

APPLICATION REPORT – 16/01149/FUL

Validation Date: 19 December 2016

Ward: Lostock

Type of Application: Full Planning

Proposal: Flood protection measures including soil bunds, brick piers at site entrance and reconstruction & lifting of existing boundary walls

Location: Croston Park Nursing Home Town Road Croston Leyland PR26 9RA

Case Officer: Mr Ian Heywood

Applicant: Mr Chris Mitchell

Agent: Mr L Vincent

Consultation expiry: 23 March 2017

Decision due by: 7 May 2017

RECOMMENDATION

Permit Full Planning Permission

SITE DESCRIPTION

1. Croston Park Nursing Home is the former Vicarage to the grade II* listed Church of St Michael and All Angels, which is located immediately to the west of the site, which was converted to a nursing home in the last quarter of the 20th Century. It is a grade II listed building dating from the late 17th/early 18th Century that has been extended and altered on at least two occasions.
2. It is set within the Croston Conservation Area, the Article 4 Direction area contained therein and the Green Belt. It is also within Flood Zones 2 and 3.
3. There is a small drainage ditch and an 18th Century Ha Ha, listed at grade II in its own right, to the southern boundary of the site. Approximately 50 metres further to the south is the River Yarrow. Within the site, towards the south eastern corner is a grade II listed sundial.
4. The site developed in the 18th Century, a period when the Church of England built expansive vicarages in a grand neo-classical style set within expansive, often landscaped, grounds.
5. In the late 1960s/early 1970s the building had suffered from neglect and disrepair and was far too large for the needs of the Church. The decision was taken by the Church of England to sell the property as the costs of repair would have been prohibitive. The site was sold in the 1980s and permission was granted for conversion to a rest home later in that decade.
6. Subsequently, in the early 1990s a substantial extension was added to the north side of the building. More recently permission was granted for a further extension to the west elevation of the previous extension and this is now substantially complete.

7. On Boxing Day 2015 the village of Croston suffered from devastating flooding and Croston Park Nursing Home found itself under nearly 600mm of water on the ground floor. Fortunately the damage to the building was only minor and has since been sensitively and appropriately repaired.
8. In 2016 the Environment Agency Flood Alleviation Scheme was brought into use, which provides for an area of flood water pressure relief in an upstream area of open countryside in the adjacent Parish of Ecclestone. This allows for excess volumes of water to be diverted from the River Yarrow into a flood water holding area until river levels sufficiently subside to allow it to be released back into the water course.
9. The net result of this is that the Environment Agency are in a position to consider reducing the area of Croston from Flood Zones 2 and 3 to a much lower flood risk category, to an 'Area Benefitting from Defences' or ABD to use their terminology.

DESCRIPTION OF PROPOSED DEVELOPMENT

10. The proposal seeks planning permission, in part retrospective, for the erection of a flood defence bund to the southern and eastern site boundaries, i.e. those closest to the River Yarrow, and to increase the height of a brick wall and piers to the western edge of the site. This latter element includes the rebuilding of the wall using the original materials plus new ones to match and the reuse of the original coping stones.
11. A concurrent application for listed building consent for the alterations to this wall is also under consideration.
12. The aim of the applications is to increase the flood resilience of the site and to prevent, so far as is possible, the catastrophic effects of Boxing Day 2015 being repeated.

CONSTRAINTS

Article 4 Direction
 Conservation Area
 Floodzone 2
 Floodzone 3
 Grade 2 Listed Building
 Tree Preservation Orders
 Green Belt

RELEVANT HISTORY OF THE SITE

Ref: 87/00564/FUL **Decision:** PERFPP **Decision Date:** 20 October 1987
Description: Change of use to rest home

Ref: 87/00565/FUL **Decision:** PERFPP **Decision Date:** 20 October 1987
Description: Change of use to rest home

Ref: 87/00396/COU **Decision:** WDN **Decision Date:** 21 July 1987
Description: Change of use from rectory to rest home and alterations to provide services fire precautions and emergency means of escape

Ref: 88/00987/FUL **Decision:** PERFPP **Decision Date:** 21 February 1989
Description: Alterations including fire escape to use second floor as rest home bedspaces

Ref: 88/01029/LBC **Decision:** PERFPP **Decision Date:** 21 February 1989
Description: Alterations to provide additional bedrooms

Ref: 89/00410/LBC **Decision:** PERFPP **Decision Date:** 2 August 1989
Description: Listed building consent for two additional windows on west elevation

Ref: 91/00778/OUT **Decision:** REFOPP **Decision Date:** 18 February 1992
Description: Outline application for two-storey extension to form nursing care wing

Ref: 91/00779/LBC **Decision:** REFFPP **Decision Date:** 18 February 1992
Description: Listed building application for two-storey extension to form nursing care wing

Ref: 92/00421/FUL **Decision:** REFFPP **Decision Date:** 4 August 1992
Description: Single storey extension to provide nursing care wing

Ref: 92/00422/LBC **Decision:** REFFPP **Decision Date:** 4 August 1992
Description: Single storey extension to provide nursing care wing

Ref: 95/00241/LBC **Decision:** PERLBC **Decision Date:** 24 May 1995
Description: Listed Building Application for the partial demolition, reconstruction and realignment of wall to facilitate provision of new vehicular access and improved visibility splays from 74 Town Road,

Ref: 13/00907/FUL **Decision:** PERFPP **Decision Date:** 15 January 2014
Description: 2 storey extension to provide 18 no. bedrooms to Croston Park Nursing Home

Ref: 13/00908/LBC **Decision:** PERLBC **Decision Date:** 15 January 2014
Description: 2 storey extension to provide 18 no. bedrooms to Croston Park Nursing Home

Ref: 16/00028/MNMA **Decision:** PEMNMZ **Decision Date:** 17 February 2016
Description: Non-material amendment to permission granted under 13/00907/FUL (2 storey extension to provide 18 no. bedrooms to Croston Park Nursing Home) to provide additional parking.

Ref: 16/00059/DIS **Decision:** PEDISZ **Decision Date:** 24 March 2016
Description: Discharge of conditions: 4 (Sample facing and roofing materials); 5 (Rainwater Goods); 6 (External Joinery); 9 (Flood Risk Assessment Mitigation Measures); 10 (Scheme for Foul Sewers and Surface Water Drains); 11 (External Lighting) attached to permission granted under 13/00907/FUL re 2 storey extension to care home

Ref: 16/01150/LBC **Decision:** PCO **Decision Date:**
Description: Listed Building Consent for the reconstruction & lifting of existing boundary walls

REPRESENTATIONS

13. Whilst twelve neighbour letters are recorded on the file it should be noted that 6 of these are duplicate entries. Comments have also been received from the Lancashire Yarrow Flood Action Group (LYFAG).

14. All these cite the same grounds for objection: that the construction method and materials for the bund are questionable and that these proposed flood prevention measures will exacerbate the incidence of flooding to neighbouring properties.

15. One further commentator has concerns for the use of brick within the wall that it is proposed to increase the height of and suggests that given the proximity to the church building this should be constructed in stone instead.

16. A letter of support for the proposal from the Director of Adult Services at Lancashire County Council has been forwarded by the applicant.

CONSULTATIONS

17. Croston Parish Council – comments that it has concerns regarding the construction of the bund.

18. Lancashire County Council Archaeology Service – comments that they have concerns for the impact of the bund upon the appearance of the listed Ha Ha.
19. Lead Local Flood Authority – comments that they have concerns regarding the current construction method and materials used for the bund. They state that in its present form it presents a flood risk as at times of heavy rainfall it may be washed into the culverted section of watercourse and create a blockage thus causing water levels to rise in the open watercourse upstream. They suggest that the bund should be improved using appropriate techniques to increase its strength, for example, compaction or geo-textile and help reduce seepage. The bund should also be re-seeded as quickly as possible to establish vegetation.
20. Overall the Lead Local Flood Authority has **no objection** to the proposed development subject to the inclusion of conditions for which suitable wording is provided.
21. Environment Agency – has **no objection** in principle to the proposed development. The development lies within Flood Zone 3 which is defined as the high risk flood zone in the national Planning Practice Guidance. Taking into consideration the nature of the development we consider it to be a minor development. Also due to the completion of the new flood alleviation scheme upstream we consider that the development is low risk. The Environment Agency therefore does not have any concerns about this retrospective application. As we have now completed our upstream flood alleviation scheme, this area in Croston is now an Area Benefitting from Defences (ABD) and is protected from main river flooding for the 1 in 100 year flood. As such, this type of activity is excluded from the Environmental Permitting Regulations and does not require a permit from us. We have met the applicant on site and provided additional advice about compacting the floodbank and getting it vegetated as soon as possible.

PLANNING CONSIDERATIONS

Green Belt:

22. The site is located within the Green Belt. Paragraph 90 of the Framework, the National Planning Policy Framework, suggests that engineering operations, which the bund is considered to be, are not inappropriate development in the Green Belt provided that they do not conflict with the purposes of including land in Green Belt.
23. In this case the bund, as a result of its size, construction, appearance and location, is considered to not conflict with the purposes of including land within the Green Belt.

Impact upon the appearance of a listed building/significance of a designated heritage asset:

24. 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

25. In this case it is considered that in the first instance the construction of the bund will have no material impact upon the appearance of Croston Park Nursing Home, the Ha Ha or the

Sundial. Once fully completed, in accordance with the conditions proposed by the Lead local Flood authority, it will be compacted and grassed over and will thus blend seamlessly into the landscape.

26. The alterations to the existing wall, which is currently constructed of local brick topped with natural stone copings, are considered to perpetuate the existing design. This is a low status wall currently and the use of matching materials in the vertical extension thereto is considered to be entirely appropriate. To substitute these for a higher status material such as stone would artificially and erroneously raise the status of this wall and bring it into competition with the church building. The current proposal is therefore considered to preserve the appearance and setting of the adjacent listed buildings and to therefore be in conformity with S.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
27. Section 12 of the Framework, Adopted Central Lancashire Core Strategy (2012) policy 16 and Adopted Chorley Local Plan 2012 – 2026, policy BNE8 all seek to conserve heritage assets and to sustain or enhance the significance of these designated heritage assets.
28. In this case the design, scale and location of the proposed development is considered to be both sympathetic and appropriate and to therefore sustain the significance of the designated heritage assets. These will remain the dominant feature of the site and this dominance is considered to be undiminished by the development proposals. It is therefore considered to be in conformity with the aforementioned local and national policies.

Flood risk and the amenity of neighbouring properties:

29. The site is located within the flood zone, however as a result of the recently completed flood alleviation scheme upstream in Eccleston the Environment Agency views this site as being an Area Benefitting from Defences. Nevertheless the concerns of not only the owners of Croston Park Nursing Home but also those of neighbouring properties remain concerned for the protection of their properties from flooding.
30. These are perhaps heightened for the owners of Croston Park Nursing Home where the disruption and psychological harm caused by flooding to the residents in their care is in some ways greater than the physical damage caused.
31. Both the Environment Agency and the Lead Local Flood Authority have commented that they have examined the scheme and spoken to the applicant at length and that they have no objection to the proposals, subject to suitably worded conditions, which are proposed here.
32. Overall it is considered that the proposal will not have a detrimental impact upon the amenity of neighbouring properties as it will not increase the incidence of flooding to their properties.

CONCLUSION

33. The development is considered to be acceptable and to be in conformity with the relevant policies stated above. This application is therefore recommended for approval, subject to conditions.

RELEVANT POLICIES: 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 2012-2026 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.

Suggested Conditions

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

Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

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

Title	Plan Ref	Received On
Site Location Plan	1462-001	19 December 2016
Proposed Site Plan	1462-205	19 December 2016
Proposed Flood Defence Details	1462-230	19 December 2016

3. The bund shall not be completed until details have been submitted to and approved in writing by the local planning authority.

These details shall include, as a minimum:

- a) Method of construction techniques
- b) Method of establishing vegetation (e.g. type of seed, use of geo-textile)

Reasons:

1. *To prevent flood risk on-site or off-site to Croston Park Nursing Home*
2. *To reduce the risk of flooding from blockages to the existing section of culverted watercourse.*

4. An appropriate management and maintenance plan for the lifetime of the bund has been submitted which, as a minimum, shall include:

a) Arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the bund such as:

- i. on-going inspections relating to the bund's performance and asset condition assessments
- ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by heavy rainfall or storm events or any other arrangements to secure the operation of the bund throughout its lifetime;

b) Means of access for maintenance and easements where applicable.

The plan shall be implemented in accordance with the approved details upon completion of the bund and, thereafter, shall be managed and maintained in accordance with the approved details.

Reasons:

1. *To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the bund*
2. *To reduce the flood risk on-site or off-site to Croston Park Nursing Home as a result of inadequate maintenance*
3. *To identify the responsible organisation/body for the bund.*