

Item 3f **15/00786/FUL**

Case Officer **Ian Heywood**

Ward **Chorley North West**

Proposal **Creation of new river channel including rock ramps, reed bed and other planting to enhance water and ecological quality of the River Chor.**

Location **Astley Park**

Park Road

Chorley

Applicant **Chorley Council**

Consultation expiry: **24 September 2015**

Decision due by: **6 October 2015 (time extension agreed until 28th October)**

Recommendation
Approve full planning permission

Executive Summary

The main issues to consider are whether the proposal would have an adverse impact on the appearance of St Laurence’s Conservation Area, Astley Park Registered Park and the significance of these designated heritage assets and whether there would be any resultant harm to ecology. For the reasons set out below it is considered that the proposal is acceptable and consistent with the aims of the development plan and the Framework and represents a sustainable form of development within the Parish of Croston.

Representations

No representations have been received.

Consultees

Consultee	Summary of Comments received
Greater Manchester Ecology Unit	No objections, conditions have been suggested.
Environment Agency	No objections. A separate application to the Environment Agency will be required for the works.
Natural England	No objections.
Lead Flood Authority	No objections subject to suggested conditions.

Assessment

Planning Policy Position

1. 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 Local Plan (2015) and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposal has had regard to guidance contained within the National Planning Policy Framework (the Framework) and the development plan. The specific policies/ guidance considerations are contained within the body of the report.
2. The Planning (Listed Building and Conservation Areas) Act 1990 states that the Local Planning Authority has a primary duty in relation to listed buildings to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Policy 16 of the Central Lancashire Core Strategy, 'Heritage Assets' and policy BNE8, 'Protection and Enhancement of Heritage Assets' of the Adopted Chorley Local Plan (2015) seek to protect and enhance the Borough's heritage. Also of relevance is Section 12 of the Framework.

Description of the site

3. The site lies within Astley Park, close to Park Road and also close to where the River Chor emerges from where it is culverted under Park Road.
4. The site also lies within the Astley Park Registered Park and the St Laurence's Conservation Area. Registered Parks and Conservation Areas are defined by Annex 2 to the Framework as designated heritage assets.
5. At the fringes of the site are located a significant number of mature trees.
6. The site encompasses a short section of the bed to the River Chor.

Assessment

Proposed Development

7. This application is being submitted after extensive consultation with the Environment Agency and the proposal is designed to improve river water quality, enhance biodiversity and reduce the number and propensity for invasive species such as sycamore trees and Himalayan balsam in the immediate area and downstream of the site by the creation of a reed bed adjacent to the current river course.
8. Whilst Astley Park was the subject of a Heritage Lottery funded enhancement project previously, this part of the park was not included within that project. It is not within the designed parkland for which the greater site was designated but is a more natural landscape immediately adjacent to the course of the River Chor. It is also designed to improve access to the area.
9. The project has been informed by extensive site surveys, investigations and research including a habitat survey.
10. The project has been driven, at least initially by an initiative by the Friends of Astley Park local community group who will take an active role, together with the Council, in the maintenance of the site after completion.

Historic Context

11. Astley Park is an early Victorian park built around listed Grade I Astley Hall. From 1575 the Hall became the principal residence of the Charnock family. It was subsequently passed through marriage to firstly the Brooke family in 1653 then the Towneley-Parker family in 1787. The Hall and park were inherited by Reginald Tatton in 1906 which a few years later he conveyed to Chorley Corporation and dedicated as a War Memorial in

1922 and is still in use as a public park today.

Archaeological significance

12. It is acknowledged that this part of the park is not historically significant and does not contain any sites of archaeological interest.

Impact on the appearance of St Laurence's Conservation Area, Astley Park Registered Park and the significance of these designated heritage assets

13. Paragraphs 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are relevant to the 'Special considerations affecting planning functions'.
Section 66 states:
In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
Without prejudice to section 72, in the exercise of the powers of appropriation, disposal and development (including redevelopment) conferred by the provision of sections 232, 233 and 235(1) of the principal act, a local authority shall have regard to the desirability of preserving features of special architectural or historic interest, and in particular, listed buildings.
Section 72 states:
In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
The provisions referred to in subsection(1) are the planning acts and Part 1 of the Historic Buildings and Ancient Monuments Act 1953.
14. In this particular instance Section 72 is pertinent as the site is located within the St Laurence's Conservation Area.
15. In this case, given the sensitive and low-key nature of the proposed works it is considered that the appearance of the St Laurence's Conservation Area and the Astley Park Registered Park will be preserved such that the requirements of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 have been met.
16. Paragraphs 129, 132, 133, 134, 136, 137 and 138 of the Framework are pertinent as are policy 16 of the Adopted Central Lancashire Core Strategy (2012) and policy BNE8 of the Adopted Chorley Local Plan 2012 – 2026.
17. 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.'
18. 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.'

19. Paragraph 133 states, 'Where a proposed development will lead to substantial harm to or loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
 - The nature of the heritage asset prevents all reasonable uses of the site; and
 - No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - Conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
 - The harm or loss is outweighed by the benefit of bringing the site back into use.'
20. Paragraph 134 states, 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.'
21. Paragraph 136 continues by stating that, 'Local planning authorities should not permit loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.'
22. Paragraph 137 states that, 'Local planning authorities should look for opportunities for new development within Conservation Areas or World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the heritage asset should be treated favourably.'
23. Paragraph 138 states that, 'Not all elements of a World Heritage Site or Conservation Area will necessarily contribute to its significance. Loss of a building (or other element which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated as either as substantial harm under paragraph 133 or less than substantial harm under paragraph 134, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage site as a whole.'
24. 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:
 - a. Safeguarding heritage assets from inappropriate development that would cause harm to their significances.'
25. The Adopted Chorley Local Plan (2015), 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.'
26. In this case it is considered that as a result of the sensitive, small scale and low key nature of the proposed works the significance of the designated heritage assets will be enhanced.
27. This being the case it is considered that the requirements of the aforementioned policies have been met.

Ecology

28. Pertinent policies are: Adopted Central Lancashire Core Strategy (2012), policy 22; and Adopted Chorley Local Plan (2015), policy BNE9. These policies, together with other legislation, seek to safeguard protected and endangered species and their habitats.
29. The Greater Manchester Ecology Unit supports the proposed development for the enhancement to local ecology and biodiversity it will bring:
30. A number of conditions and informatives are recommended that will safeguard protected and endangered species.
31. Overall the proposed development is considered to accord with the aforementioned policies.

Overall Conclusion

32. It is considered that the development accords with the aforementioned policies and will lead to enhanced river quality, biodiversity and accessibility. The application is therefore recommended for approval.

Suggested 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 hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>Drawing: Title: Date: LRCB-001 Layout plan, River Chor Reed Beds 10 August 2015</p> <p>Reason: For the avoidance of doubt and in the interests of proper planning</p>
3.	<p>The development hereby permitted shall not commence unless and until the applicant has submitted to and received approval in writing from the local planning authority evidence that permission for the proposed works has been given by the Environment Agency.</p> <p>Reason: To ensure compliance with the Water Resources Act 1991</p>
4.	<p>No works to trees or shrubs shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the LPA.</p> <p>Reason: To safeguard protected and endangered species and their habitats.</p>
5.	<p>Prior to any earthworks a method statement detailing eradication and/or control and/or avoidance measures for Himalayan balsam and any other invasive species should be supplied to and agreed in writing to the LPA. The agreed method statement shall be adhered to and implemented in full unless otherwise agreed in writing by the LPA.</p> <p>Reason: To minimise the risk of spreading invasive plant species.</p>