement and a draft travel plan in support of the proposal. The main points of the supporting statement can be summarised as follows:

- There is a localised need for such a development and the scale of provision is closely linked to the likely growth in need for provision over the next few years.
- The applicants are prepared to undertake a unilateral agreement to provide a sum of money to enable improvements to existing play space within the locality. It is considered that this would be much more likely to result in improvements in the level of play provision in the locality than would seeking to preclude redevelopment of the site. The sum of ten thousand pounds has been suggested by the applicant;
- The development would involve the removal of the now defunct St Mary's Church Hall, planning permission for a much improved facility has now been granted and the Church have the funds to complete the new facility as a result of the disposal of the Lawrence Lane site. The redevelopment of the site would not result in the loss of a

community facility and hence there is no conflict with Local Plan Policies PS3 or DC10.

- The layout and design of the scheme has been modified quite significantly such that the new scheme overcomes concerns expressed by officers and now fully accords with normal separation distances to ensure that there is no harm to residential amenities.
- The style and design of the building has changed to ensure that the development is better assimilated into the local area.
- A letter of support from Father Iain Templeton, the Rector of St Mary's Church has also been included with the applicant's submission. This outlines some of the background of the history and use of the existing Church Hall and the details of other community facilities in Ecclestone.

## **Assessment**

The main issues to consider in determining this application are considered to be as follows:

- Loss of a community facility
- Loss of an allocated play space
- Need for the development
- Impact on neighbour amenity
- Windfall housing
- Highway safety
- Design and appearance

### **Loss of a community facility**

Policies DC10 and PS3 of the Local Plan seek to retain community facilities, whenever possible. If the loss of such a facility is proposed the applicant must demonstrate that alternative facilities exist and that the facility is no longer economically viable and all reasonable efforts have been made to sell or let the property as a community facility at a realistic price. SPG on policy DC10 gives detailed guidance on the type of information that would be required in order to satisfy the requirements of this policy. The applicant argues that no loss of a community facility would result and a direct replacement has now been approved and will be completed. They argue that, this being the case, there is no need to submit a statement of efforts and proof of marketing.

The fact that planning permission has been granted for a replacement church hall for St Mary's church must of course be taken into consideration. One of the reasons for allowing that application was that the proposal would result in a new, more beneficial community facility in a location close to the church. However, construction work has not yet started on the new church hall and until such a time as works are substantially underway, the Council cannot be assured that the new facility will be built. Policies PS3 and DC10 require that alternative facilities should be available and exist, respectively. At the present time the new church hall is not in existence or available.

The applicant also argues that there are a number of other facilities/rooms available in Ecclestone for community uses, such as other church halls, school halls, The Bateman Hall, The Scout Hall changing rooms on Draper Avenue and so on.

On balance therefore it is considered that it would be premature to grant permission for the demolition of the hall on Lawrence Lane at this time.

### **Loss of an allocated play space**

Policy LT13 of the Local Plan allocates a number of sites throughout the Borough for the provision of play space. The development or use of any of these areas for any other purpose will not be permitted unless an equally convenient site is made available for use as play space prior to the existing site being lost.

It is considered that if the Council were to consider accepting a sum of money to overcome the loss of the play space the developer should pay for what it would cost to provide the type of play area proposed in the Local Plan on another site. The applicant has indicated that they are prepared to offer ten thousand pounds to provide play equipment in the locality. It is considered that the sum required is likely to be significantly greater than the monies offered to date by the applicant.

In light of this, and the comments made by the Head of Planning Policy it is considered that the proposal does not comply with policy LT13 and objections to the loss of the play space still remain.

### **Need for the development**

Policy 5 of the Joint Lancashire Structure Plan states that development outside of principal urban areas, main towns and key service centres (market towns) should meet an identified local need for housing or community services.

The applicant argues that the proposed development, by any reasonable interpretation, would fall to be considered as a community facility. LSP Policy 5 permits developments within villages which would meet an identified local need for such a community facility. A local needs assessment has been submitted with the application, which the applicants state demonstrates that there is a demonstrable need for care home provision in Eccleston and that this need is not being met at the present time.

It is not considered that a care home could be considered to fall within the definition of a community service in this context. The reasoned justification for Policy 5 gives examples of community facilities as including local shopping and leisure facilities, post offices, public houses, schools, child care facilities, village halls, community centres and public transport infrastructure.

The comments provided by the Lancashire County Council Adult and Community Services Directorate and Chorley & South Ribble PCT Older People's Services clearly express a view that they do not consider that there is a need for such a facility in the locality. However, it is not generally considered to be the role of the planning system (except in a small number of specific circumstances) to regulate the operation of the market and it is considered that such a reason for refusal would be difficult to sustain.

### **Impact on Neighbour Amenity**

Policy HS17 of the Local Plan requires that proposals for rest homes and nursing homes should have no adverse effect on the

amenity of neighbouring properties through overlooking, noise transmission or other disturbance.

With regard to issues of overlooking, the proposed building would comply with all of the Councils interface standards. Although residents of The Croft and The Green would experience a level of overlooking not previously experienced, all the window to window distances are in excess of the recommended guidelines and it is not considered that a reason for refusal could be sustained on these grounds.

Other issues of concern for nearby residents are noise and other disturbance, particularly from visitors, staff, deliveries and so on entering and existing the site. The location of the laundry has changed slightly since the comments from neighbours were received, although it would still be just 7m from no. 18 The Croft.

Were the existing hall in active use, or redeveloped, and the proposed play area developed, a level of noise and disturbance would undoubtedly arise from these uses also. Subject to no objections being received from Environmental Services, it is not considered that a reason for refusal could be sustained on these grounds.

With regard to the issue of the disposal of waste products Government advice is clear that it is not the place of the planning system to seek to control matters that are the proper concern of the pollution control authority (PPG23 Planning and Pollution Control and Circular 11/95).

### **Windfall Housing**

One of the exceptions to the current controls on windfall housing developments is development that would meet an identified housing need not met by the housing market, such as special needs housing. This must be justified by up to date survey data. As discussed above Policy 5 of the Joint Lancashire Structure Plan states that development outside of principal urban areas, main towns and key service centres (market towns) should meet an identified local need for housing or community services.

The proposal would fall within use class C2 (residential institutions) of the Town and Country Planning (Use Classes) Order 1987, rather than class C3 (dwelling houses). However, it is still necessary for there to be a demonstrated need for the development. As discussed above, it is considered that the applicant has not adequately demonstrated that there is a need for the development, therefore the proposal is considered to be contrary to the Interim SPG on Windfall Housing.

### **Highway Safety**

Amended plans have been received which provide for a 2m wide footway along the frontage of The Croft in line with the comments received from the County Highways Engineer. The residents concerns about the safety of children playing in the street are noted, however this is not the primary purpose of the highway and it is not considered that permission could be refused on this basis.

With regard to the residents concerns regarding possible problems that may be faced by emergency vehicles wishing to access the site. The Highways Engineer comments that the ability



of residents to get in/out when emergency vehicles are in attendance is not a reason to object to an application on highway safety grounds. Also, The fact that a building may not comply with fire safety requirements is not normally considered to be a proper planning consideration and other powers (such as building regulations) are available to deal with such matters. Access and facilities for the fire service are matters that would be considered in an application for building regulations. Consequently, it is not considered that a reason for refusal on the grounds of highway safety could be sustained.

The neighbours comments with regard to the lack of parking spaces to be provided are noted, however the level of parking proposed is the maximum provision indicated by the Lancashire County Council Adopted Parking Standards. Given this, it is not considered that the proposal could be refused on these grounds.

In light of the comments received from Business Travel Plan Co-ordinator at LCC, it is considered that the travel plan as submitted is inadequate.

### **Design and appearance**

Policies GN5 and HS17 require that such developments should be of a scale and design that is in keeping with the surroundings.

The site is relatively open at present and therefore any redevelopment of the site is likely to significantly alter its character. Adequate space has been allowed around the building to allow for a scheme of landscaping to be implemented. Generally the architectural arrangement in the surrounding area is simple and low key, predominantly brick built with little detailing. The proposed building is relatively simply designed to be in keeping with the surroundings, however visual interest has been added through the use of string courses, quoins, arched headers and finials. On balance therefore it is considered that the bulk, scale, design and external appearance of the proposal is acceptable.

### **Conclusion**

There are clearly a number of complex issues involved in determining this application, all of which need to be carefully balanced. At the present time it is considered that the applicant has failed to comply fully with policies DC10, PS3 and LT13 of the Local Plan, Interim SPG on Windfall Housing and Policy 5 of the Structure Plan and the travel plan as submitted is insufficient. The proposal is accordingly recommended for refusal.

### **Recommendation: Refuse Full Planning Permission**

#### **Reasons**

1. The application proposes the demolition of an existing community facility, a Church Hall. It is considered that the applicant has failed to adequately demonstrate that the facility is no longer required or that alternative facilities exist locally or will be provided and that the facility is no longer economically viable and all reasonable efforts have been made to sell or let the property as a community facility at a realistic price. The proposal is therefore contrary to policies DC10 and PS3 of the Adopted Chorley Borough Local Plan Review.

2. The proposal would involve the development of an area of land allocated for a children's playground in the Adopted Chorley Borough Local Plan Review. The applicant has failed to demonstrate that an equivalent and equally convenient site would be made available for use as play space prior to the site being lost. The proposal is therefore contrary to Policy LT13 of the Adopted Chorley Borough Local Plan Review.

3. The proposed development when considered in the context of the latest housing site monitoring information would contribute towards an inappropriate excess in housing supply provision. The proposal would therefore be contrary to:

1. the Interim Supplementary Planning Guidance on Windfall Housing Developments, together with
2. The aims and objectives of the Joint Lancashire Plan and Regional Planning Guidance for the North West.

Insufficient justification, namely that there is a need for this specific type of development, has been submitted to otherwise warrant the release of the site for development.

4. The applicant has failed to provide an adequate travel plan and transport assessment for the proposed development. The proposal is therefore contrary to Policy No. TR4 of the Adopted Chorley Borough Local Plan Review.

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