

**Item 4a**                      **14/00178/FULMAJ**

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

**Ward**                        **Chisnall**

**Proposal**                  **Demolition of existing buildings and erection of a residential rehabilitation and therapy centre at Pemberton House Farm (resubmission of withdrawn application 13/00219/FULMAJ)**

**Location**                 **Latvian Consulate Pemberton House Farm Park Hall Road Charnock Richard Chorley PR7 5LP**

**Applicant**                **Stocks Hall Care Homes2 Ltd**

**Consultation expiry: 25<sup>th</sup> March 2014**

**Application expiry: 23<sup>rd</sup> May 2014**

### **Proposal**

1. Demolition of existing buildings and erection of a residential rehabilitation and therapy centre at Pemberton House Farm (resubmission of withdrawn application 13/00219/FULMAJ).

### **Recommendation**

2. The application is recommended for refusal on the grounds that the building will have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development and is therefore inappropriate development in the Green Belt. There are not considered to be any very special circumstances that outweigh the harm caused by inappropriateness.

### **Main Issues**

3. The main issues for consideration in respect of this planning application are:
  - Background information
  - Principle of the development
  - Levels
  - Impact on the neighbours
  - Design and Layout
  - Trees and Landscape
  - Ecology
  - Flood Risk and Drainage
  - Traffic and Transport
  - Public Right of Way
  - Contamination and Coal Mines
  - Sustainable Resources

### **Representations**

181 letters of objection have been received on the following grounds:

- The site is in the Green Belt and the proposal is inappropriate development and affects the openness of the Green Belt. No 'very special circumstances' exist to support it, either individually or collectively. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations;
- The predominant issue for consideration is that of openness and Government policy is clear that substantial weight is given to any harm to the Green Belt. New buildings are inappropriate in Green Belt apart from some exceptions, these include limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development, the applicant's 'fudge' this issue and are not clear in their calculations and these must be questioned. The overall volume should be used in terms of assessing openness;
- Viability does not justify a much bigger structure in the Green Belt;
- Policies BNE5 and DC8A state the new building should not occupy a larger area than the buildings they replace. The plans clearly show a 40% increase in size. This is against the policy and therefore the application should be dismissed;
- The proposal is beyond the scope of 'materially larger';
- the developer appears to have utilised an external agricultural store/outbuilding, not connected to the main house, in the calculation of the existing gross sq/ft which is incorrect;
- The size of the proposed development is significantly larger than that which currently exists. Because the Green Belt would be harmed / damaged by this proposal, the developer must show "very special circumstances" to outweigh this damage, and it does not.
- this is an unsuitable project in a small village;
- The road access is unsuitable, having limited visibility and capacity. local services would suffer from this type of centre;
- Park Hall road is unsuitable for pedestrian traffic having a narrow pavement, on one side only, which is too narrow and has no prospect of widening;
- The problems with Highways which we currently have on Park Hall Road, traffic congestion, unofficial use of the M6;
- Flooding/sewerage problems, the road floods regularly at present and United Utilities seem unable to address the current issues with flooding at the top end of Park Hall Road;
- At present this is a peaceful setting, the proposal would result in noise and disturbance to neighbours;
- Wildlife will be affected, the deers, bats etc. There is evidence of a bat roost on the site;
- Locals will be put off from using the local footpath, fearing for their safety, these patients are free to roam, but are unwell;
- There are services available locally offering similar services.
- It is not a suitable area for mentally ill patients to wander around, the motorway bridge is hardly suitable area for the mentally ill;
- The proposal at Camelot will result in the proposed development having even more impact on highways and drainage;
- Concern about patients potentially roaming near Heskin Pemberton Primary School as it will be a non-secure care home;
- Urban sprawl threatens the Green Belt;
- The proposal would bring minimal benefits to the local area;
- There are already similar centres in surrounding areas;
- The proposed car park is not large enough for staff and visitors and parking on the road would be illegal and dangerous as visibility is not good;

- The increase in traffic would add noise and pollution and affect local residents as well as have a detrimental effect on the local wildlife, fauna and flora;
- The local amenities are not close by and to walk there would be difficult for a fit and healthy person never mind someone who is under the influence of drugs or mentally ill;
- Not everyone can be rehabilitated and it is a fact that crime and drug use go hand in hand which is a big fear for local residents;
- Fear of crime is a material planning consideration and of concern to me, my family, my neighbours and other residents who would be most deeply affected by this proposal. People with alcohol dependency, anger management issues, youth mental health and personality disorders all have baggage related to criminal activity. There is a very low crime rate in this area and this proposal would have a negative impact in this respect;
- The need for this type of facility is not established and no evidence has been provided to support it;
- Local employment will only be covered by cleaners, receptionists at most, skilled doctors, nurses, psychiatrists will commute to this facility along with the patients and visitors;
- The current building is not a commercial property;
- That these residents are not in a secure unit which is a major concern with this proposal;
- The site is viewable from Park Hall Road;
- There is a public house within 5minutes walk which is not ideal for alcoholics;
- A facility such as this will require staff change over several times a day which will add to congestion on the roads;
- It will require the existing trees/hedgerow on the site frontage to be cut back to five sufficient visibility at the access point;
- It will be detrimental to the community;
- Parkland style tree planting is not on track with the Biological Heritage Site;
- They types of treatments proposed could not be monitored or enforced if it was permitted;
- The applicants state the building is no longer viable as a residential property, which is illogical;
- It should be considered alongside the application for housing on the Camelot site. The access and egress to both will be unsustainable and access for emergency services will be problematic;
- The effect on local footpaths would be spoilt by patients with serious medical conditions having access to the area;
- The Park Hall Road/ Wood Lane junction has already seen several accidents, and the Park Hall Road/A49 junction can get very congested at peak times;
- It is in a residential rural area with totally inadequate provisions for the nature of the enterprise;
- It will mean there will be drug addicts, people who have been release from prison and illegal immigrants wandering around the area;
- As the site would not be 'secure' and patients will be free to come and go as they wish there is a higher danger associated with it that other facilities where people are referred under the Mental Health Act;
- It could be located in a more sustainable location;
- Local businesses would suffer as people would choose to avoid them due to their close proximity to the unit;
- It will impact on Heskin and Eccleston, not just Charnock Richard;
- The existing building will become a commercial property;
- There is a high rate of cancer in the area which needs to be investigated before any more changes of any kind are made which will affect the health of residents in any way;
- It has not been allowed for in the local plan and is therefore not agreed to be scheduled development;
- The Syd Brook Valley should not been endangered for the sake of short term gain. This is a case of "developer creep";

- The woodland area west of the present building is host to a variety of wildlife which has been encouraged by the previous owner for the past 20 years. Some management of this area would be acceptable but it is crucial there is a balance between naturalisation and sanitisation to maintain and encourage this;
- The increased off-flow of water into Syd Brook will also exacerbate existing problems in Croston;
- The treatments being offered are not suitable for an unsecure premise. These treatments are all already available on the NHS or at private institutions such as the Priory;
- There is not what might be classed as a police presence in Charnock. There is not the infrastructure in this small village to support these individuals. The public transport is irregular at best;
- One building cannot possibly treat so many serious illnesses/conditions in a safe environment;
- Though the applicant have suggested they will undertake some form of public consultation this has not occurred to date;
- They would feel uncomfortable travelling on the bus that goes past the site if people from the site were using it;
- The company do not have the necessary experience to run such a centre as the manage homes for the elderly;
- The proposal would require the electricity cables to be laid;

8 letters of support have been received on the following grounds:

- The ignorance expressed in the mail shot letter circulated in the area horrifies them. One in four of us will experience some form of mental illness during our lifetime. This will neither make us behave criminally or act anti-socially. In fact most sufferers are the victims of anti-social behaviour not the perpetrators;
- The bullet point in the mail shot re: treating children alongside adults is also offensive somehow implying that those with mental health issues shouldn't be around children;
- Given the high proportion of us that will suffer some form of mental illness the issue should not be somehow stigmatised;
- They consider the setting is an ideal site for such a facility. Their grandson attends Heskin Pemberton Primary School and they have no concerns whatsoever about the proximity of such a facility. If only there were more such facilities in the area;
- They hope and pray that none of the objectors has to suffer a mental illness or support one of their family with such issues;
- The northwest is greatly lacking in specialist residential care opportunities for people with eating disorders, they feel this would be a great benefit to the wider community and would create job opportunities;
- This site is a prime target for gypsies and travellers if left vacant, so the sooner it is developed the better. If Stocks Hall Care Homes develop this site it will be a very pleasing addition to the local countryside. Their other sites are so well they have been landscaped;
- This would fit in very well with the new housing development across the road;
- Another very welcome addition would be the creation of quite a number of jobs for the area;
- This is a wonderful opportunity for the local community. The area needs a wellbeing/therapy centre for local people. It would benefit local people in terms of employment and also for people who need this type of therapy. Why should local people travel sometimes hundreds of miles for therapy? This is a golden opportunity to develop a vacant property into something useful and worthwhile;
- This is a much needed facility and would be a vast improvement to the present building which is being vandalised. It will provide employment in the area;

- Lancashire have so limited specialised facilities to treat the proposed conditions that this application seek to address;
- The proposing company is of excellent reputation and has provided excellent care across Lancashire for over 25 years. They trust its values, quality of Care and experience within the Nursing and Care Sector;
- Such bigoted views against people with mental health problems-would people express such hatred against people with physical disabilities, they don't think so. They would suggest that the site should be extended even further to provide an education centre for those local residents expressing such views about people with mental health problems. No wonder there is so such stigma in the world.

4. Charnock Richard Parish Council

The Council has no objections provided the proposals meet all relevant planning criteria for development in Green Belt.

5. Eccleston Parish Council

The Parish Council has concerns regarding the impact of the increase to 42 patient rooms, plus offices and staff related facilities, on the existing surface and foul water drainage systems.

6. Heskin Parish Council object on the following grounds:

The Parish Council have held two very well attended public meetings to share and discuss details with residents. Residents have been encouraged to write in to Chorley Council with their concerns and they are aware that many have done so. The Parish Council will expect the concerns to be seriously taken notice of.

7. The Parish Council have resolved to repeat their objections expressed regarding the original application and they hope they will be taken on board again.

8. In relation to the new application it is not felt that the applicant has made any meaningful concessions. The size reduction is minimal, the reduction in the number of beds is minimal, and the range of ailments and treatments available to such a large number of patients, whether they are voluntary or not is a source of great concern. The original conversion to a house was in itself very controversial and that was to a 'house' with maybe 6/7 persons. To pretend that this conversion (to a property with perhaps 42 beds and goodness knows how many staff ...the PC think not enough staff anyway) is somehow acceptable is hardly credible. The site is in Green Belt, it should be refused.

9. For completeness the comments of Heskin Parish Council on the previous application were as follows:

- Concern about the very large increase in the size of the building in the Green Belt. The papers make reference to an increase in the footprint of 40% even though the developer;
- Rather disingenuously tries to refer to a minimal effect on the size of the whole site. The establishment of a property here in the first place was contentious which was only won on appeal;
- Access on to Park Hall Rd. Again the developer seeks to minimise the impact. If approved this property will change from a private house to a commercial establishment with 48 bedrooms and 36 Staff, a very large increase in vehicular movements on what is already a busy C road. The Parish Council will need re-assurances about the hazards created;
- Surface Water and sewage. The drainage system on Park Hall road already leads to the drain covers being lifted after even modest rainfall. 49 bedrooms and 36 staff will lead to much more pressure on the system. The Parish Council require some written

reassurance about overloading the system. Similarly surface water run-off will be greatly increased. The water will almost inevitably find its way into Syd Brook (in Heskin) and thence to Ecclestone and Croston where there are already well documented problems;

- The range of treatments to be carried out is very varied. Most of them are well known, although what is Dyscalculia? [difficulty in learning or comprehending arithmetic] and they are sure the patients will benefit from the treatments on offer. However the Parish Council are concerned about security. The documents enclosed seem to suggest that the premises will not be "secure" and there are some concerns that the local community might have worries about the nature of the ailments being treated';
- The Parish Council would also suggest that Chorley Borough Council should seek professional medical advice regarding the treatments to be offered and any risks that might ensue for the Community.

## Consultations

### 10. The Environment Agency

State they have reviewed the above FRA and Drainage Strategy in relation to the risk of flooding on and off-site and we are satisfied that the proposed development would be safe and that it would not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere, provided that any subsequent development proceeds in accordance with the recommendations of the FRA and Drainage Strategy. To this effect, they recommend conditions.

11. They have reviewed the *Ecological Survey and Assessment Report* (dated Oct-Dec 2012), prepared by Ribble Ecology, and we support the recommendations detailed within it.

12. As Himalayan balsam has been found to be present on the site, we advise that a new survey for this invasive species is carried out prior to any works commencing. They therefore recommend the inclusion of a condition.

### 13. The Police Architectural Design and Crime Reduction Advisor

The above scheme is a residential rehabilitation development. They have conducted a crime and incident search of this policing incident location and during the period 27/02/2013 to 27/02/2014 there have been reported crimes and incidents including burglary and vehicle crime.

14. In order to prevent the opportunity for crime and disorder at the scheme and protect the residents, staff and visitors to the development the following recommendations are made:-

- They note the comments in relation to Secured by Design at point 33 and 34 of the Supporting Statement. In particular the requirement for an open site. If secure boundary fencing is not to be incorporated into the design they recommend that the site is protected by a comprehensive CCTV system.
- The communal areas of the development should be covered by a CCTV camera system. This is to prevent the opportunity for criminal activity as well as protecting residents, staff and visitors. Cameras should cover the external perimeter of the building, the main entrance and car parking areas. This helps to modify potential offenders behaviour in terms of reducing the opportunity for crimes such as vehicle crime and burglary and reduce the fear of crime.

- The Scheme should be developed to Secured by Design Standards, in particular Part 2 Physical Security.
- Windows should be PAS 24 2012 units and glazing in ground floor windows should be laminated to enhance resistance against potential attack. They recommend that windows are fitted with restrictors to prevent opportunist crime.
- External doorsets should be of enhanced security tested and certificated to PAS 24 standards.
- Access throughout the building should be controlled e.g. if an intruder did enter the building via human tailgating they should not be able to freely enter each individual element of the scheme e.g. patient bedrooms, offices etc. This is important so as to ensure that residents are protected during their stay and that they are not placed in a vulnerable position.
- The parking spaces should be well lit with a uniformed distribution of lighting columns to British Standard 5489 so as to reduce the fear of crime. The exterior of the building should also be illuminated with an even distribution of dusk till dawn lighting units to so as to reduce the fear of crime and deter potential offenders.

#### 15. **United Utilities**

Have no objection subject to conditions being attached to any approval requiring details of the hard surfacing to be submitted to ensure it is permeable and requiring a scheme for the disposal of foul and surface water to be submitted.

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

The documents submitted in association with the current application are the same as those for the withdrawn application 13/00219/FULMAJ. The reference numbers for the Transport Statement and the Proposed Site Plans for both applications remain the same with the same dates and revision identifications. In highway terms, no difference is noted between this and the withdrawn application when compared. As such, the Highways response to the withdrawn application should still be considered relevant for the current application.

17. In the previous response, they considered the poor personal injury accident record of Park Hall Road, the result of the traffic speed survey undertaken by the applicant and the low accessible location of the site and requested the following highway improvement measures to be carried out for improved safety and sustainability of the development:
- Provide a 2m wide footway on the south side of Park Hall Road from its junction with Mill Lane to tie-in with the existing footway at its junction with Stocks Lane (a distance of approximately 1km). This length can be reduced to 0.5km in commensuration with the proposed scale of development.
  - Upgrade three bus stops closest to the site on Park Hall Road (one near its junction with entrance to the former Camelot Theme Park and two on Wood Lane, north of Wood Lane/Park Hall Road to DDA standards with shelters, raised kerbs etc.
  - Fund 30mph speed limit restriction Order for Park Hall Road. As Langton Brow has 30mph, it may be necessary to include the section of Wood Lane that lies between Langton Brow and Park Hall Road in the proposal for the speed limit restriction.

18. Having considered the proposed scale of development, they indicated that they would not insist on all the above improvements being carried out as part of this development alone and that as a minimum at least one scheme should be implemented. They also indicated that all highway improvements should be carried out through the Section 278 agreement of the Highways Act 1980.

19. They therefore reiterate that there are no highway objections to the proposal. The highway conditions and advice notes suggested in their previous response are still relevant except conditions 4 and 5 which they wish to withdraw.

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

The following matters will need to be addressed before the application is determined:

- Owing to likely impacts on bats the proposed works may result in a breach of The Conservation of Habitats & Species Regulation 2010, unless a Natural England Licence is issued prior to commencement of works. Chorley Council should not approve the application if there is reason to believe that such a licence would not be issued. Chorley Council should therefore have regard to the requirements of the Habitats Directive in reaching the planning decision (see the three tests discussed below). It is their opinion, that there is insufficient information regarding the use of the building by bats. Further information should be submitted before the application is determined, including amended mitigation proposals, if required, informed by adequate survey data in order to address the third test.
- Clarification should be sought to whether any trees are to be removed/affected to facilitate development and their potential to support roosting bats.
- Clarification should be sought on the potential impacts associated with the Biological Heritage Site (see below). The applicant should be required to demonstrate that impacts on the BHS would be avoided. If impacts are unavoidable, then the applicant should be required to submit measures to demonstrate impacts would be adequately mitigated/compensated for.

#### **21. Chorley's Waste & Contaminated Land Officer**

Request a condition regarding ground contamination.

#### **22. Lancashire County Council Public Rights of Way**

Have no comments to make with regards to the proposed development. A Public Footpath does however run in close proximity to the building and they ask that this is brought to the attention of the applicant.

#### **23. National Health Service**

Lancashire Care is a provider of NHS services across the county. Without sight of their business case they state it is not apparent if this facility is being planned to support or compete with NHS services. The organisations that decide whether to commission (purchase) healthcare activity from the NHS or non NHS organisations are currently the Clinical Commissioning Groups who took over from PCT's a year ago.

### **Assessment**

#### Background Information

24. With regards to the planning history of the site, a large stone barn was approved for conversion to a dwelling and this was then amalgamated with a pre-existing bungalow to form one dwelling. A series of extensions were then approved including a swimming pool and garages. However, these elements were not executed as approved so that enforcement action was taken, but after an appeal the extensions were allowed to be retained subject to minor amendment. At about this time in the 1980s the original access



was moved west into its present configuration. There is also a large retaining wall holding up a garden area beyond the south eastern corner of the house.

25. The existing dwelling is a rambling, eccentric house which the last two owners used for entertaining large numbers of people. There are substantial outbuildings in the form of stables and barn as well as a sand paddock. There is a large open field adjacent to the buildings but more than half the site is woodland, some of which is on the slope down to the valley of Syd Brook where the relics of the former Pemberton House Colliery are still visible in the valley floor.

#### Principle of the development

26. The application site is in the Green Belt. In accordance with the National Planning Policy Framework (The Framework) the partial or complete redevelopment of a previously developed site, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development, is appropriate development.
27. The five purposes of the Green Belt are set out in paragraph 80 of The Framework:
- to check the unrestricted sprawl of large built-up areas;
  - to prevent neighbouring towns merging into one another;
  - to assist in safeguarding the countryside from encroachment;
  - to preserve the setting and special character of historic towns; and
  - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
28. The proposal will involve the demolition of all the existing buildings on the site and replacement with new buildings.
29. In accordance with The Framework inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
30. The Framework states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
31. In terms of harm by inappropriateness the site is previously developed. An assessment must therefore be made as to whether it will have a greater impact on openness and the purposes of including land within it than the existing development. The proposal results in an increase in volume of 304% (including the volume to be created below ground) and therefore has a significantly greater volume and has more encroachment into the countryside. The therefore will have a greater impact on openness of the Green Belt and the purposes of including land within it than the existing buildings to be demolished. It is therefore inappropriate development in the Green Belt and therefore harmful to it.
32. Whether there is any other harm (as opposed to harm by inappropriateness) also needs to be considered. At present the stable block and barn are separate buildings on the site set away from the main building though viewed in the context of it from most locations. The proposal would involve only one building on the site but it would extend outwards to the west onto land that is currently open, between the existing main building and where the existing stables and barn are located. It is therefore considered that there is further

harm to the Green Belt in terms of the greater bulk and mass of the proposal and therefore its impact on visual amenity.

33. In such situations very special circumstances need to be demonstrated that would outweigh harm from the inappropriateness and other harm as outlined above.
34. The applicant has put forward a number of points in favour of the application:
  - The creation of significant new local employment;
  - Local need for these treatments highlighted by Policy 23 of the Core Strategy;
  - Significant biodiversity, landscape and amenity enhancements;
  - The unsuitability of the existing buildings;
  - It only uses the previously built upon part of the site;
  - The need of the specialised user for a viable unit in a private location;
  - A sustainable building designed to minimise impact on openness;
  - A well screened site;
  - A reduction in the size of building whose footprint is only 23% larger than existing;
  - Definition of the use to give the Council control
35. It is accepted that the proposal will generate a significant amount of employment, which can be given significant weight in planning decisions. However, it is not considered that this is a circumstance that amounts to being very special in the sense of The Framework as they would be relatively easy to repeat elsewhere.
36. In terms of the local need for the treatments proposed highlighted by Policy 23 of the Core Strategy, Policy 23 of the Core Strategy aims to integrate public health principles and planning, and help to reduce health inequalities by *'working with health care commissioners to support health care infrastructure and particularly to improve primary care and mental health care access and facilities'*. The Council have contacted the NHS to see if there is a need for such a facility or not but their response does not provide any evidence to confirm whether there is demand for this type of facility or not in this location. It is not therefore considered that need for the facility can be weighed in favour of the application as a very special circumstance.
37. It is accepted that the proposal will bring improvements to the adjacent Biological Heritage Site in terms of its management and maintenance and that new planting is proposed as part of the proposal, but this is not considered on its own to amount to sufficient very special circumstances to outweigh the inappropriateness of the proposal.
38. The existing building, is a large rambling building formed from a former barn and bungalow with extensions built on. It has an unusual layout internally and is completely unsuited to the proposed commercial use, however it is considered an acceptable layout could be achieved within a smaller proposed building so it is not considered this is a very special circumstance on its own.
39. That the site is previously built upon has already been noted as it can be appropriate subject to the proposal not having a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development. However, the proposal has already been found to fail this test.
40. Although the proposal is for specialised treatment provision and the applicant advises the size of the building is necessary to make it viable and due to its nature needs to be in a private location, it is not considered that this is a very special circumstance that can be given much weight. No information has been provided on why the proposal needs to be in this Green Belt location.

41. The proposed building is proposed to be sustainable and the applicant has provided information on how it will meet Policy 27 – Sustainable Resources and new Developments, of the core Strategy. This is a requirement of all new buildings in the borough and cannot therefore be weighed in favour of allowing a building that has been assessed as being inappropriate development in the Green Belt.
42. It is acknowledged that the site is relatively well screened with only limited views from Park Hall Lane, however lack of visibility does not overcome inappropriate development and cannot therefore be weighed in favour of the proposal.
43. The unacceptability of the size of the proposal has already been assessed above.
44. The reduced list of treatments from the previous application is noted, however this is not an issue that would allow the Council to come to a conclusion that what is proposed is not inappropriate development in the Green Belt, nor it is a very special circumstance for approving the proposal.
45. Overall, a judgement must be made as to whether there are very special circumstances in favour of the development and whether the harm to the Green Belt by reason of inappropriateness and any other harm are outweighed by them.
46. Considering this judgement in terms of the application, it is not considered that there are very special circumstances that carry such weight, either individually or cumulatively, to outweigh the inappropriateness of the proposal. The proposal is therefore unacceptable in principle.

#### Levels

47. The area of the site where the buildings are proposed is reasonably flat, however the land slopes down to Syd Brook to the west. It is considered that acceptable finished floor levels of the proposed building could be secured by condition.

#### Impact on the neighbours

48. There are no immediate neighbours to the proposed buildings. The nearest property is White Friars on Park Hall Road. This property bounds with the site to the west but is over 200m from the proposed building. There are also properties on Yewlands and Highgrove Avenues but these are approximately 250m from the proposed building. It is not considered given the distances to surrounding properties that the proposal will have an unacceptable impact on their amenity.
49. The comments of the Parish Council are noted regarding the fact that the premises will not be secure and there are concerns that the local community might have worries about the nature of the ailments being treated. However, the premises proposed are not secure as the patients will be there on a voluntary basis and the patients already therefore live in the community. Many objectors have expressed their fear that crime and anti-social behaviour in the area would increase.
50. The proposal has generated considerable local opposition. It has been established in the courts that fear of crime is a material planning consideration. However, it has also been established that if fear of crime is to be a material consideration, there will need to be some reasonable evidential basis for that fear.

51. The Police Architectural Liaison Officer has not objected to the application or raised any issues regarding crime levels that may result from the use. It is not considered fear of crime is a material consideration can be given such weight on which to refuse the application in this case.
52. An application for a drug treatment centre was allowed in the Borough in Withnell on appeal (ref: (APP/M2372/A/10/2141827) and although the Inspector acknowledged that the objectors' fear of crime was very real, they found no reasonable evidential basis for that fear and therefore considered it could not therefore be a legitimate basis on which to withhold planning permission.
53. The current proposal does not propose drug treatment (unlike the previously withdrawn application), though it does proposed to treat alcohol dependency and anger management and a range of other mental health issues the majority of which have no link with criminal behaviour. It is noted that if permitted, the use would fall within the C2 Use Class (residential institutions) of the Use Classes Order 1987 (as amended) which would allow the building to be used for a wide range of treatments including for drugs, and it would be difficult for the Council to restrict the range of treatments through properly applied planning conditions.
54. The Police Architectural Design and Crime Reduction Advisor has not raised issues in their consultation relating to this matter and did not when the previous application was considered that did propose drug treatment. Therefore taking into account that the building may be used for other treatments given the lack of objection or concern from the Police Liaison Officer it is considered that there is no reasonable evidential basis for the fear of objectors that could be a material planning consideration as a reason for refusal of the application.

#### Design and Layout

55. Park Hall Lane is tree lined but there will still be limited views of the site during the summer months and greater views during the winter months.
56. The proposed layout is similar to the previously withdrawn application. It still extends from the site of the existing main house to the stables and barn building but has been reduced in size. The building design remains traditional in character as per the previous application. The applicants advise the design will avoid any hint of institutional character and the layout will create a sense of enclosure and support patients, whilst the levels will allow patients to enjoy the therapy represented by the views on to woodland and scenery to the west.
57. The highest part of the building where the main entrance will be situated will be two-storey with a two-storey front gable. The majority of the building however will be viewed as single storey with room in the roof enhanced by the use of dormers, however there will be a basement under the southern part of the building which will be visible from the south as the land drops away to Syd Brook and this part will be viewed as two storey with rooms in the roof. The layout encloses a square in front of the building with a formal garden and fountain.
58. The materials of the building are also traditional, the walls being of stone and render, with feature oak framing in places and a slate roof. A white louvered clock tower will cover the projecting lift shaft. The design approached adopted by the architect is considered appropriate to the site, taking advantage of the change in level towards Syd Brook and the natural materials chosen are appropriate to the rural surroundings subject to samples being approved.

59. The design of the building is therefore considered acceptable (notwithstanding its size) in accordance with Core Strategy 17.

#### Trees and Landscape

60. The scheme only proposes the loss of three trees situated right next to the existing building. Their removal is understandable given their location and new tree planting is proposed which is considered acceptable in accordance with Local Plan Policy EP9.

61. The site is largely screened from Park Hall Road by existing trees. The applicant advises that screening is important for the user where privacy is part of the treatment philosophy, so that new tree planting is proposed on land at the eastern end of the frontage (from where there are currently limited views into the site). Other planting as recommended by the ecology report is also proposed.

#### Ecology

62. The comments of LCC Ecology have been forwarded to the agent and this issue will be updated on the addendum.

#### Flood Risk and Drainage

63. As the site bounds with Syd Brook to the south the area immediately to the brook is in Flood Zone 2/3 as identified by the Environment Agency. A Flood Risk Assessment and Drainage Strategy have been submitted with the application which the Environment Agency has reviewed. They state they are satisfied that the proposal would be safe and would not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere providing the development proceeds in accordance with the recommendations and recommend a condition to secure this.

64. They do not object to the application subject to a condition requiring a scheme for surface water drainage to be submitted which limits the surface water run-off generated by the 1 in 100 year plus climate change critical storm so that it will not exceed the run-off from the undeveloped site.

65. Subject to these conditions to prevent the increased risk of flooding, both on and off site the proposal is considered acceptable in the respect.

#### Traffic and Transport

66. A Transport Statement was prepared for the previous application and concluded that traffic generation levels would be low.

67. The application will utilise the existing access point onto Park Hall Road. This is considered acceptable for the amount of traffic proposed.

68. Lancashire County Council Highways have concerns about the accident record on Park Hall Road and suggest that one of the improvement works they recommend should be implemented. Although the applicant does not feel the suggestions of LCC are proportionate not justified by the evidence they would be willing to support a proposed 30mph limit on Park Hall Road subject to a better understanding of the cost commitment. It is therefore considered that the recommendations of LCC Highways can be incorporated into the scheme.

69. Clarification was been sought from the applicant during the course of the previous application in relation to staffing levels and parking numbers. The applicant has confirmed that the number of staff likely to be employed on site is estimated at 50 and there will be 41 parking spaces. However not all staff will not all be on site due to shift patterns (there will be day time and night shift patterns) and the spaces proposed are from the applicant's knowledge of their other care premises and they believe that 41 spaces are appropriate given nature of the proposed use. The current application also states that the number of staff is estimated at 50 but with only 42 rather than 48 rooms.

70. The Council's parking standards under Policy ST4 of the emerging Local Plan 2012-2026, which now carries significant weight, do not provide specific levels of parking for the use proposed. The comments of LCC Highways in terms of parking are noted, but it is not considered that the suggested 13 spaces would not be acceptable in this location given the staffing levels. As not all staff will be on site at once (it will be staffed 24 hours a day in shift patterns) the level of parking provided at 41 spaces is considered acceptable.

71. Gates are shown on the proposed access to the site but set significantly back from the road to allow cars to pull clear of the highway. This can be controlled by condition and LCC Highways have not objected to this aspect.

72. The proposal is therefore considered acceptable in highway terms.

#### Public Right of Way

73. Public Right of Way number 4 runs through the site to the east and parallel with the existing buildings. This will be retained and new paths created linking up with this.

#### Contamination and Coal Mines

74. The site of the proposed building will be within an area of Low Risk as identified by the Coal Authority. This requires the Council to place an informative note on any permission.

#### Sustainable Resources

75. Policy 27 of the Core Strategy covers the sustainable resources in new developments and requires new buildings to meet the energy efficient standards of 'Very Good' according to BREEAM and a 15% reduction of the carbon emissions of predicted energy use by at least 15% through renewable or additional building fabric insulation measures. This can be controlled by condition.

#### **Overall Conclusion**

76. The application is recommended for refusal on the grounds that the building will have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development and is therefore inappropriate development in the Green Belt. There are not considered to be very special circumstances that outweigh the harm caused by inappropriateness.

## **Planning Policies**

### National Planning Policies:

National Planning Policy Framework

### Adopted Chorley Borough Local Plan Review

Policies: DC1, EP9

### Central Lancashire Joint Core Strategy

Policies 17, 23, 27

### Emerging Local Plan

Policy ST4

## **Planning History**

**13/00219/FULMAJ** Demolition of existing buildings and erection of a residential rehabilitation centre. Withdrawn July 2013.

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

1. The proposal will have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development and is therefore inappropriate development in the Green Belt. There are not considered to be very special circumstances that outweigh the harm caused by inappropriateness. The proposal is therefore contrary to the National Planning Policy Framework