

Item 3h **14/00783/FUL**

Case Officer **Ian Heywood**

Ward **Chorley North West**

Proposal **Extension of play facilities in Astley Park, Chorley to be used for recreational purposes**

Location **Astley Park, Park Road, Chorley**

Applicant **Chorley Council**

Consultation expiry: **22 August 2014**

Decision due by: **5th September 2014**

Link to view plans <http://planning.chorley.gov.uk/online-applications/search.do?action=simple&searchType=Application>

Recommendation
Permit Full Planning Permission

Executive Summary

The main issues to consider are whether the proposals accord with the policies contained within the current and emerging Local plan. For the reasons set out below it is considered that the proposals are consistent with the aims of the development plan and the Framework and represent a sustainable form of development within the settlement boundary of Chorley.

Representations

In total 2 representations have been received which are summarised below

Objection

Total No. received: 2

- Grounds for objection: Cannot identify from the plans where the development is taking place.

Policy Position with regard to the emerging Chorley Local Plan 2012 – 2026

1. The Inspector has issued her Partial Report on her findings into the soundness of the Chorley Local Plan which is a material consideration in the consideration of any planning application.
2. In summary, the plan is considered to be legally compliant. In relation to soundness, the plan is considered sound, with the exception of matters relating to Gypsies & Travellers. The examination of the local plan remains open, and the Inspector will reconvene the examination in 2014 to consider Gypsy & Traveller Matters, which would enable adoption of the local plan, following a supplementary report.
3. Paragraph 18 of the Partial Report states: *“For the avoidance of doubt, the Plan may not be adopted until it has been changed in accordance with all of the main modifications set out in the Appendix to this partial report and any which may be specified in the Appendix of my forthcoming supplementary report. However, because of the very advanced stage in the examination process that the main modifications set out in the attached Appendix have reached, significant weight should be attached to all policies and proposals of the Plan that are amended accordingly, where necessary, except for matters relating to Gypsies and Travellers.”*
4. The Council accepted the Inspectors modifications for Development Control purposes at its Executive Committee on 21st November 2013 and as such the policies referred to below can be afforded significant weight.

Description of the site

5. The site is located within the settlement area of Chorley as identified within both the existing and emerging Local Plan. It is within Astley Park which is a Registered Park and Garden, which is defined as a designated heritage asset by Annex 2 to the Framework. The park, together with Astley Hall, was gifted to the people of Chorley by the last resident, R.A. Tatton, in 1922. Public access to both the hall and park has been continuous since 1924, following a period of refurbishment works to the hall building.
6. The site is located over 400 metres to the east of Astley Hall, which is grade I listed and therefore also defined by Annex 2 to the Framework as a designated heritage asset, immediately to the west of the pavilion building and to the north of the access path that runs generally from west to east through the park.
7. The site is currently an open, slightly undulating piece of grassed land that is used for general recreation purposes. Residential properties are located, at the nearest, 185 metres to the north of the site on Millfield Road and 140 metres to the south on Belverdere Drive. In both cases, but particularly to the south these properties are screened from the site by a significant number of mature trees.

Assessment

Principle of the Development

8. The pertinent policies are: Adopted Chorley Borough Local Plan Review (2003), Policy LT7; Adopted Central Lancashire Core Strategy (2012) Policy 24; Emerging Chorley Local Plan 2012 – 2026, Policy HW1. Also of relevance is the Framework, section 8.
9. The aforementioned policies seek to protect and enhance community recreation activities, within historic parks and gardens. Policy LT7 requires the following criteria to be satisfied before development proposals within historic parks and gardens can be permitted:
 - a. The special character and appearance of the park or garden and any important landscape features within it are protected;
 - b. The proposals satisfy the requirements of Policy HT13;
 - c. The proposals are compatible with the character and appearance of the area and the Council's policies relating to the Green Belt;
 - d. Access is available by a choice of means of transport other than by private car;
 - e. The site has adequate access and traffic generated can be safely accommodated on the local highway network.

10. Policy 24 of the adopted Central Lancashire Core Strategy (2012) aims to: Ensure that everyone has the opportunity to access good sport, physical activity and recreation facilities (including children's play) by:
 - d. Identifying sites for major new facilities where providers have evidence of need.
11. Policy HW1 of the emerging Chorley Local Plan 2012 – 2026 states that: Proposals for the provision of new open space, port or recreational facilities or extensions to existing facilities will be permitted if all of the following criteria are met:
 - a. The development will not have an adverse impact on the local environment or visual character of the landscape;
 - b. The development will not result in the loss of the best and most versatile agricultural land (Grades 1 and 3);
 - c. The development will not cause harm to a site of nature conservation value;
 - d. The development will not harm the amenities of local residents;
 - e. The site is accessible by a choice of means of transport other than the private car and the traffic generated would not have a severe impact on the highway network.
12. The proposed development has been designed following consultation with local people and is the Council's response to a request to improve the offer of Astley Park. The project has been designed specifically with reference to the historic location of the site and specific references are made to Astley Hall within the design concept. The chosen design follows pre-application discussion with officers of the Council and as a result utilises materials and finishes that are considered to be appropriate to the location whilst at the same time being robust and fit for purpose.
13. Ecological surveys and a report have been produced confirming that the proposed development will have no impact upon either protected or endangered species or their habitats.
14. The site is located close to Chorley town centre which is served by a number of bus routes, a railway station, taxi ranks and a number of car parks. Furthermore it is located close to the principal thoroughfare through the park that links the town centre to Astley Village and via Ackhurst Lodge to Southport Road.
15. The potential impact of the proposed development upon the significance of a designated heritage asset is considered in the following section where, amongst other things, the conformity to Policy HT13 is considered.
16. Overall it is considered that the proposed development accords with the aforementioned policies with respect to recreational facilities within historic parks and gardens.

Impact on the Significance of a Designated Heritage Asset

17. The pertinent policies are: Adopted Chorley Borough Local Plan Review (2003), Policy HT13; Adopted Central Lancashire Core Strategy (2012), Policy 16; Emerging Chorley Local Plan 2012 – 2026, Policy BNE8. Also of relevance is the Framework, section 12.
18. Policy HT13 of the Adopted Chorley Borough Local Plan Review (2003) states, Development will not be permitted if it would lead to the loss of or cause harm to the historic character or setting of any part of a Park or Garden of Special Historic Interest as defined on the Proposals Map. Pedestrian access to these areas by historic paths and routes will also be protected and maintained.
19. The Adopted Central Lancashire Core Strategy (2012), policy 16 refers to Heritage Assets. This policy mirrors that given in the Framework and states that it seeks to, 'Protect and seek opportunities to enhance the historic environment, heritage assets and their setting by: Safeguarding heritage assets from inappropriate development that would cause harm to their significances.'

20. The emerging Chorley Local Plan 2012 – 2026, Policy BNE8 refers to the Protection and Enhancement of Heritage Assets. Essentially this policy mirrors the Framework. Paragraph b, states that, 'Applications will be granted where they sustain, conserve and, where appropriate, enhance the significance, appearance, character and setting of the heritage asset itself and the surrounding historic environment and where they show consideration for the following: iii, The Conservation and, where appropriate. The enhancement of the setting of heritage assets.'
21. Within the Framework paragraph 129 states that, 'Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.'
22. Paragraph 132 states, 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.'
23. It is considered that given the location, design and choice of materials the significance of the grade II registered Astley Park will be sustained as a result of the proposed development. Furthermore it is considered that the significance of the setting of the grade I listed Astley Hall will, given the 400 metres separation distance from the site, be also sustained as a result of the proposed development.
24. The proposed development is therefore considered to accord with the aforementioned policies with respect to the significance of a designated heritage asset.

Impact on the neighbours

25. Given the separation distances of 185 and 140 metres from the site to the nearest residential properties and the profusion of mature trees between them it is considered that there will be no material impact upon the amenity currently enjoyed by neighbouring residential properties.

Overall Conclusion

26. In conclusion the proposals are considered to be acceptable. As such the proposal is recommended for approval.

Planning Policies

27. In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Borough Local Plan Review 2003 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposals has had regard to guidance contained with the National Planning Policy Framework (the Framework), the development plan and the emerging Local Plan 2012-2026. The specific policies/ guidance considerations are contained within the body of the report.

Recommended Conditions

No.	Condition									
1.	<p>The proposed development must be begun not later than three years from the date of this permission.</p> <p>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.</p>									
2.	<p>The development shall only be completed in accordance with the approved plans. The approved plans are:</p> <table border="0" data-bbox="352 412 1359 506"> <tr> <td>CX1321/SEC rev3</td> <td>Sections</td> <td>Received on 5 August 2014</td> </tr> <tr> <td>AN200336</td> <td>Look Out Tower</td> <td>Received on 5 August 2014</td> </tr> <tr> <td>CX1321/LO1 Rev3</td> <td>Site Plan</td> <td>Received on 1 August 2014</td> </tr> </table> <p>Reason: For the avoidance of doubt and in the interests of proper planning.</p>	CX1321/SEC rev3	Sections	Received on 5 August 2014	AN200336	Look Out Tower	Received on 5 August 2014	CX1321/LO1 Rev3	Site Plan	Received on 1 August 2014
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3.	<p>No development shall commence unless and until full details of the proposed materials (notwithstanding any details shown on previously submitted plans and specifications) have been submitted to and approved in writing by the local planning authority. All works shall be undertaken strictly in accordance with the details as approved.</p> <p>Reason: To ensure that the materials used are visually appropriate to the locality.</p>									
4.	<p>External lighting associated with the development shall be minimal, designed to avoid excessive light spill and shall not illuminate potential bat habitat (e.g. hedgerow, trees) and or/ bird breeding places. In particular, in accordance with the submitted Ecological Assessment, no lighting shall directly illuminate the retained and protected trees and shrubs along the boundaries of the site and there shall be no lighting of the proposed bat habitat e.g. proposed roosting opportunities and proposed planting. The principles of relevant guidance should be followed (e.g. the Bat Conservation Trust and Institution of Lighting Engineers guidance Bats and Lighting in the UK, 2009).</p> <p>Reason: In the interests of maintaining a favourable conservation status of bats on the site.</p>									