

Planning Committee

Tuesday, 5th October 2021, 6.30 pm

Council Chamber, Town Hall, Chorley and YouTube

Agenda

Apologies

1 **Minutes of meeting Tuesday, 7 September 2021 of Planning Committee** (Pages 3 - 6)

2 **Declarations of Any Interests**

Members are reminded of their responsibility to declare any pecuniary interest in respect of matters contained in this agenda.

If you have a pecuniary interest you must withdraw from the meeting. Normally you should leave the room before the business starts to be discussed. You do, however, have the same right to speak as a member of the public and may remain in the room to enable you to exercise that right and then leave immediately. In either case you must not seek to improperly influence a decision on the matter.

3 **Planning applications to be determined**

The Director (Planning and Development) has submitted eight items for planning applications to be determined (enclosed).

Plans to be considered will be displayed at the meeting or may be viewed in advance by following the links to the current planning applications on our website.

<https://planning.chorley.gov.uk/online-applications/search.do?action=simple&searchType=Application>

a **20/01237/FUL - P R Crompton Butchers, 229 Eaves Lane, Chorley, PR6 0AG** (Pages 7 - 24)

b **20/00175/FULMAJ - Great Barn, Hoghton Tower, Blackburn Old Road, Hoghton** (Pages 25 - 54)

c **20/00176/LBC - Great Barn, Hoghton Tower, Blackburn Old Road, Hoghton** (Pages 55 - 76)

d **20/01211/FULMAJ - Brookes Arms, Eaves Lane, Chorley** (Pages 77 - 104)

e **21/00380/FUL - South View, Back Lane, Mawdesley** (Pages 105 - 140)

| | | |
|---|--|----------------------|
| f | 21/00965/FUL - Straits Farm, The Straits, Hoghton | (Pages 141 - 176) |
| g | 21/01389/OUTMAJ - Croston Sports Club, Westhead Road, Croston, Leyland | (Pages 177 - 200) |
| h | 21/00969/FUL - 84 Dallington Avenue, Clayton-Le-Woods, Leyland, PR25 5AG. | (Pages 201 - 214) |
| 4 | Chorley Borough Council Tree Preservation Order No. 3 (Coppull) 2021 | (Pages 215 - 224) |
| | To receive and consider the report of the Director of Governance. | |
| 5 | Chorley Borough Council Tree Preservation Order No. 5 (Clayton-le-Woods) 2021 | (Pages 225 - 234) |
| | To receive and consider the report of the Director of Governance. | |
| 6 | Chorley Borough Council Tree Preservation Order No. 6 (Charnock Richard) 2021 | (Pages 235 - 244) |
| | To receive and consider the report of the Director of Governance. | |
| 7 | Appeals Report | (Pages 245 - 246) |
| 8 | Any urgent business previously agreed with the Chair | |

Gary Hall
Chief Executive

Electronic agendas sent to Members of the Planning Committee Councillor June Molyneux (Chair), Councillor Alex Hilton (Vice-Chair) and Councillors Aaron Beaver, Martin Boardman, Magda Cullens, Gordon France, Peter Gabbott, Danny Gee, Tom Gray, Harold Heaton, Keith Iddon, Alistair Morwood and Alan Whittaker.

If you need this information in a different format, such as larger print or translation, please get in touch on 515151 or chorley.gov.uk

[To view the procedure for public questions/ speaking click here and scroll to page 119](#)

After careful consideration, it was proposed by Councillor Gordon France, seconded by Councillor Alex Hilton, that the application be refused.

It was subsequently proposed by Councillor Martin Boardman, seconded by Councillor Harold Heaton, that the application be approved.

A vote on the substantive motion was taken first and **it was subsequently resolved (For: 10 Against: 3) that the application be refused for the following reason:**

The proposed development would result in an increased intensity of activity and in particular from vehicles accessing the site with great regularity, which would result in undue noise and disturbance that would be harmful to the amenity of neighbouring residential occupiers.

21.P.109 21/00281/FULHH - 12 Langton Close, Eccleston, Chorley, PR7 5UU

Registered speakers: Paul Bamber (objector)

After careful consideration, it was proposed by Councillor Alan Whittaker, seconded by Councillor Peter Gabbott, that the application be refused.

A further proposal was moved by Councillor Harold Heaton, seconded by Councillor Alistair Morwood, that the application be approved.

A further amendment was proposed by Councillor Alex Hilton, seconded by Councillor Martin Boardman, that the application be deferred.

Upon being put to the vote, it was **resolved (For: 12 Against: 1) that the decision deferred to allow officers to have further discussion with the applicant regarding reducing the positioning, size and scale of the proposed balcony.**

21.P.110 21/00161/FULMAJ - Land Surrounding Huyton Terrace Previously Baly Place Farm, Bolton Road, Adlington

Registered speaker(s): None

After careful consideration, it was proposed by Councillor Martin Boardman, seconded by Councillor Harold Heaton, and subsequently **resolved (unanimously) that the application be approved subject to conditions.**

21.P.111 21/00674/FUL - Land South Of Red Bank Scout Hut, Little Carr Lane, Chorley

This application was withdrawn by the applicant and the item, therefore, withdrawn from the agenda.

21.P.112 20/01237/FUL - P R Crompton Butchers, 229 Eaves Lane, Chorley, PR6 0AG

Registered speaker(s): Councillor James Nevett (ward councillor)

After careful consideration, it was proposed by Councillor Peter Gabbott, seconded by Councillor Alan Whittaker, that the decision be deferred.

It was also proposed by Councillor Martin Boardman, seconded by Councillor Harold Heaton, that the application be approved.

Upon being put to the vote, it was **resolved (For: 8 Against: 5) that the decision be deferred to allow members the opportunity to visit the site.**

21.P.113 21/00675/FUL - 5-7 New Market Street, Chorley

Registered speaker(s): None

After careful consideration, it was proposed by Councillor Harold Heaton, seconded by Councillor Martin Boardman, and subsequently **resolved (unanimously) that the application be approved subject to conditions and the signing of a S106 legal agreement relating to a commuted sum of £1,072 in lieu of on-site open space provision.**

21.P.114 21/00734/FUL - 2 Oak Drive, Chorley, PR6 7BY

Registered speaker(s): Phil Loynes (objector) and Councillor Adrian Lowe (ward councillor)

After careful consideration, it was proposed by Councillor Harold Heaton, seconded by Councillor Gordon France, that the application be deferred.

A vote on the amendment was taken first and was **subsequently lost (For: 2 Against: 11).**

A vote on the substantive motion, proposed by Councillor Martin Boardman and seconded by Councillor Alex Hilton, was then taken and **the motion passed (For: 9 Against: 3 Abstain: 1) that the application be approved subject to conditions.**

21.P.115 Appeals Report

Members noted the report of the Director of Planning and Development which set out planning appeals and decisions received.

21.P.116 Any urgent business previously agreed with the Chair

None.

Chair

Date

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APPLICATION REPORT – 20/01237/FUL

Validation Date: 19 November 2020

Ward: Chorley East

Type of Application: Full Planning

Proposal: Change of use from retail to restaurant and hot-food takeaway (sui-generis) and installation of flue to rear of property

Location: P R Crompton Butchers 229 Eaves Lane Chorley PR6 0AG

Case Officer: Mrs Hannah Roper

Applicant: Mr Patel, Akil Properties

Agent: Mr Yunus Jiva, AZH Consultancy

Consultation expiry: 15 December 2020

Decision due by: 25 June 2021

UPDATE

1. Members will recall that consideration of the application was deferred at the Planning Committee on 7 September 2021 to give members the opportunity to visit the site. The original committee report follows on below.
2. Members will also recall that it was reported on the Addendum that additional correspondence had been received from the owner of the first floor flat reiterating their original objections and stating that they have concerns regarding access and egress to their property due to the location of the door at the bottom of the stairs, regarding LCC Highways comments that no parking issues exist, that issues relating to noise and smells have not been adequately addressed and that under no circumstances will they permit a flue to be attached to the external elevation of their property.
3. Correspondence was also received prior to the last committee meeting from Councillor Khan on behalf of a resident raising concerns about vehicles parking on the pavement despite the crossing and bollards, vehicles parking on yellow lines on Kershaw Street and vehicles parking on the pavement over the road. Photos have also been submitted showing Kershaw Street heavily populated with on street parking.
4. An additional condition is also recommended.
5. The recommendation remains to approve the application.

PREVIOUS REPORT**RECOMMENDATION**

1. It is recommended that planning permission is granted subject to conditions.

SITE DESCRIPTION

2. The application relates to a terraced property located on Eaves Lane, Chorley within the Eaves Lane (South) Local Centre. The ground floor unit is currently vacant having most recently been used as a butcher's shop. The first floor is occupied by a residential flat that is accessed by an external staircase to the rear of the property.

DESCRIPTION OF PROPOSED DEVELOPMENT

3. The application seeks planning permission to change the use of the ground floor unit from a retail use to a restaurant and takeaway and for the erection of a flue to the rear of the property. This would protrude from the ground floor rear wall upwards beyond the eaves to approximately ridge height.
4. The proposed hours of operation have not been supplied.

REPRESENTATIONS

5. Two representations have been received citing the following grounds of objection:
 - Parking in the surrounding area
 - Late night noise and disturbance
 - Potential for odours
 - Issues in relation to the upstairs flat including that the owners would not allow the flue to be attached to the first floor rear external wall and it would restrict access to electricity cables and a waste water outlet
 - Smells coming into the property
 - The door at the bottom of the stairs would impede access
 - Buildings insurance would increase
 - Property values would decrease
6. A petition has been received with 18 signatures raising concerns regarding the impact on parking.
7. One letter of support has been received suggesting limited inside eating and good extraction to deal with issues

CONSULTATIONS

8. Regulatory Services - Environmental Health – Noted the potential for increased noise and disturbance as a result of the proposal, especially from the extraction system and requested a noise survey. Subsequently advised the need for a condition to ensure that the noise is mitigated.
9. Lancashire County Council Highway Services (LCC Highways) – Have no objection.
10. CIL Officers – Comment that the proposal is not CIL liable.

PLANNING CONSIDERATIONSThe principle of the development

11. The application site is located within a settlement area and so policy V2 of the Chorley Local Plan 2012 - 2026 is applicable and provides a presumption in favour of appropriate sustainable development, subject to material planning considerations and the other policies and proposals within the Plan. Relevant such policies are addressed below.
12. The application site also lies within a District Local Centre, to which policy EP7 of the Chorley Local Plan 2012 - 2026 applies. The policy states:

The boundaries of the District and Local Centres are defined on the Policies Map. The following criteria apply for change of use and development in District and Local Centres:

- a) Planning permission will be granted for A1, A2, A3, and A4 uses which support the role and function of District and Local Centres.*
- b) A5 uses (hot food takeaways) will be permitted where the proposal would not adversely impact, either individually or cumulatively, on the function, vitality and viability of the centre.*
- c) Planning permission will be not be granted for non-retail uses (including the loss of A1 use) unless it can be shown that there is no demand for retail or commercial use or the property was last occupied by a no- retail/non-commercial use. This will need to be demonstrated through an active 12-month marketing process showing that the property has been offered for sale on the open market at a realistic price and that no reasonable offers have been refused.*

The provision of flats on the upper floors of the building will be encouraged but this will not apply where the applicant can demonstrate that the whole building will be fully utilised for retail/commercial purposes.”

13. The premises are currently vacant having previously been used as a butcher's shop. It is not considered that the proposal would adversely impact on the function, vitality and viability of the centre, rather it would likely have a positive impact by removing a vacant unit. It is considered that there would be no conflict with policy EP7 of the Chorley Local Plan 2012 – 2026.

Design and impact on the character and appearance of the immediate locality

14. *Policy BNE1 of the Chorley Local Plan 2012 – 2026 states that planning permission will be granted for new development, provided that the proposal does not have a significantly detrimental impact on the surrounding area by virtue of its density, siting, layout, building to plot ratio, height, scale and massing, design, orientation and use of materials.*
15. The proposed flue would be located to the rear of the property on the back wall. It would be predominantly screened by the outriggers of the directly adjacent properties and the side elevation of no.1 Kershaw Street. It would not protrude above the ridge of the property and as such, given the commercial nature of the surroundings and the gates to the rear alleyway that restrict access, it is considered acceptable and that it would not result in a detrimental impact on the surrounding streetscape or locality.

Impact on residential amenity

16. *Policy BNE1 of the Chorley Local Plan 2012 – 2026 states that planning permission will be granted for new development, including extensions, conversions and free-standing structures, provided that (amongst other things):*
 - g) The proposal would not cause an unacceptable degree of noise disturbance to surrounding land uses*
17. The unit to which this application relates is located in a mixed residential and commercial area. The property has a residential flat at first floor, as do neighbouring units. At the request of the council's Regulatory Services, the applicant has submitted a noise survey to assess the potential impacts of the extraction system in terms of noise to neighbouring residential properties.
18. This report concludes that a mechanical ventilation system could be installed at the property without detrimental impact on neighbouring dwellings, subject to a number of criteria being met. These criteria could be conditioned.
19. The flue would extract odours 1.69m above eaves level and as such these would be dissipated above the level of any habitable room windows located in the rear elevations of

the adjacent property. The proposed flue would be visible, but not obtrusive in terms of the outlook.

20. No details of the exact extraction system to be used have been submitted, however details of its operation are acceptable. Matters relating to fixing to walls and access to services of the upstairs flat are civil issues and an informative on any planning permission would outline the need for this to be addressed outside of the planning system. This is especially relevant given that the owner of the first floor flat has stated that they will not permit the fixing of any extraction unit to their exterior wall.
21. With regard to internal noise generation and general comings and goings, the proposed use must be considered against the existing lawful use and the uses that would be permitted without planning permission and also that there are no restrictions on the current operating hours. In an area such as this it, it is not unusual for residential and commercial uses to operate in close proximity and as such, it is considered that subject to controls over the hours of operation being conditioned that the proposed use is acceptable. It should be noted that whilst the extraction system may be acceptable between certain hours that other causes of noise and disruption may result in a shorter acceptable period of operation of the business.

Highway safety

22. Policy ST4 of the Chorley Local Plan 2012 – 2026 sets out the approach to parking standards, with additional information provided in Appendix A. LCC Highways have been consulted on the proposals and have raised no objection.
23. Whilst the property does not have any dedicated parking it is located in the established commercial and residential area of Eaves Lane. LCC Highways have been consulted on the proposal and have not raised any concerns as there is a pedestrian crossing directly outside the premises with the associated zig zag markings which runs across the majority of the parade of shops. and additional waiting restrictions on the side street to protect the junctions onto Eaves Lane from obstructive parking. It is also noted that there are bollards on the side street closest to the site (Kershaw Street) to ensure part parking does not occur and bollards on the section of footway on Eaves Lane where the site is. These bollards also remove the ability to park on the adopted footway outside the site and the adjacent premises. There are unrestricted parking bays on Eaves Lane which are shared for the residents and businesses.
24. The site is located in a sustainable location, on a main road and close to bus stops. The proposed restaurant and hot food takeaway, therefore, do not raise any highway safety or parking concerns.

CONCLUSION

25. It is considered that the proposed change of use could operate in close proximity to the nearby residential dwellings without detrimental impact in terms of odours and noise disruption subject to appropriate conditions. LCC Highways have no concerns given the existing lawful use of the property and the sustainable location. It is, therefore, recommended that the application is approved 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 development hereby permitted shall be carried out in accordance with the approved plans below:

| Title | Plan Ref | Received On |
|-------------------------------|----------|------------------|
| Site Location and Layout Plan | 01/PL/D1 | 19 November 2020 |
| Proposed Floor Layouts | 04/PL/D1 | 19 November 2020 |
| Proposed Elevations | 03/PL/D1 | 19 November 2020 |

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

2. 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.

3. The uses hereby approved shall only operate (including any extraction equipment) between the following hours:

08:00am and 9:00pm Monday to Friday
 08:00am and 10:00pm Saturdays
 09:00 and 09:00pm on Sundays or Public/Bank Holidays

Reason: In the interests of protecting the amenity of neighbouring properties.

4. Noise emissions data for the proposed extractor unit shall operate at a level no greater than that outlined in the Noise Impact Assessment completed by Clemence Acoustics, dated 1st June 2021 and received by the Local Planning Authority on 9th June 2021. Mitigation shall be undertaken in line with paragraph 6.3 of this report with both the kitchen extractor fan and attenuator installed internally within the building envelope. These measures shall be maintained in perpetuity for the lifetime of the use unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of protecting the amenity of neighbouring properties.

5. Notwithstanding any details already submitted, full details of the extraction/ventilation including all external fixings and flue, shall be submitted to and approved in writing by the Local Planning Authority.

The extraction system and external fixtures shall be installed in accordance with the approved details, prior to the first use of the restaurant/takeaway use and no others substituted without written permission of the Local Planning Authority.

The approved ventilation/extraction system shall be operated only in accordance with the approved opening hours and shall be maintained in perpetuity for the lifetime of the use.

Reason: In order to protect the amenity of neighbouring occupiers.

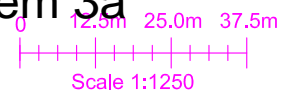
RELEVANT HISTORY OF THE SITE

Ref: 78/00381/FUL **Decision:** PERFPP **Decision Date:** 2 May 1978
Description: New shop front to butchers shop

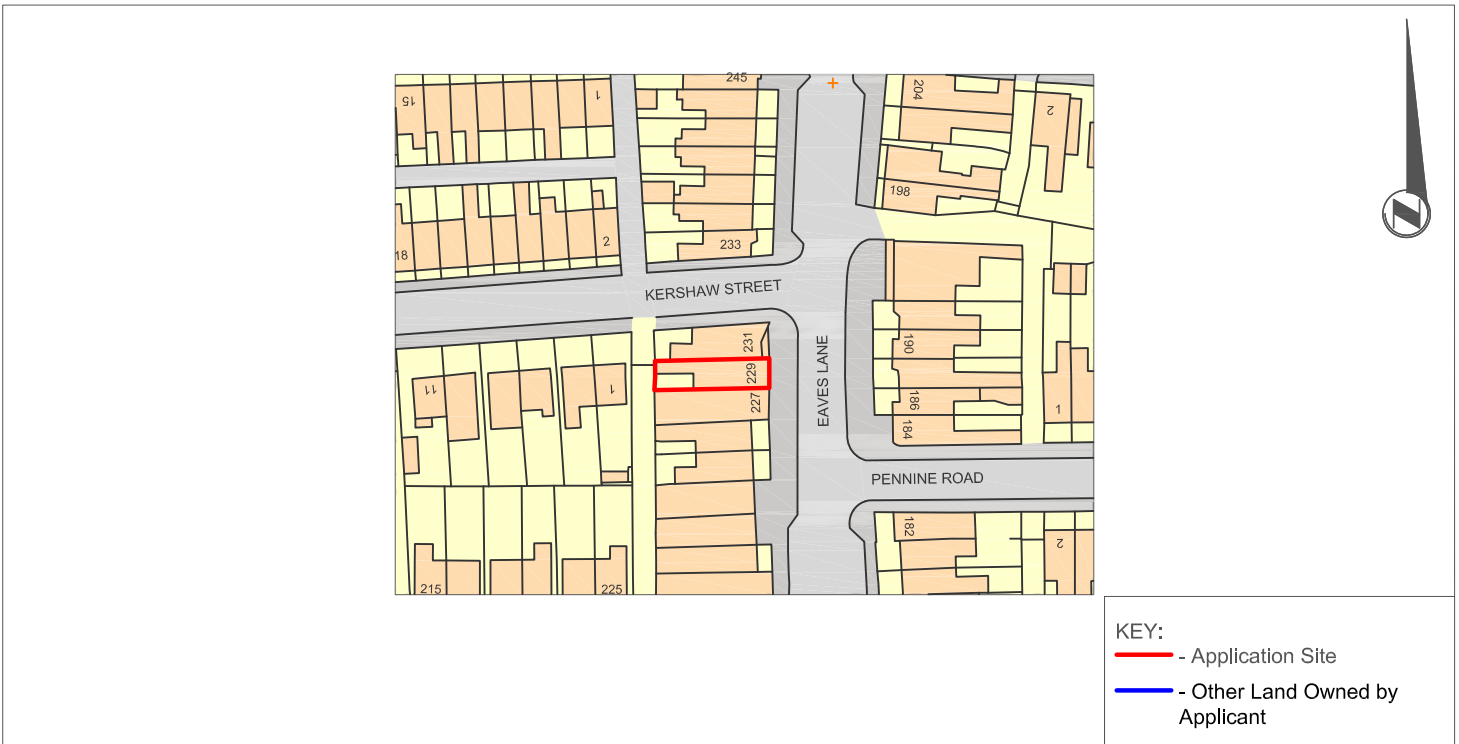
Ref: 04/00725/FUL **Decision:** PERFPP **Decision Date:** 24 August 2004
Description: Conversion of first floor over shop to self contained flat with external staircase

Ref: 13/00252/FUL **Decision:** PERFPP **Decision Date:** 20 May 2013
Description: Retrospective permission sought for erection of external staircase to rear

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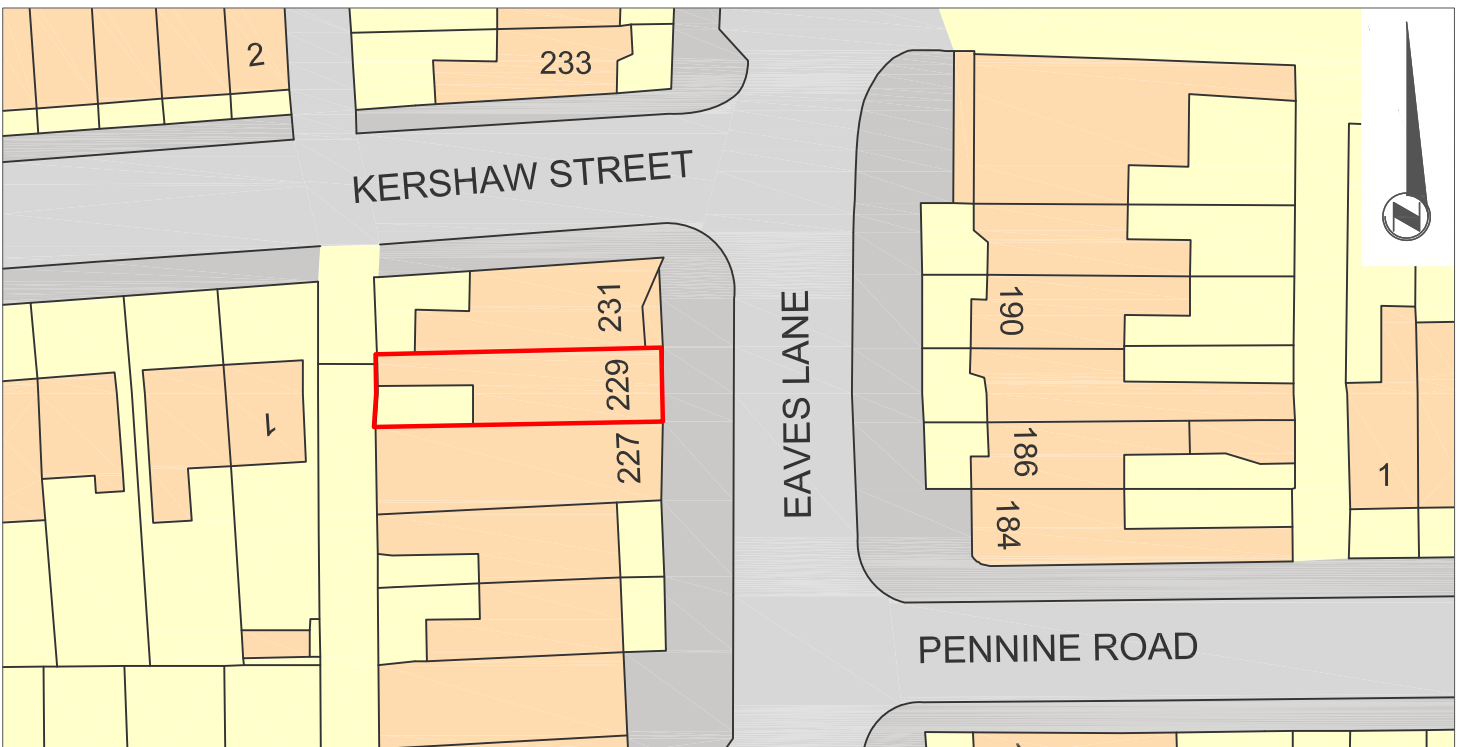
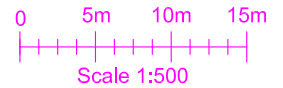


SITE LOCATION PLAN



KEY:
— - Application Site
— - Other Land Owned by Applicant

SITE LAYOUT PLAN (EXISTING)



www.azhconsultancy.co.uk
 PLANNING, HIGHWAYS AND

 CONSTRUCTION SERVICES
 Yunus Jiva 07552 715009

Client:
 Usman Patel
 Akil Properties Ltd

Project:
 229 Eaves Lane, Chorley
 Drawing Title:
 SITE LOCATION AND
 LAYOUT PLANS

- Drawing and all contents subject to copyright laws.
- Drawing to be reviewed as a part of the complete set. Drawing suitable for Planning approval only. Drawing not suitable for Building Regulations approval.
- All building work subject to Planning Conditions and Building Regulations Approvals.
- Contractor to check for any errors in the plans prior to appointment and commencement of works and to confirm position with client.

Date:
 29/09/2020
 Scales shown:
 at A4 plot

Project No: P200907
 Drawing Status: PLANNING
 Drawing No: 01/PL/
 Rev: D1

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Planning
Committee Meeting

5 October 2021



Item 3a

20/01237/FUL

PR Compton Buchers, 229 Eaves Lane, Chorley, PR6 0PG

Change of use from retail to restaurant and hot-food takeaway (sui-generis) and installation of flue to rear of property

Location plan

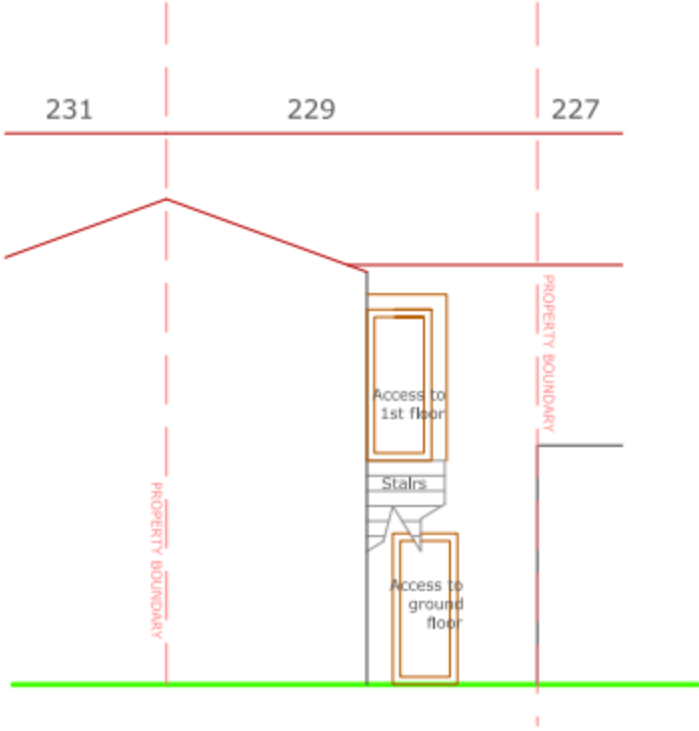


Aerial Imagery



Existing rear elevation

EXISTING REAR ELEVATION



Proposed rear elevation

PROPOSED REAR ELEVATION

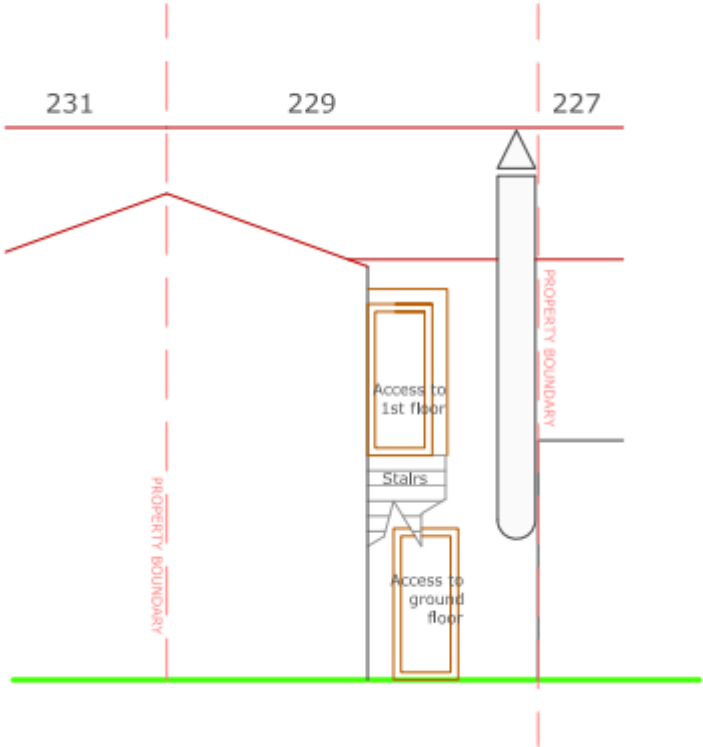


Photo – along Eaves Lane



Photo – rear elevation



ITEM 3a - 20/01237/FUL – P R Crompton Butchers, 229 Eaves Lane, Chorley**The recommendation remains as per the original report**

An email has been received from Cllr Zara Khan setting out the following:

“Any highways concerns have been passed to the County Councillor for the Area, and some residents have been spoken to about a residents permit parking scheme for future, a meeting is to be organised in the near future to see how this can be taken forward. The idea has come from some residents themselves who have approached County Councillor Hasina Khan.”

An email has been received from Cllr Hasina Khan setting out the following:

“Just to let you know that the concerns raised about parking or any other highways issues in connection with this Planning application are being addressed, I have been speaking to residents in my role as a County Councillor for the area, some of the residents have requested me to look into a possible residents permit parking scheme for future, i am going to work with the residents and LCC to try and take this forward. Any other Highways issues i will also try and address if any do arise.”

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APPLICATION REPORT – 20/00175/FULMAJ

Validation Date: 9 March 2020

Ward: Clayton East, Brindle And Hoghton

Type of Application: Major Full Planning

Proposal: Conversion of Great Barn (building 17) to wedding venue (sui generis) and ancillary use of outbuildings (buildings 1-16), including the flexible use of outbuildings within class E (E(a), E(b), E(c)(i), E(c)(ii) and E(g)(i). Reinstatement of building 5 and the temporary siting of portable toilets and catering facilities to rear of Great Barn.

Location: Great Barn Hoghton Tower Blackburn Old Road Hoghton Chorley PR5 0SH

Case Officer: Amy Aspinall

Applicant: de Hoghton Settled Estate - Lancashire Trust

Agent: Mr Richard Percy, Steven Abbott Associates LLP

Consultation expiry: 23 September 2020

Decision due by: 8 October 2021 (Extension of time agreed)

RECOMMENDATION

1. It is recommended that planning permission is granted, subject to conditions.

SITE DESCRIPTION

2. The application relates to a group of buildings which are situated within the Hoghton Tower estate. Hoghton Tower itself is a grade I listed building and also a designated Historic Park and Garden (walled garden to Hoghton Tower). Within the same complex of buildings are the Coach house and Stables which are grade II listed and the Gate Piers which are grade II listed in their own right. The buildings subject of this planning application are the Great Barn, which is a grade I listed building, including its associated attached stables, and additional detached outbuildings. The Great Barn is a large agricultural building of late seventeenth century construction, which represents an exceptional example of vernacular agricultural architecture
3. The site is situated within the Green Belt, as defined by the Chorley Local Plan Policies Map.

DESCRIPTION OF PROPOSED DEVELOPMENT

4. The application seeks planning permission for the change of use of the Great Barn to a wedding venue, including the ancillary use of existing outbuildings for this wedding use. In addition, flexible uses are also proposed for the outbuildings (1-16) to provide greater flexibility should they not be fully required for wedding purposes and to cater for any demands in the market / to attract businesses.
5. For the use of the Great Barn as a wedding venue, the main intervention would be the removal of a non-original mezzanine floor and other repair works as set out in the listed building consent application which mainly relate to essential repairs. To facilitate the use

of the Great Barn as a wedding venue, temporary facilities would be required in the form of portable toilets and catering trucks which would be sited outside of the building, to the rear. Should any works be required that have not been identified in the current applications, the necessary permission would need to be sought.

6. Building 5 is attached to the Great Barn and a portion of this building is in a dilapidated state. Extensive intervention and partial rebuilding is proposed.
7. The applicant considers that without a viable, beneficial use of the building they will not be able to either meet the very extensive costs involved in the essential repair works or to maintain the buildings in the long term. In addition, it is highlighted in the application that the repair works cannot all be carried out at the same time and that a phasing plan would need to be agreed.
8. This planning application is accompanied by a listed building consent application 20/00176/LBC
9. It should be noted that the application originally proposed the installation of a marquee within the Great Barn, however, this has been removed from the scheme.

REPRESENTATIONS

10. 2no. neighbour comments have been received. These are summarised below:
 - Both representations support the restoration of the building and investment.
 - Concern regarding impacts of noise generation and how it will be attenuated and managed
 - Already hear night-time noise, mainly live music from Hoghton Tower weddings and events

CONSULTATIONS

11. Lancashire County Council Highway Services: Have stated that they have no objection in principle but make a number of recommendations.
12. Regulatory Services - Environmental Health: No comments have been received.
13. Greater Manchester Ecology Unit: Recommend conditions.
14. Historic England: Advise that they are highly supportive of this application, which seeks to resolve current conservation concerns, and to secure the long term future of these buildings. Further information / clarification required. Some of which will need to be the subject of future applications.
15. Lancashire County Council Archaeology: Have no objection and recommend a condition to secure archaeological recording recommended.
16. SPAB: No comments have been received.
17. The Gardens Trust: No comments have been received.
18. Ancient Monuments Society: No comments have been received.
19. Twentieth Century Society: No comments have been received.
20. The Victorian Society: No comments have been received.
21. The Georgian Group: No comments have been received.
22. The Council For British Archaeology: No comments have been received.

23. Hoghton Parish Council: Have confirmed that they have no observations.

24. CIL Officers: Advise that the development is subject to the CIL Charge for 'All Other Uses' and Convenience Retail as listed in Chorley Council's CIL Charging Schedule.

PLANNING CONSIDERATIONS

Principle of the development

25. The application site is located within the Green Belt. The National Planning Policy Framework 2021 (The Framework) at section 13 confirms that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
26. Development will only be permitted within the Green Belt, in accordance with the Framework, if it is considered appropriate development or where very special circumstances can be demonstrated. The Framework confirms that '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.
27. The Framework at paragraphs 149 and 150 lists the certain forms of development which are not considered to be inappropriate development in the Green Belt, subject to specific tests as set out in the Framework.
28. The application includes the rebuilding of a portion of building number 5 which is in a dilapidated state. Whilst the buildings are named individually for the purposes of this application, building number 5 is part of a larger building. The Framework is clear that the construction of new buildings is inappropriate development in the Green Belt except where it satisfactorily accords with the exceptions. One of these exceptions is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. Building number 5 would be rebuilt to its original state and would not be a disproportionate addition. This element of the proposal accords with exception (c).
29. The reuse of buildings in the Green Belt is acceptable under exception (d) of paragraph 150 and the proposed uses would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it. Facilities such as car parks and pedestrian routes already exist in the Hoghton Tower estate and the application does not propose any additional built facilities to serve the proposed development. Portable toilet and catering unit facilities would be provided for the wedding use on a temporary basis, and this in itself would not be development. They would be sited within the courtyard which is encompassed by the existing buildings and would not harm openness. The openness of the Green Belt would be preserved and there would be no conflict with the purposes of the Green Belt, as set out at paragraph 138 of the Framework. The proposed development is not, therefore, inappropriate development in the Green Belt.
30. Flexible uses are also proposed for buildings 1-16 and whilst these constitute main town centre uses, the Framework at paragraph 89 is clear that sequential approach should not be applied to applications for small scale rural offices or other small scale rural development. Whilst the application as a whole is a major development, the floor space of the proposed main town uses would be small-scale. The sequential test is not, therefore, required.
31. The principle of the development is considered to be acceptable, subject to other considerations as set out in this report.

Heritage

32. The Planning (Listed Buildings and Conservation Areas) Act 1990 (The Act) sets out the principle duty that a Local Planning Authority 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. Great weight and importance is attached to this duty.
33. The National Planning Policy Framework 2021 (The Framework) at Chapter 16 deals with conserving and enhancing the historic environment. It recognises that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. The following paragraphs contained therein are considered to be pertinent in this case:
34. The Framework at paragraph 197 states that in determining applications, local planning authorities should take account of:
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c) the desirability of new development making a positive contribution to local character and distinctiveness.
35. At paragraph 199 the Framework provides that 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
36. At paragraph 200 the Framework confirms that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:
- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
 - b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.
37. Paragraph 201 states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- a) the nature of the heritage asset prevents all reasonable uses of the site; and
 - b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
 - d) the harm or loss is outweighed by the benefit of bringing the site back into use.
38. At paragraph 202 the Framework provides that 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, where appropriate, securing its optimum viable use.
39. The adopted Central Lancashire Core Strategy (2012) policy 16 (Heritage Assets) states: Protect and seek opportunities to enhance the historic environment, heritage assets and their settings by:
- a) Safeguarding heritage assets from inappropriate development that would cause harm to their significances.
 - b) Supporting development or other initiatives where they protect and enhance the local character, setting, management and historic significance of heritage assets, with

particular support for initiatives that will improve any assets that are recognised as being in poor condition, or at risk.

c) Identifying and adopting a local list of heritage assets for each Authority.

40. Policy BNE8 (Protection and Enhancement of Heritage Assets) of the Chorley Local Plan 2012 - 2026 states that:

- a) Applications affecting a Heritage Asset or its setting will be granted where it:
 - i. Is in accordance with the Framework and relevant Historic England guidance;
 - ii. Where appropriate, takes full account of the findings and recommendations in the Council's Conservation Area Appraisals and Management Proposals;
 - iii. Is accompanied by a satisfactory Heritage Statement (as defined by Chorley Council's advice on Heritage Statements) and;
- b) 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:
 - i. The conservation of features and elements that contribute to the heritage asset's significance and character. This may include: chimneys, windows and doors, boundary treatments, original roof coverings, earthworks or buried remains, shop fronts or elements of shop fronts in conservation areas, as well as internal features such as fireplaces, plaster cornices, doors, architraves, panelling and any walls in listed buildings;
 - ii. The reinstatement of features and elements that contribute to the heritage asset's significance which have been lost or damaged;
 - iii. The conservation and, where appropriate, the enhancement of the setting of heritage assets;
 - iv. The removal of additions or modifications that are considered harmful to the significance of any heritage asset. This may include the removal of pebbledash, paint from brickwork, non-original style windows, doors, satellite dishes or other equipment;
 - v. The use of the Heritage Asset should be compatible with the conservation of its significance. Whilst the original use of a building is usually the most appropriate one it is recognised that continuance of this use is not always possible. Sensitive and creative adaptation to enable an alternative use can be achieved and innovative design solutions will be positively encouraged;
 - vi. Historical information discovered during the application process shall be submitted to the Lancashire Historic Environment Record.

41. The policy also states that development involving the demolition or removal of significant heritage assets or parts thereof will be granted only in exceptional circumstances which have been clearly and convincingly demonstrated to be in accordance with the requirements of the Framework.

42. The application seeks planning permission for the change of use of the Great Barn (building 17) to a wedding venue. This also includes the ancillary use of the buildings 1-16 for wedding venue purposes, although flexible uses for these buildings are also proposed dependant on the demands for their use in association with weddings and how viable this may be.

43. Building 5 is in a partial dilapidated state and requires extensive works with some rebuilding. In order to support the use of the Great Barn as a wedding venue, temporary facilities are proposed in the form of mobile toilets and catering units. The application identifies that these would be sited externally, adjacent to the northern elevation of the Great Barn.

44. Integral to the proposal is a number of essential repairs to the Great Barn and buildings 5-8. These are, however, covered in a separate application for listed building consent. For the other associated buildings, no works are proposed beyond the changes of use. It is acknowledged that consequential works may be required in order to facilitate the uses within the buildings, however, the necessary planning permission or listed building consent would be required at the relevant time and the application acknowledges this point.

45. The proposed development would ensure that the listed buildings are put into viable use and would secure the essential repairs and works necessary to sustain them into the future. Whilst extensive works are required to building 5, this is now inevitable due to its current deteriorated condition. The reinstatement of the building is a clear benefit and would prevent further fabric loss and loss of group value. Suitable planning conditions would secure a sympathetic reinstatement.
46. The proposal represents positive works for the Great Barn and its associated outbuildings and would also improve the overall setting of this group of buildings which form an important part of the Houghton Tower estate. Temporary toilet facilities and catering units are proposed externally to the northern side of the Great Barn. Whilst this would not be ideal in the long-term, it is a temporary solution which would facilitate a viable use and wider conservation benefits for the heritage assets.
47. When considering setting impacts of Houghton Tower, the Coach house and stables, and the gate piers, it is not considered the proposed development would be harmful to the historic setting; nor would it be harmful to the designated walled garden.
48. The Framework requires local planning authorities to consider the desirability of sustaining and enhancing the significance of heritage assets and putting them into viable uses consistent with their conservation. It is considered that, subject to suitable conditions, the proposal would meet this objective and would accord with the provisions of policy BNE8 of the Chorley Local Plan and policy 16 of the Central Lancashire Core Strategy which both seek to sustain the significance of heritage assets.

Impact on neighbouring amenity

49. Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that, where relevant to the development the proposal would not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or by creating an overbearing impact; and that the proposal would not cause an unacceptable degree of noise disturbance to surrounding land uses.
50. The application proposes to use the Great Barn and its associated buildings as a wedding venue. The estate itself is utilised as a heritage attraction with weddings already being hosted at Houghton Tower and various other events throughout the year. It already has a level of activity associated with it.
51. The application proposes to utilise the buildings first and foremost as a wedding venue but seeks flexibility on the uses of buildings 1-16 if they are not fully required for wedding purposes. The flexible uses fall within class E (E(a), E(b), E(c)(i), E(c)(ii) and E(g)(i)) and are typical main town centre uses.
52. Given the location of the site, neighbouring residential properties are some distance away from the Great Barn and associated buildings which are the subject of this application. At the time of report preparation two representations have been received from occupiers of 2 Long Barn Row and 6 Long Barn Row, which are situated some 300 metres from the Great Barn and beyond the railway line. These representations advise that they already experience issues with night-time noise from weddings and events, particularly live music, at Houghton Tower and are concerned that the situation would worsen with the proposed development. The representations seek assurances as to how noise would be managed and attenuated. It should be noted, however, that any existing issues are an Environmental Health matter and that residents should direct any noise complaints to them for investigation.
53. The application is not accompanied by a noise assessment and, therefore, the level of noise impact that would be associated with the proposed development is unknown, including the level of noise mitigation which may be required. It is also acknowledged that

typical mitigation solutions are not always appropriate or sympathetic to heritage buildings, in particular those of grade I listed status. It may well be the case that noise from music cannot be attenuated within the building envelope and that noise management is more appropriate i.e. time restrictions, sound limiters etc. Given the lack of technical data submitted with the application, it cannot be guaranteed that residents who live in the area would not hear such types of noise from the proposed development should the application be approved, given that two representations advise that they can hear noise. Despite the distances of neighbouring properties from the site, the potential for noise disturbance arising from the proposed use as a wedding venue is a shortfall of the scheme.

54. The application does, however, present a development which would not only secure a re-use of the building but also essential repairs and the reinstatement of building 5. These benefits are afforded substantial weight. Accordingly, in this particular case it is considered that the matter of noise could be dealt with by way of a condition which would secure the submission of a noise assessment, and, if deemed to be appropriate, mitigation and/or a noise management plan to ensure that any potential noise disturbance would not be to an unacceptable degree. This would apply only to the proposed development and would not seek to cover any existing uses at the Hoghton Tower estate.
55. The application also proposes flexible uses to the outbuildings, should they not be required for ancillary wedding use with the Great Barn. The uses would be relatively small scale given the size of the individual units and it is not considered that there would be any adverse harm to nearby residences or the amenities of the locality.
56. It is considered that the proposed development as a whole is a compatible form of development to the current uses at Hoghton Tower estate.

Highway safety

57. Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that the residual cumulative highways impact of the development is not severe and it would not prejudice highway safety, pedestrian safety, the free flow of traffic, and would not reduce the number of on-site parking spaces to below the standards stated in Site Allocations Policy – Parking Standards, unless there are other material considerations which justify the reduction.
58. The application does not propose any changes to the current access or parking arrangements at the site but seeks to utilise the existing facilities. Lancashire County Council Highway Services have assessed the application and advise that the existing parking provision is acceptable.
59. They do, however, request the provision of a layby along the internal access road of Hoghton Tower to a minimum of 15 metres long in order to accommodate a large wagon or 3 cars. LCC Highway Services advise that this is required to alleviate the queuing traffic on the exit road and for the four properties to access their dwellings when events are taking place. They also state that the access road to the Tower can only just accommodate two cars passing very slowly, but there is not sufficient width for a car and a wagon to pass.
60. The key concern with the requirement of a layby is the heritage status of Hoghton Tower which is grade I listed for its exceptional significance. It is set in a prominent and striking position within a designed landscape and the driveway frames the views of the Tower. It is not considered that the construction of a layby would be sympathetic to the principal entrance of the Tower. The applicant has confirmed that the existing wedding business at Hoghton Tower operates without large wagons and that deliveries are generally made by small delivery vans. They anticipate that this situation would remain for the proposed use and it is noted that LCC Highway Services confirm that two cars can

pass each other on the access road, thereby providing two-way traffic. Should there be a need for larger wagons to access the site, it is considered that the venue could control this to avoid event traffic. Although LCC Highway Services have requested a layby, the benefits of providing it in this case, are outweighed by the harm that it would cause to the heritage asset.

61. LCC Highway Services also request that the signage for the car park and one-way system are improved; and that improvements to the exit track are undertaken to encourage more vehicles to use it. It is considered that this is a reasonable request and that this could be secured by way of a condition.

Impact on ecological interests

62. Policy BNE9 (Biodiversity and Nature Conservation) of the Chorley Local Plan 2012 – 2026 stipulates that Biodiversity and Ecological Network resources will be protected, conserved, restored and enhanced; and that priority will be given to, among other things, protecting, safeguarding and enhancing habitats for European, nationally and locally important species. In addition, the policy states that development must adhere to the provisions which includes: where there is reason to suspect that there may be protected habitats/species on or close to a proposed development site, the developer will be expected to carry out all necessary surveys in the first instance; planning applications must then be accompanied by a survey assessing the presence of such habitats/species and, where appropriate, make provision for their needs.
63. Policy BNE11 (Species Protection) of the Chorley Local Plan 2012 – 2026 stipulates that planning permission will not be granted for development which would have an adverse effect on a priority species unless the benefits of the development outweigh the need to maintain the population of the species in situ. Should development be permitted that might have an effect on a priority species planning conditions or agreements will be used to:
- a) Facilitate the survival of the individual species affected;
 - b) Reduce the disturbance to a minimum; and
 - c) Provide adequate alternative habitats to sustain the viability of the local population of that species.
64. The application is accompanied by a bat and barn owl survey and ecological survey which have been assessed by the Council's appointed ecologist at Greater Manchester Ecology Unit. The survey confirms the detection of 21 bat roost positions including 17 day roosts and 1 bat access / satellite roost used by three bat species (common pipistrelle, soprano pipistrelle and brown long-eared) at buildings 9, 11, 12, 14, 15 and 17 and 3 positions used by a brown long-eared maternity roost at building 17 (The Great Barn). The majority of roosts were present in building 17 (The Great Barn).
65. The Habitats Directive is imposed through the Conservation of Habitats and Species Regulations 2019 and all species of bats are European Protected Species under these regulations. The Regulations protect individual bats from killing, injury or disturbance and also protects their habitats, in this case the roost, even if the bat is not present in it at the time.
66. If a protected species is known to be present on site and impacted upon by the proposed development, which is the case here, a European Protected Species licence from Natural England would be required. Under the Habitats Directive a degradation licence may be applied for if certain criteria relating to maintenance of favourable conservation status, no satisfactory alternative and reasons of overriding public interest are satisfied.
67. This sets out the three derogation tests which must be considered, particularly having regard to how likely that Natural England would grant a licence.
68. Test 1 - Regulation 53(2) (e) states: a licence can be granted for the purposes of "preserving public health or public safety or other imperative reasons of overriding public

interest (IROPI) including those of a social or economic nature and beneficial consequences of primary importance for the environment”.

69. Test 2 - Regulation 53(9) (a) states: the appropriate authority shall not grant a licence unless they are satisfied “that there is no satisfactory alternative”,
70. Test 3 - Regulation 53(9) (b) states: the appropriate authority shall not grant a licence unless they are satisfied “that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.”
71. In respect of the first test, the proposed development would secure the re-use of the building but also essential repairs and reinstatement part of the building which is in a dilapidated state and of serious conservation concern. The significance of the building is expressed in its designation as grade I listed and is of national importance. The proposed development would bring significant heritage benefits which are of primary importance and would enable the heritage asset to be enjoyed by future generations. It is considered that the first test is satisfied.
72. The second test is satisfied as there is no other alternative but to secure a reuse of the building and the essential repairs and reinstatement which are necessary and are of serious conservation concern. The alternative is to ‘do nothing’ and this would put the heritage asset at further risk.
73. In terms of the third test, the ecological report submitted with the application proposes a mitigation strategy at section 5.4. This is a complex strategy to reflect the number, type and species roosting in the buildings and would need to be carried out under a Natural England licence. The mitigation strategy includes prescriptive measures for each roost type which include meetings between ecologist and principle contractor, tool box talks, specific timings of works, provision of alternate roost boxes within the trees of on the site, supervision of works by an ECoW, use of one way exclusion gates, and provision of new roosting features into the renovations. Greater Manchester Ecology Unit advise that if the mitigation measures are followed then there should not be a detrimental impact on the favourable conservation status of bats in this area, as a result of the works proposed in this application. The mitigation strategy and/or licence could be secured by way of condition. It is considered that the third test is passed.
74. During the surveys, no evidence of barn owls was identified, however, two jackdaw nests were present. A suitability worded condition to avoid the nesting season would be appropriate, in addition to the requirement to provide bird nesting opportunities elsewhere.
75. Subject to conditions, it is considered that the proposed development accords with policies BNE9 and BNE11 of the Chorley Local Plan 2012 – 2026.

CONCLUSION

76. The proposed development accords with the relevant exceptions of paragraph 149 and 150 of the National Planning Policy Framework and is not, therefore, inappropriate development in the Green Belt.
77. Houghton Tower is one of the most significant country houses in the county, with the Great Barn exhibiting a high level of constructional and architectural finesse, making it a highly important example of this building typology. The importance of the buildings is expressed in their designations as grade I listed buildings which are of national importance. The re-use of the Great Barn and associated buildings would bring forward considerable conservation benefit which would help sustain the significance of the historic buildings which form an important part of the Houghton Tower estate. The proposed development would enhance the special interest of the designated heritage assets and the works are adequately justified in conservation terms. Taking proposals as a whole, the benefits accrued means the application meets the duty to preserve.

78. Protected species are presented in the buildings, however, the three tests of derogation are passed and appropriate mitigation to maintain their favourable conservation status could be secured and implemented through a Natural England licence.
79. Whilst it is not possible to meet all of the requirements of Lancashire County Council Highway Service, in particular the provision of a layby along the principal internal road to leading up to the Tower, it is not considered that the proposed development would be detrimental to highway safety.
80. Neighbouring properties are some distance from the Great Barn, however, two representations have been received which raise concerns regarding noise from music at the proposed wedding venue, and also noise from events at Hoghton Tower. A technical noise assessment is absent from the application; however, it is considered that potential noise impacts could be controlled by condition.
81. The proposed development would deliver substantial benefits for the listed buildings and the application is recommended for approval, subject to conditions.

Suggested conditions

82. To follow.

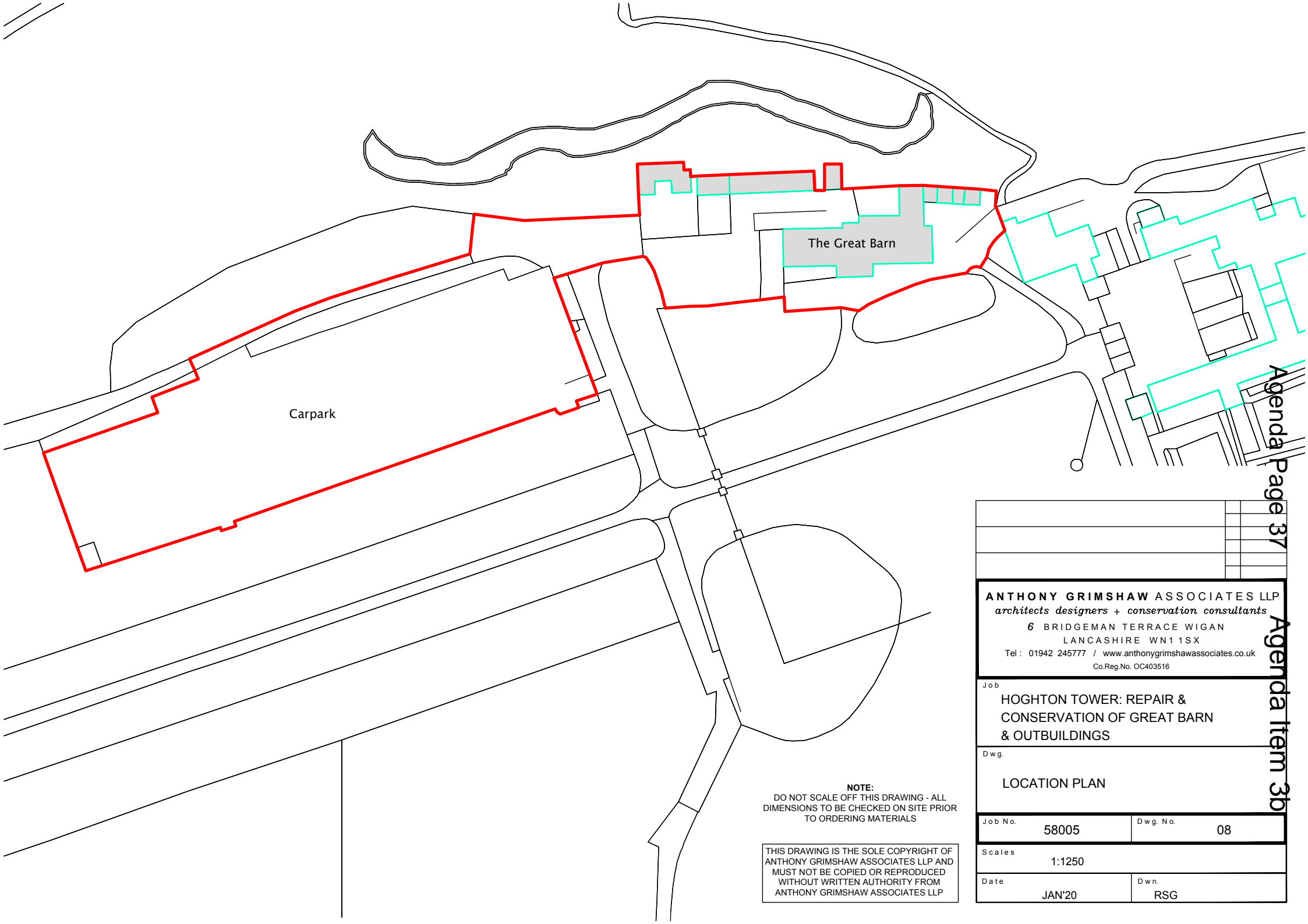
RELEVANT POLICIES: In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless 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.

RELEVANT HISTORY OF THE SITE

- | | | |
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| Ref: 75/00571/FUL | Decision: WDN | Decision Date: 14 January 1976 |
| Description: Garage, Coach-House and Store | | |
| Ref: 76/00447/FUL | Decision: PERFPP | Decision Date: 5 October 1976 |
| Description: Application for renewal of 5/5/8820. Use of Hoghton Tower as Licensed Restaurant, Banqueting Suite and Conference Centre | | |
| Ref: 82/00303/FUL | Decision: WDN | Decision Date: 15 March 1984 |
| Description: Widening the central doorway in the west gable | | |
| Ref: 83/00651/COU | Decision: PERFPP | Decision Date: 20 December 1983 |
| Description: Change of use of walled garden to car park | | |
| Ref: 83/00652/LBC | Decision: PERFPP | Decision Date: 6 February 1984 |
| Description: Change of use of walled garden to car park | | |
| Ref: 98/00805/LBC | Decision: WDN | Decision Date: 4 March 1999 |
| Description: Listed building application for the partial demolition including removal of roof and first floor walls to attached cottage and stables to east part of Great Barn | | |
| Ref: 01/00230/LBC | Decision: PERLBC | Decision Date: 20 June 2001 |
| Description: Application for listed building consent to dismantle part of roof and upper walls | | |
| Ref: 05/00091/LBC | Decision: PERLBC | Decision Date: 22 March 2005 |
| Description: Rebuilding of existing stone three flue chimney stack on 'East Wing' | | |

- Ref:** 06/00292/LBC **Decision:** WDN **Decision Date:** 21 June 2006
Description: Change of use of existing disused stable block to visitor reception/shop etc
- Ref:** 06/00293/COU **Decision:** PERFPP **Decision Date:** 2 August 2006
Description: Change of use of existing disused stable block to visitor reception/shop etc
- Ref:** 06/00319/LBC **Decision:** PERLBC **Decision Date:** 8 May 2006
Description: Retrospective application for emergency repairs to two separate three flue chimney stack on ridge line of south wing
- Ref:** 07/01141/LBC **Decision:** PERLBC **Decision Date:** 14 December 2007
Description: Retrospective application for emergency repair/rebuilding one flue chimney stack and lead repairs to behind single flue chimney stack on west range and repairs and minor rebuilding to two single chimney stacks on south wing
- Ref:** 09/00091/LBC **Decision:** WDN **Decision Date:** 5 September 2013
Description: Listed building consent for rebuilding and restoration of semi-derelict stables and loose boxes to the north of the Great Barn for use as a multi-purpose commercial/exhibition space, including toilet provision and disabled facilities
- Ref:** 09/00092/FUL **Decision:** WDN **Decision Date:** 5 September 2013
Description: Rebuilding and restoration of semi-derelict stables and loose boxes to the north of the Great Barn for use as a multi-purpose commercial/exhibition space, including toilet provision and disabled facilities
- Ref:** 10/00589/FUL **Decision:** PERFPP **Decision Date:** 4 October 2010
Description: Change of use on the north wing from single dwelling to holiday accommodation
- Ref:** 10/00622/LBC **Decision:** PERLBC **Decision Date:** 4 October 2010
Description: Conversion of the north wing from a single dwelling to holiday accommodation including internal alterations
- Ref:** 20/00176/LBC **Decision:** PCO **Decision Date:** Pending
Description: Conversion of Great Barn (building 17) and ancillary buildings (buildings 5-8), including associated repair and restoration works
- Ref:** 20/00972/LBC **Decision:** PERLBC **Decision Date:** 24 November 2020
Description: Application for listed building consent for repairs to the roof of the Victorian extension to replace the lead roof finish with a liquid applied membrane system

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Carpark

The Great Barn

NOTE:
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DIMENSIONS TO BE CHECKED ON SITE PRIOR
TO ORDERING MATERIALS

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| Job HOGHTON TOWER: REPAIR & CONSERVATION OF GREAT BARN & OUTBUILDINGS | |
| Dwg. LOCATION PLAN | |
| Job No. | Dwg. No. |
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Agenda Page 37
Agenda Item 3b

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Planning Committee Meeting

05 October 2021



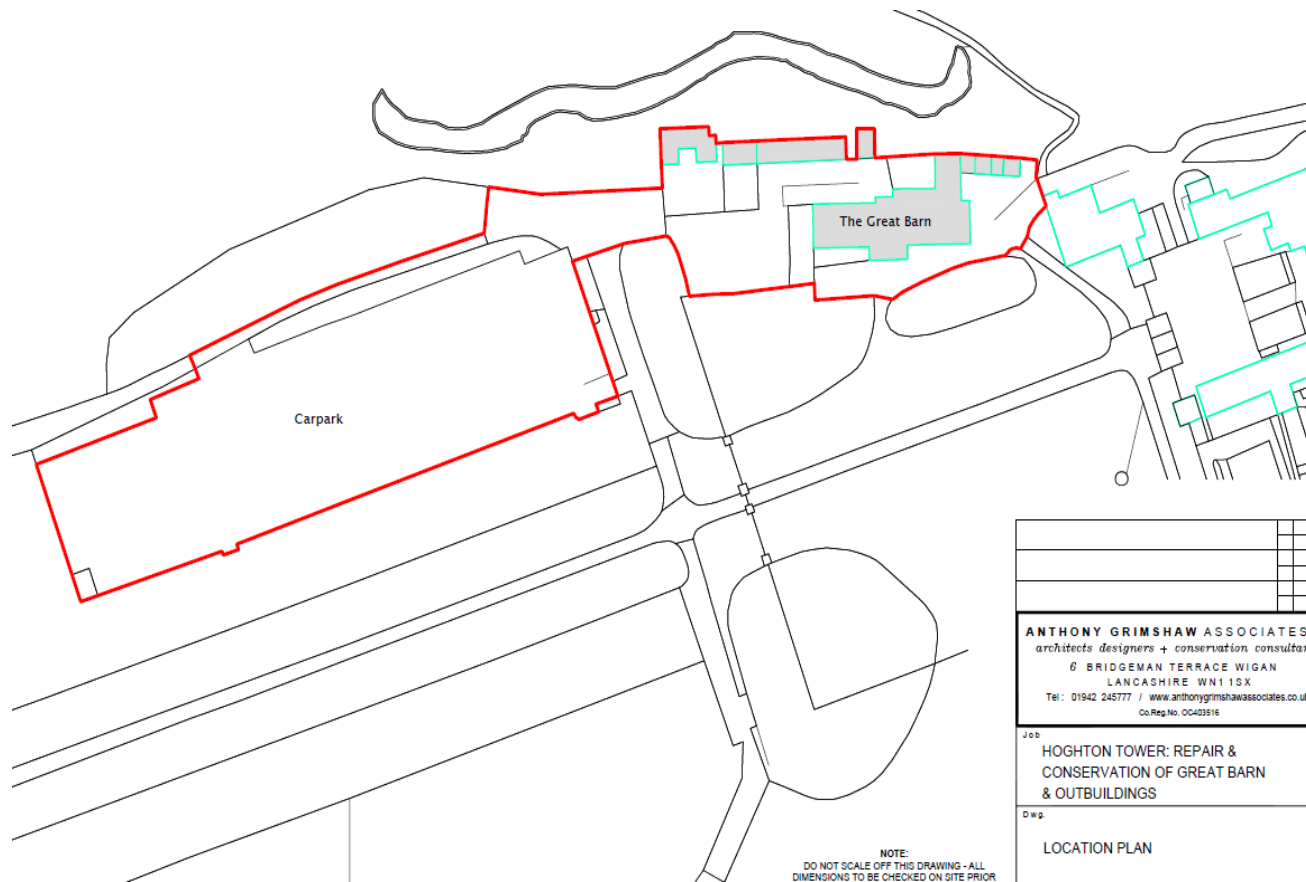
Item 3b and 3c

20/01211/FULMAJ & 20/00176/LBC

The Great Barn, Hoghton Tower

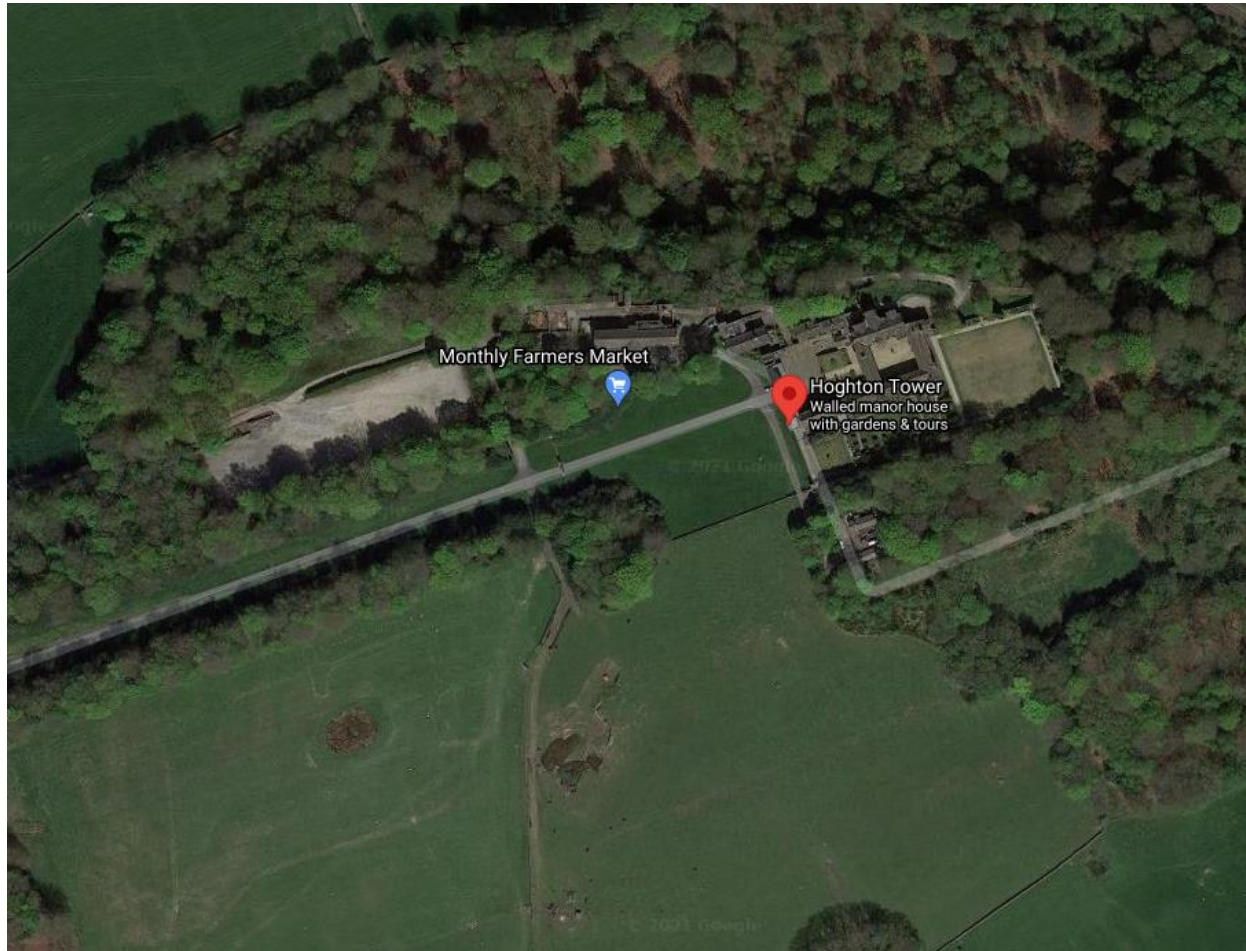
Conversion of Great Barn (building 17) to wedding venue (sui generis) and ancillary use of outbuildings (buildings 1-16), including the flexible use of outbuildings within class E (E(a), E(b), E(c)(i), E(c)(ii) and E(g)(i). Reinstatement of building 5 and the temporary siting of portable toilets and catering facilities to rear of Great Barn.

Location Plan



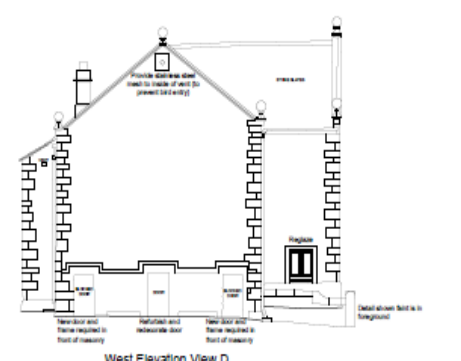
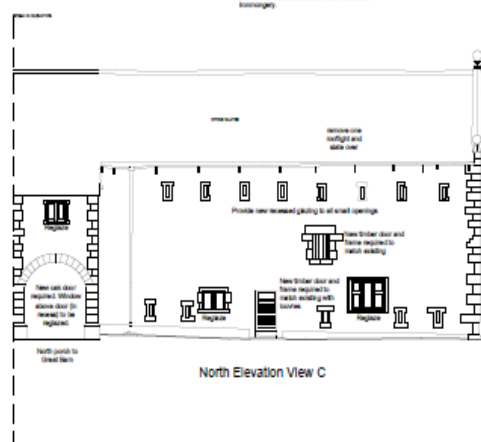
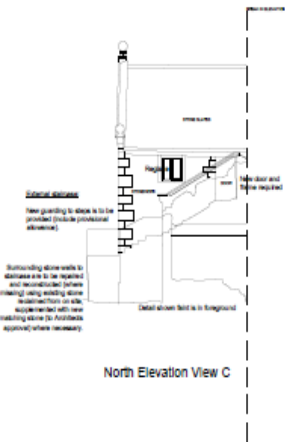
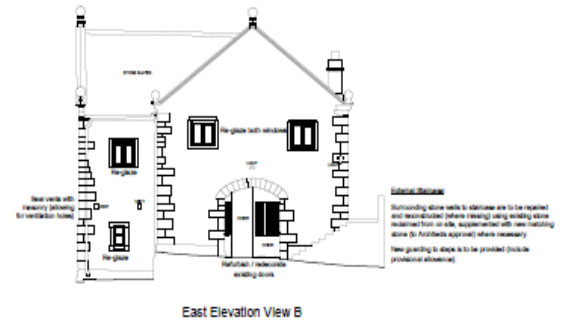
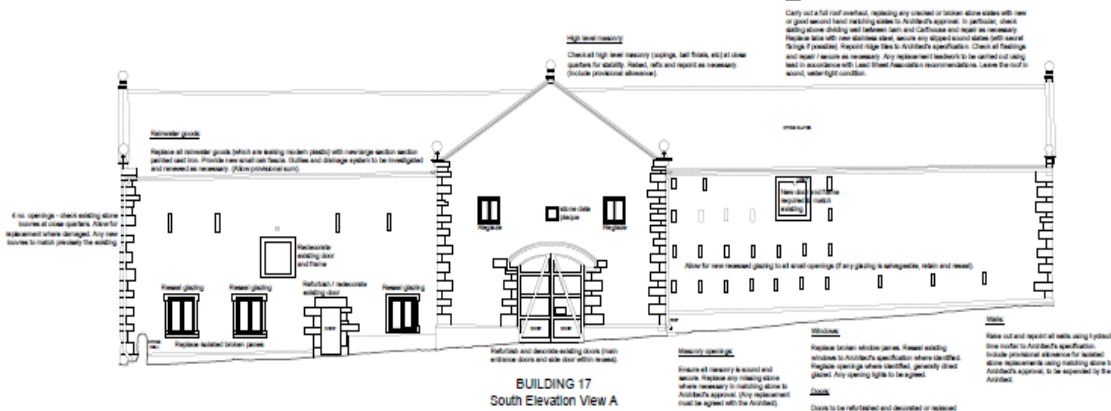
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| ANTHONY GRIMSHAW ASSOCIATES architects designers + conservation consultant 6 BRIDGEMAN TERRACE WIGAN LANCASHIRE WN1 1SX Tel: 01942 245777 / www.anthonygrimshawassociates.co.uk Co.Reg.No. 00403616 | |
| Job: | HOGHTON TOWER: REPAIR & CONSERVATION OF GREAT BARN & OUTBUILDINGS |
| Dwg: | LOCATION PLAN |

Aerial photo



Location

Proposed Elevations – Great Barn

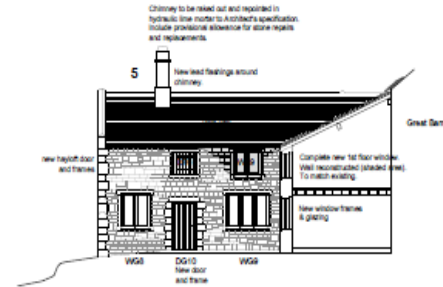


Drawings to be used in conjunction with structural information produced by Richard Cill Construction Engineering Ltd and repaired brickwork report by Robinson Professional Ltd. Repairs are to be carried out in phases based, selection on grounds of value for money.

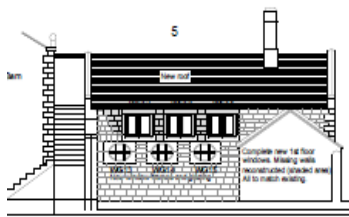
Proposed Elevations Buildings 5-8



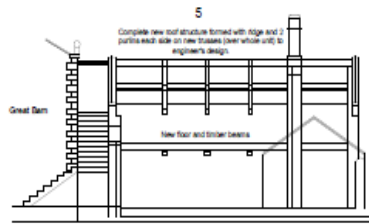
View Q
South Elevation



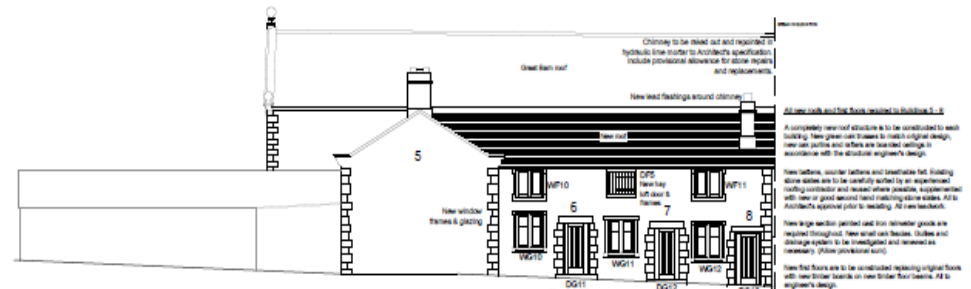
View S
West Elevation



View R
East Elevation



View R
Longitudinal Section showing new roof construction



View T
North Elevation



North

Notes to Buildings 5-8

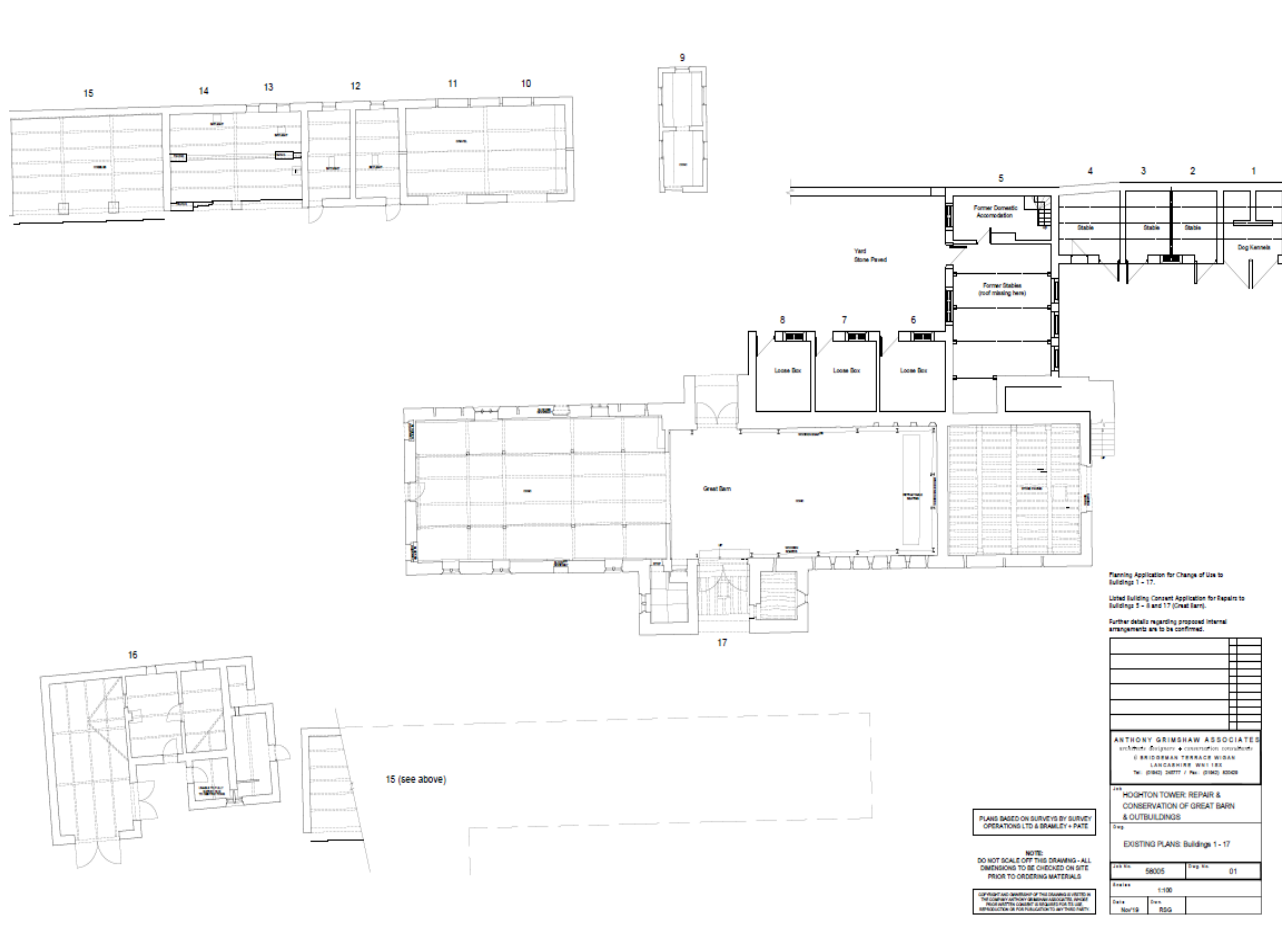
Masonry to be made good. Any replacement sections of masonry to match (where necessary) the original details and repaired. Replacement bricks where necessary (eg replacing rotten brick) to be to engineer's design.
New doors and frames required throughout. New windows required throughout. New window frames are only to be provided where essential due to existing panel details, otherwise steel glazed. Any opening lights to be agreed.
All external walls are to be sealed out and repaired in hydraulic.

Notes

Drawing to be read in conjunction with structural information produced by Hatched Civil Construction Engineering Ltd and geotechnical survey report by Robinson Preservation Ltd. Repairs are to be carried out on a phased basis, determined on grounds of relative urgency.

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Existing Floor plans Buildings 1-17



Site Photo



Site Photo



Site Photo



Site Photo



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ITEM 3b - 20/00175/FULMAJ – The Great Barn Hoghton Tower, Blackburn Old Road

The recommendation remains as per the original report.

The following consultee responses have been received:

Regulatory Services - Environmental Health

No objections have been raised. The Environmental Health Officer advises that that careful consideration should be given to the lighting scheme as no specific detail have been provided, to prevent nuisance from artificial light.

In respect of noise they advise that they do not consider this to be a significant issue due to the location of the site and that no noise complaints have been received in relation to events at Hoghton Tower. Notwithstanding this, and based on the two objections received, they advise that the assessment of noise levels and management is useful.

Typographical error

The original report contains an error in the ecological section at paragraphs 65. 68. 69 and 70. The reference to the Habitats Regulations should be 2017 (as amended) and not 2019 as stated. In addition, the regulation for the three tests is 53 and not 55 as stated. This does not have any impact upon the assessment of bats; and the tests are passed.

The following conditions are recommended:

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 |
|---|----------|------------------|
| Proposed door and window details Buildings 5 to 8 | 11B | 26 October 2020 |
| Proposed repairs to Building 5 to 8 Elevations | 07 B | 26 October 2020 |
| Proposed repairs to Building 5 to 8 and the Great Barn (Building 17) Plans | 05 B | 26 October 2020 |
| Proposed roof details Buildings 5 to 8 | 12 | 26 October 2020 |
| Proposed repairs to Buildings 5 to 8 Sections showing new floor and roof construction | 13 | 26 October 2020 |
| Proposed repairs to Great Barn (Building 17) Elevations | 06 | 20 February 2020 |
| Existing Elevations Great Barn Building 17 | 02 | 20 February 2020 |
| Existing Elevations buildings 9 to 16 | 04 | 20 February 2020 |
| Existing plans buildings 1 to 17 | 01 | 20 February 2020 |

3. Except where specified in any condition below, the works shall take place in conformity with the submitted documentation:

- Document Buildings 5 to 8 associated with The Great Barn at Hoghton Tower 'Specification of materials and workmanship for conservation and repairs' dated September 2020 and received by the Local Planning Authority on 26th October 2020
- Schedule of Essential repairs received by the Local Planning Authority on 20th February 2020.

Reason: For the avoidance of doubt.

4. No works shall commence until the following has been submitted to the Local Planning Authority:

- a) a license issued by Natural England pursuant to Regulation 55, of the Conservation of Habitats and Species Regulations 2017 (as amended) authorising the specified activity/development go ahead: or
- b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified development will require a license

Reason: Due to the known presence of bats and their roosts.

5. No works shall commence until a mitigation strategy for bats, which shall be informed by up-to-date bat surveys has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the approved mitigation strategy.

Reason: To provide adequate mitigation for bats which are a protected species; and to avoid detrimental impacts on the favourable conservation status of bats in this area, as a result of the works proposed.

6. No works shall commence until the applicant or their agent or successors in title has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which shall be submitted to, and approved in writing by, the local planning authority. All archaeological works shall be undertaken by an appropriately qualified and experienced professional archaeological contractor and comply with the standards and guidance set out by the Chartered Institute for Archaeologists (CIfA). The development shall be carried out in accordance with the agreed details.

Reason: To ensure and safeguard the investigation and recording of matters archaeological/historical importance associated with the development.

7. The use of the Great Barn (building 17) as a wedding venue shall not commence until a noise assessment has been submitted to and approved in writing by the Local Planning Authority. This shall include any recommendations for acoustic mitigation and/or a noise management plan.

The use of the Great Barn as a wedding venue shall only operate in accordance with the approved details.

Reason: This information is necessary in the interests of preventing adverse impacts of noise disturbance to neighbouring residential properties from the use as a wedding venue.

8. Notwithstanding any detail shown on the submitted plans, prior to the installation of any external lighting associated with the development hereby approved, a scheme for the

provision of external lighting together with a lighting assessment shall be submitted to and approved in writing by the Local Planning Authority.

This shall include a plan to show the location of the lighting and full details of the design, materials, size, technical specifications and illuminance.

The scheme shall also be accompanied by full details to include the following:

a) to identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

b) to demonstrate how and where external lighting will be installed to ensure that any external lighting does not disturb or prevent the bats from using their territory or having access to their breeding sites and resting places.

The lighting scheme shall only be implemented in accordance with the approved details.

Reason: This information is required to ensure that the lighting scheme is designed so that it does not adversely affect bats, which are known to be present and are a protected species. The information is also required to ensure that the lighting scheme is sympathetic to the sensitive heritage setting and rural location.

9. No works that would affect habitats suitable for use by nesting birds 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 that appropriate measures put in place to protect nesting bird interests on site.

Reason: All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981 (as amended).

10. The use of the Great Barn (building 17) as a wedding venue shall not commence until a scheme for improvements to traffic signage for the car park and one-way system has been submitted to and approved in writing by the Local Planning Authority . The approved signage scheme shall be implemented in full prior to the first use of the Great Barn as a wedding venue.

Reason: To encourage vehicles to use the one-way system.

11. The use of the Great Barn (building 17) as a wedding venue shall not commence until a scheme for improvements to the surfacing of the exit track have been submitted to and approved in writing. The surfacing implements shall be implemented in full prior to the first use of the Great Barn as a wedding venue.

Reason: Improvements to the surfacing of the exit track are required to encourage more vehicles to use it.

12. Where replacement external facing and roofing materials are required (specifically masonry and roof slates) and cannot be salvaged from the site, full details shall be submitted to and approved in writing by the Local Planning Authority, and samples shall be provided on site. The works shall be carried out only in accordance with the approved details, unless any variation is subsequently agreed in writing by the Local Planning Authority.

Reason: To ensure that the materials are sympathetic to the heritage asset.

13. Prior to its use for each required area, full details of the proposed mortar shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out only in accordance with the approved details, unless any variation is subsequently agreed in writing by the Local Planning Authority.

Reason: To ensure that the materials are sympathetic to the heritage asset.

14. Notwithstanding any detail on the approved plans, planning permission is not granted for the erection of a marquee within the Great Barn.

Reason: For the avoidance of any doubt as this was removed from the scheme.

15. Prior to the provision of any guard / handrail to the external steps, full details shall be submitted to and approved in writing by the Local Planning Authority. The guard / handrail shall be provided only in accordance with the approved details.

Reason: To ensure that such details are sympathetic to the heritage asset.

16. Notwithstanding any details shown on the submitted plans, door DG4 on the Great Barn (building 17) as indicated on drawing number 05B shall only be provided in accordance with full details which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the details are sympathetic to the heritage asset.

APPLICATION REPORT – 20/00176/LBC

Validation Date: 9 March 2020

Ward: Clayton East, Brindle And Hoghton

Type of Application: Listed Building

Proposal: Conversion of Great Barn (building 17) and ancillary buildings (buildings 5-8), including associated repair and restoration works and reinstatement of building 5.

Location: Great Barn Hoghton Tower Blackburn Old Road Hoghton Chorley PR5 0SH

Case Officer: Amy Aspinall

Applicant: de Hoghton Settled Estate - Lancashire Trust

Agent: Mr Richard Percy

Consultation expiry: 24 September 2020

Decision due by: 8 October 2021 (Extension of time agreed)

RECOMMENDATION

1. It is recommended that listed building consent is granted, subject to conditions.

SITE DESCRIPTION

2. The application relates to a group of buildings which are situated within the Hoghton Tower estate. Hoghton Tower itself is a grade I listed building and also a designated Historic Park and Garden (walled garden to Hoghton Tower). Within the same complex of buildings are the Coach house and Stables which are grade II listed and the Gate Piers which are grade II listed in their own right. The buildings subject of this planning application are the Great Barn, which is a grade I listed building, including its associated attached stables, and additional detached outbuildings. The Great Barn is a large agricultural building of late seventeenth century construction, which represents an exceptional example of vernacular agricultural architecture
3. The site is situated within the Green Belt, as defined by the Chorley Local Plan Policies Map.

DESCRIPTION OF PROPOSED DEVELOPMENT

4. The application seeks listed building consent for the works associated with planning application ref. 20/00175/FULMAJ (Conversion of Great Barn (building 17) to wedding venue (sui generis) and ancillary use of outbuildings (buildings 1-16), including the flexible use of outbuildings within class E (E(a), E(b), E(c)(i), E(c)(ii) and E(g)(i). Reinstatement of building 5 and the temporary siting of portable toilets and catering facilities to rear of Great Barn).
5. The works are set out in the application documentation and are comprised of essential repair and restoration works, including extensive works to building 5 for its reinstatement.

REPRESENTATIONS

6. No representations have been received.

CONSULTATIONS

7. Historic England: Advise that they are highly supportive of this application, which seeks to resolve current conservation concerns, and to secure the long term future of these buildings. Further information / clarification required. Some of which will need to be the subject of future applications.
8. Lancashire County Council Archaeology: Have no objection and recommend a condition to secure archaeological recording recommended.
9. SPAB: No comments have been received.
10. The Gardens Trust: No comments have been received.
11. Ancient Monuments Society: No comments have been received.
12. Twentieth Century Society: No comments have been received.
13. The Victorian Society: No comments have been received.
14. The Georgian Group: No comments have been received.
15. The Council For British Archaeology: No comments have been received.
16. Hoghton Parish Council: Have confirmed that they have no observations.

PLANNING CONSIDERATIONS

17. The Planning (Listed Buildings and Conservation Areas) Act 1990 (The Act) sets out the principle duty that a Local Planning Authority 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. Great weight and importance is attached to this duty.
18. The National Planning Policy Framework 2021 (The Framework) at Chapter 16 deals with conserving and enhancing the historic environment. It recognises that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. The following paragraphs contained therein are considered to be pertinent in this case:
19. The Framework at paragraph 197 states that in determining applications, local planning authorities should take account of:
 - a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c) the desirability of new development making a positive contribution to local character and distinctiveness.
20. At paragraph 199 the Framework provides that 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
21. At paragraph 200 the Framework confirms that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
 - b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.
22. Paragraph 201 states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- a) the nature of the heritage asset prevents all reasonable uses of the site; and
 - b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
 - d) the harm or loss is outweighed by the benefit of bringing the site back into use.
23. At paragraph 202 the Framework provides that 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, where appropriate, securing its optimum viable use.
24. The adopted Central Lancashire Core Strategy (2012) policy 16 (Heritage Assets) states: Protect and seek opportunities to enhance the historic environment, heritage assets and their settings by:
- a) Safeguarding heritage assets from inappropriate development that would cause harm to their significances.
 - b) Supporting development or other initiatives where they protect and enhance the local character, setting, management and historic significance of heritage assets, with particular support for initiatives that will improve any assets that are recognised as being in poor condition, or at risk.
 - c) Identifying and adopting a local list of heritage assets for each Authority.
25. Policy BNE8 (Protection and Enhancement of Heritage Assets) of the Chorley Local Plan 2012 - 2026 states that:
- a) Applications affecting a Heritage Asset or its setting will be granted where it:
 - i. Is in accordance with the Framework and relevant Historic England guidance;
 - ii. Where appropriate, takes full account of the findings and recommendations in the Council's Conservation Area Appraisals and Management Proposals;
 - iii. Is accompanied by a satisfactory Heritage Statement (as defined by Chorley Council's advice on Heritage Statements) and;
 - b) 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:
 - i. The conservation of features and elements that contribute to the heritage asset's significance and character. This may include: chimneys, windows and doors, boundary treatments, original roof coverings, earthworks or buried remains, shop fronts or elements of shop fronts in conservation areas, as well as internal features such as fireplaces, plaster cornices, doors, architraves, panelling and any walls in listed buildings;
 - ii. The reinstatement of features and elements that contribute to the heritage asset's significance which have been lost or damaged;
 - iii. The conservation and, where appropriate, the enhancement of the setting of heritage assets;
 - iv. The removal of additions or modifications that are considered harmful to the significance of any heritage asset. This may include the removal of pebbledash, paint from brickwork, non-original style windows, doors, satellite dishes or other equipment;
 - iv. The use of the Heritage Asset should be compatible with the conservation of its significance. Whilst the original use of a building is usually the most appropriate one it is recognised that continuance of this use is not always possible. Sensitive and creative adaptation to enable an

alternative use can be achieved and innovative design solutions will be positively encouraged; vi. Historical information discovered during the application process shall be submitted to the Lancashire Historic Environment Record.

26. The policy also states that development involving the demolition or removal of significant heritage assets or parts thereof will be granted only in exceptional circumstances which have been clearly and convincingly demonstrated to be in accordance with the requirements of the Framework.
27. The application has been submitted in association with planning application ref.20/00175/FULMAJ and seeks listed building consent for various repairs, restoration and reinstatement works.
28. A key part of the works to the Great Barn is the removal of a non-original mezzanine which is in a poor structural state and also causes harm to the grade I listed heritage asset. Building 5 is in a partial dilapidated state and requires extensive works with some rebuilding. Whilst the works are extensive, this is now inevitable due to its current deteriorated condition. The reinstatement of the building is a clear benefit and would prevent further fabric loss and loss of group value. Suitable planning conditions would secure a sympathetic reinstatement.
29. It is acknowledged that consequential works may be required in order to facilitate the uses within the buildings, however, the necessary listed building consents would be required at the relevant time and the application acknowledges this point.
30. The proposed works would facilitate proposed uses, for which separate planning permission is sought, and would ensure that the listed buildings are put into viable use and sustained into the future. The proposal represents positive works for the Great Barn and its associated outbuildings and would also improve the overall setting of this group of buildings which form an important part of the Houghton Tower estate.
31. It is considered that, subject to suitable conditions, the proposal accords with the provisions of policy BNE8 of the Chorley Local Plan and policy 16 of the Central Lancashire Core Strategy which both seek to sustain the significance of heritage assets and that the works proposed are adequately justified. Taking proposals as a whole, the benefits accrued means the application meets the duty to preserve, as set out in The Planning (Listed Buildings and Conservation Areas) Act 1990 (The Act)

Suggested conditions

32. To follow.

RELEVANT POLICIES: 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 2012 - 2026 seek to protect and enhance the Borough's heritage. Also of relevance is the Framework (National Planning Policy Framework), section 16.

RELEVANT HISTORY OF THE SITE

Ref: 75/00571/FUL **Decision:** WDN **Decision Date:** 14 January 1976

Description: Garage, Coach-House and Store

Ref: 76/00447/FUL **Decision:** PERFPP **Decision Date:** 5 October 1976

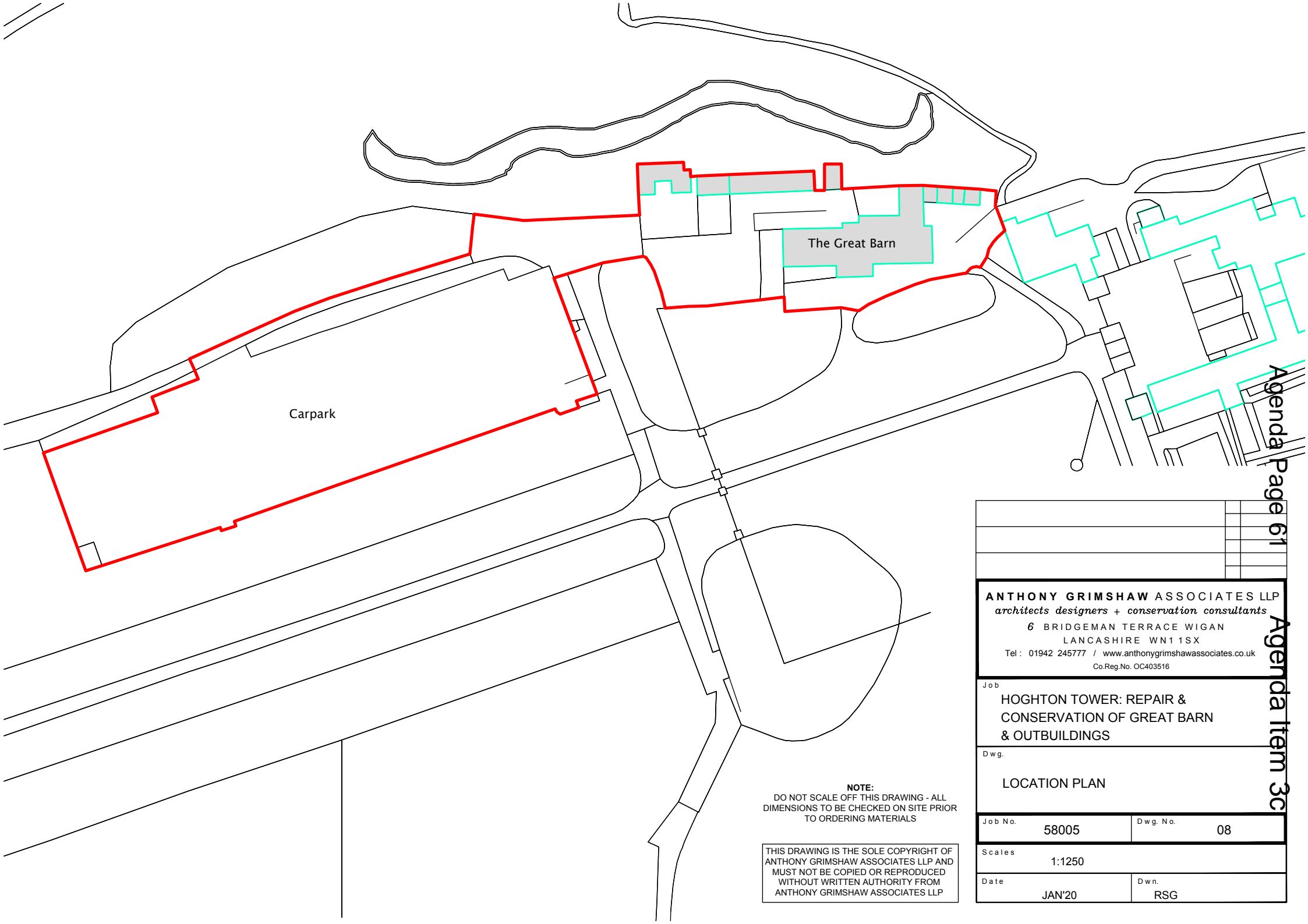
Description: Application for renewal of 5/5/8820. Use of Houghton Tower as Licensed Restaurant, Banqueting Suite and Conference Centre

Ref: 82/00303/FUL **Decision:** WDN **Decision Date:** 15 March 1984

Description: Widening the central doorway in the west gable

- Ref:** 83/00651/COU **Decision:** PERFPP **Decision Date:** 20 December 1983
Description: Change of use of walled garden to car park
- Ref:** 83/00652/LBC **Decision:** PERFPP **Decision Date:** 6 February 1984
Description: Change of use of walled garden to car park
- Ref:** 98/00805/LBC **Decision:** WDN **Decision Date:** 4 March 1999
Description: Listed building application for the partial demolition including removal of roof and first floor walls to attached cottage and stables to east part of Great Barn
- Ref:** 01/00230/LBC **Decision:** PERLBC **Decision Date:** 20 June 2001
Description: Application for listed building consent to dismantle part of roof and upper walls
- Ref:** 05/00091/LBC **Decision:** PERLBC **Decision Date:** 22 March 2005
Description: Rebuilding of existing stone three flue chimney stack on 'East Wing'
- Ref:** 06/00292/LBC **Decision:** WDN **Decision Date:** 21 June 2006
Description: Change of use of existing disused stable block to visitor reception/shop etc
- Ref:** 06/00293/COU **Decision:** PERFPP **Decision Date:** 2 August 2006
Description: Change of use of existing disused stable block to visitor reception/shop etc
- Ref:** 06/00319/LBC **Decision:** PERLBC **Decision Date:** 8 May 2006
Description: Retrospective application for emergency repairs to two separate three flue chimney stack on ridge line of south wing
- Ref:** 07/01141/LBC **Decision:** PERLBC **Decision Date:** 14 December 2007
Description: Retrospective application for emergency repair/rebuilding one flue chimney stack and lead repairs to behind single flue chimney stack on west range and repairs and minor rebuilding to two single chimney stacks on south wing
- Ref:** 09/00091/LBC **Decision:** WDN **Decision Date:** 5 September 2013
Description: Listed building consent for rebuilding and restoration of semi-derelict stables and loose boxes to the north of the Great Barn for use as a multi-purpose commercial/exhibition space, including toilet provision and disabled facilities
- Ref:** 09/00092/FUL **Decision:** WDN **Decision Date:** 5 September 2013
Description: Rebuilding and restoration of semi-derelict stables and loose boxes to the north of the Great Barn for use as a multi-purpose commercial/exhibition space, including toilet provision and disabled facilities
- Ref:** 10/00589/FUL **Decision:** PERFPP **Decision Date:** 4 October 2010
Description: Change of use on the north wing from single dwelling to holiday accommodation
- Ref:** 10/00622/LBC **Decision:** PERLBC **Decision Date:** 4 October 2010
Description: Conversion of the north wing from a single dwelling to holiday accommodation including internal alterations
- Ref:** 20/00972/LBC **Decision:** PERLBC **Decision Date:** 24 November 2020
Description: Application for listed building consent for repairs to the roof of the Victorian extension to replace the lead roof finish with a liquid applied membrane system
- Ref:** 20/00175/FULMAJ **Decision:** PCO **Decision Date:** Pending
Description: Conversion of Great Barn (building 17) to wedding venue (sui generis) and ancillary use of outbuildings (buildings 1-16), including the flexible use of outbuildings within class E (E(a), E(b), E(c)(i), E(c)(ii) and E(g)(i). Reinstatement of building 5 and the temporary siting of portable toilets and catering facilities to rear of Great Barn.

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Carpark

The Great Barn

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| ANTHONY GRIMSHAW ASSOCIATES LLP <i>architects designers + conservation consultants</i> 6 BRIDGEMAN TERRACE WIGAN LANCASHIRE WN1 1SX Tel : 01942 245777 / www.anthonygrimshawassociates.co.uk Co.Reg.No. OC403516 | |
| Job HOGHTON TOWER: REPAIR & CONSERVATION OF GREAT BARN & OUTBUILDINGS | |
| Dwg. LOCATION PLAN | |
| Job No. | Dwg. No. |
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Agenda Page 61
 Agenda Item 3c

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Planning
Committee Meeting

05 October 2021



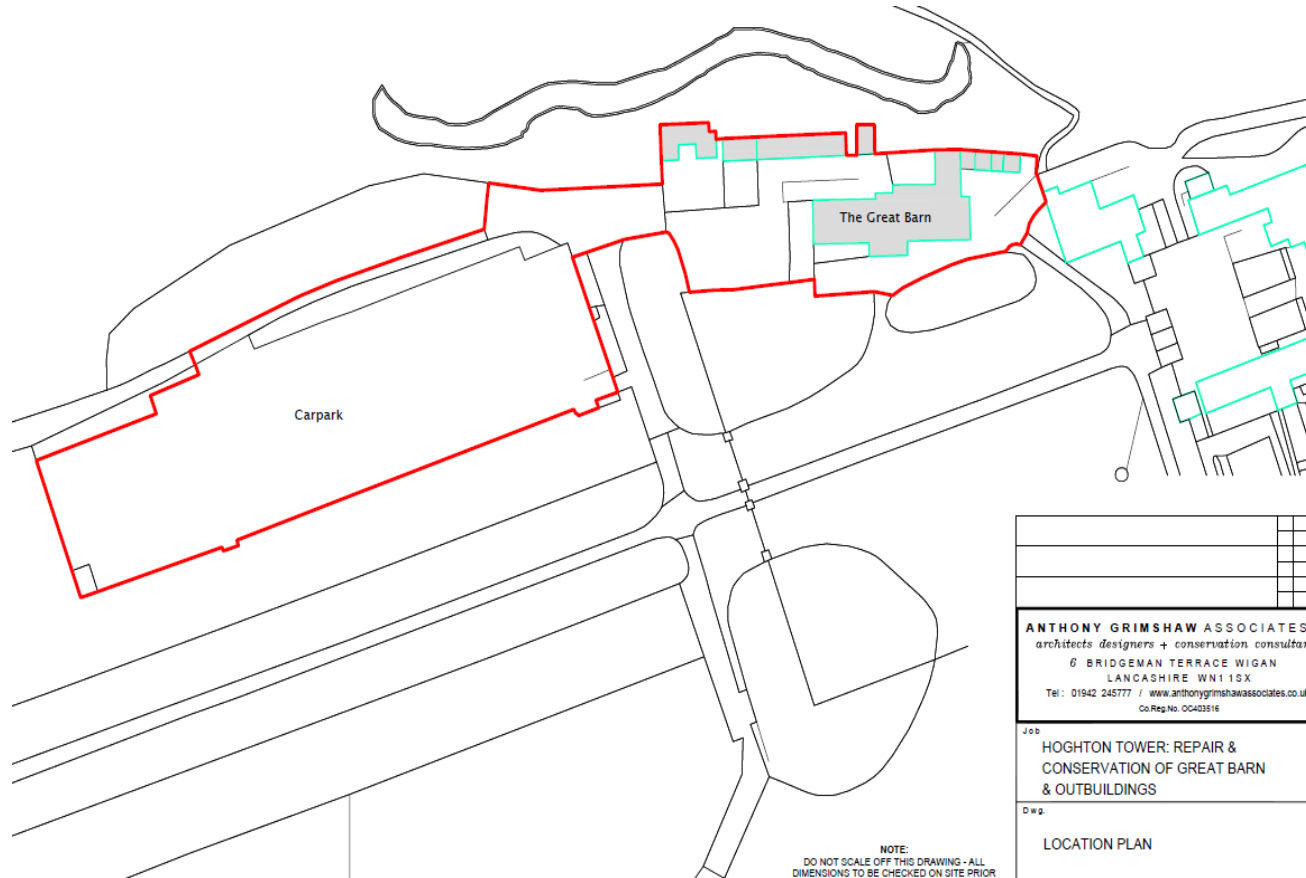
Item 3b and 3c

20/01211/FULMAJ & 20/00176/LBC

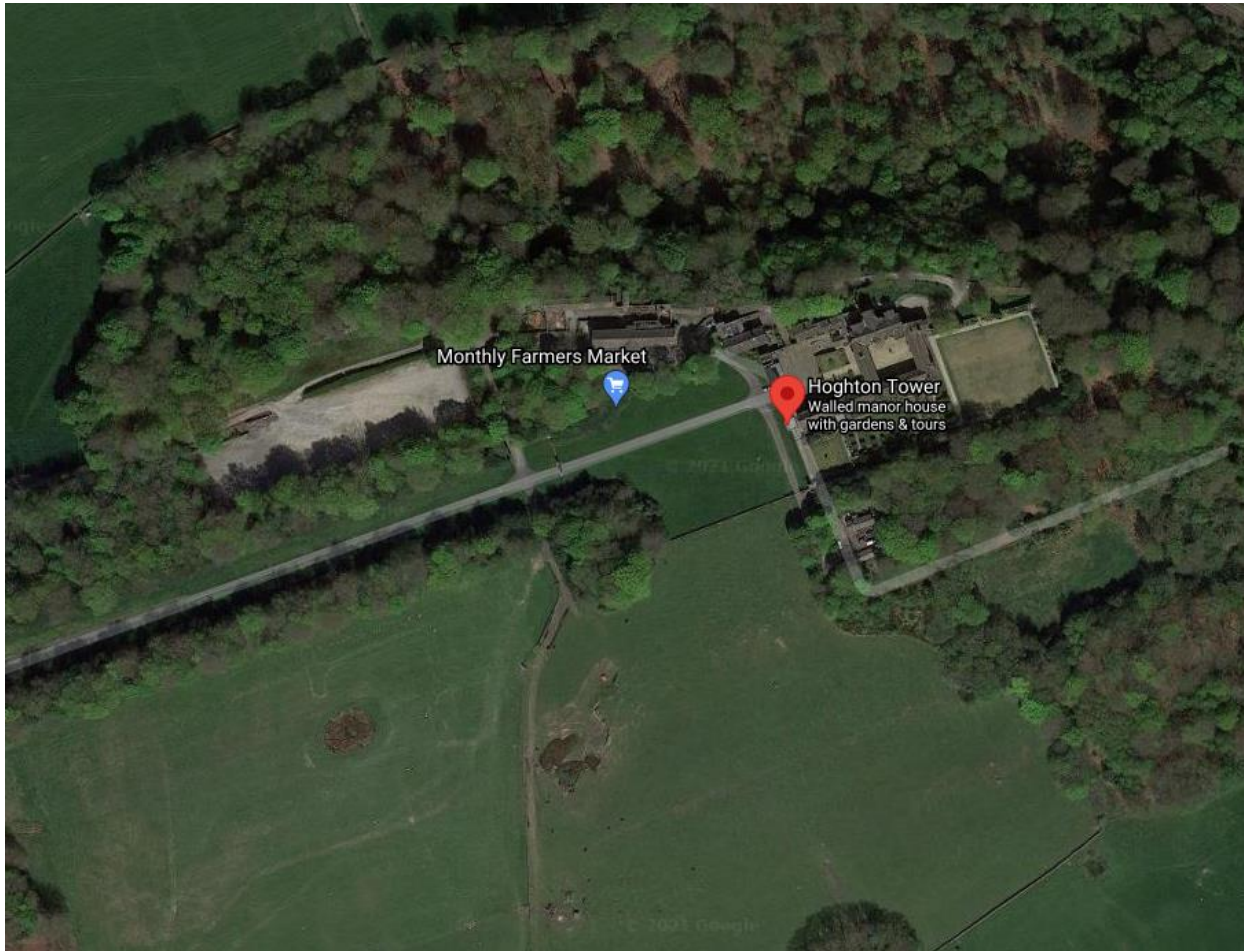
The Great Barn, Hoghton Tower

Conversion of Great Barn (building 17) to wedding venue (sui generis) and ancillary use of outbuildings (buildings 1-16), including the flexible use of outbuildings within class E (E(a), E(b), E(c)(i), E(c)(ii) and E(g)(i). Reinstatement of building 5 and the temporary siting of portable toilets and catering facilities to rear of Great Barn.

Location Plan

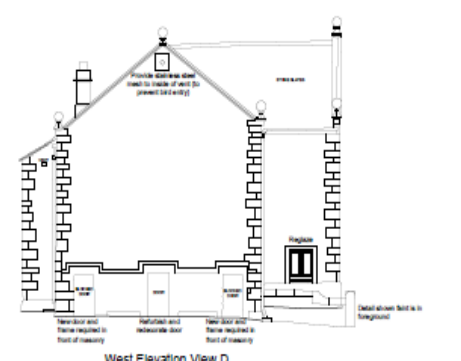
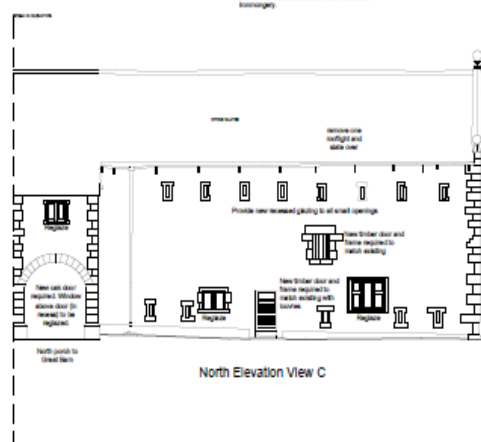
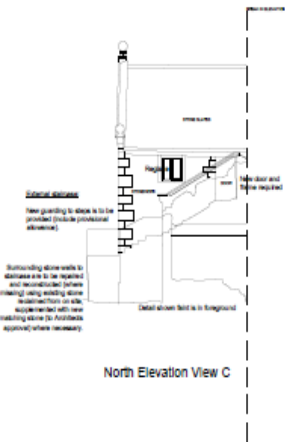
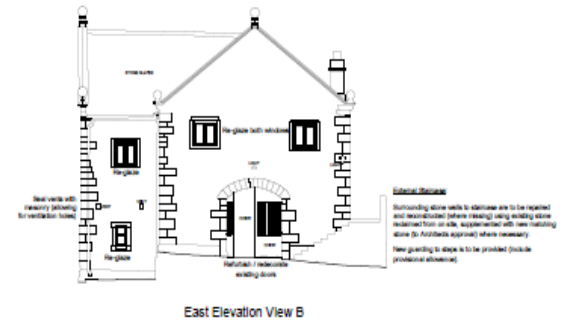
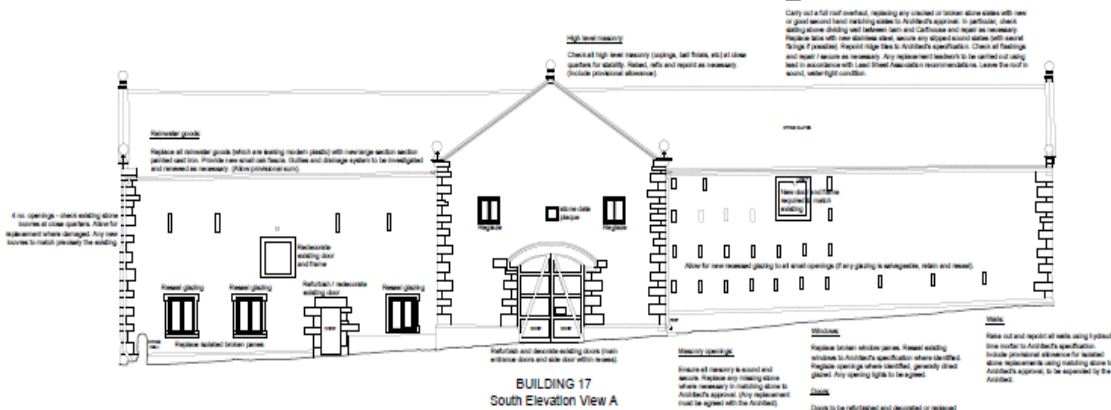


Aerial photo



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Proposed Elevations – Great Barn



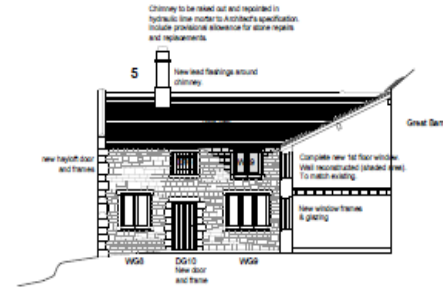
Notes
Drawing to be used in conjunction with structural information produced by Richard Cill Construction Engineering Ltd and repaired brickwork report by Robinson Professional Ltd. Repairs are to be carried out in phases based, selection on grounds of value/urgency.

Proposed Elevations Buildings 5-8

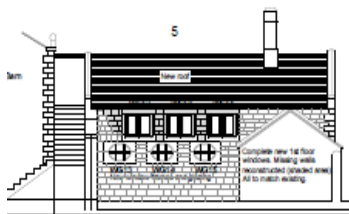


Cross section through Building 5

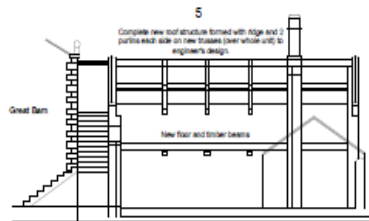
View Q
South Elevation



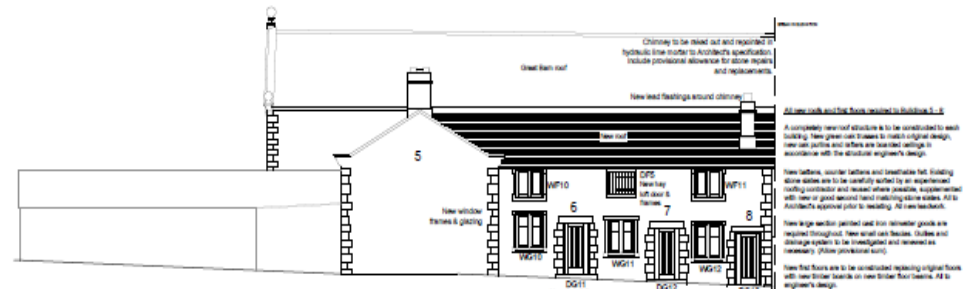
View S
West Elevation



View R
East Elevation



View R
Longitudinal Section showing new roof construction



View T
North Elevation

Windows and door openings to Buildings 5 - 8

Masonry to be made good. Any replacement sections of masonry to match (where necessary) the original details and repaired. Replacement bricks where necessary (eg repairs, other to match) to be to engineer's design.

New doors and frames required throughout. New windows required throughout. New window frames are only to be provided where essential due to existing panel details, otherwise steel glazed. Any opening lights to be agreed.

Walls to Buildings 5 - 8

Completely masonry sections of walls and window surrounds to be reconstructed using existing stone retained from on site. Use for the construction to be undertaken to match existing. Any new stone is to have the Architect's approval prior to construction and is to match existing.

All external walls are to be taken out and repaired in hydraulic

Note

Drawing to be read in conjunction with structural information produced by Hatched Civil Construction Engineering Ltd and geotechnical survey report by Robinson Preservation Ltd. Repairs are to be carried out on a phased basis, determined on grounds of relative urgency.

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Existing Floor plans Buildings 1-17

Architectural floor plan of Buildings 1-17. The plan is divided into sections labeled 1 through 15. Key areas include:

- 15**: A long, narrow structure with multiple stalls, labeled 'Vest Stone Paved'.
- 14, 13, 12, 11, 10**: A row of structures to the right of section 15.
- 9**: A small, rectangular structure above section 10.
- 5, 4, 3, 2, 1**: A row of structures to the right of section 9, including 'Former Corral Accommodation', 'Stables', and 'Dip Tanks'.
- 8, 7, 6**: Three 'Loose Box' structures below sections 5-1.
- Great Barn**: A large central structure below sections 8-6.
- 17**: A large rectangular structure below the Great Barn.
- 16**: A structure to the left of section 17, with a dashed line indicating a continuation: '15 (see above)'. A note below reads: '15 (see above)'. A note below reads: '15 (see above)'.

EXISTING PLANS: Buildings 1 - 17

Planned Application for Change of Use to Buildings 1 - 17.
Listed Building Consent Application for repairs to Buildings 1 - 4 and 17 (Great Barn).
Further details regarding proposed internal arrangements are to be confirmed.

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10 Kings Road, Riverside, Wickham, Hampshire, UK
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HOUGHTON TOWER REPAIR & CONSERVATION OF GREAT BARN & OUTBUILDINGS

EXISTING PLANS: Buildings 1 - 17

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PLANS BASED ON SURVEYS BY SUZANNE OPERATIONS LTD & SPARKLEY & PATE

NOTE:
DO NOT SCALE OFF THIS DRAWING - ALL DIMENSIONS TO BE CHECKED ON SITE PRIOR TO ORDERING MATERIALS

IF ANY PART OF THIS DRAWING IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, WRITTEN OR ELECTRONIC, WITHOUT THE WRITTEN PERMISSION OF ANTHONY GRIBRAW ASSOCIATES, THIS IS PROHIBITED.

Scale: 1:500
Date: 18/10/18
By: [Signature]

Site Photo



Site Photo



Site Photo



Site Photo



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ITEM 3c - 20/00176/LBC - The Great Barn Hoghton Tower, Blackburn Old Road

The recommendation remains as per the original report.

The following conditions are recommended:

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 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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 |
|---|----------|------------------|
| Proposed door and window details Buildings 5 to 8 | 11B | 26 October 2020 |
| Proposed repairs to Building 5 to 8 Elevations | 07 B | 26 October 2020 |
| Proposed repairs to Building 5 to 8 and the Great Barn (Building 17) Plans | 05 B | 26 October 2020 |
| Proposed roof details Buildings 5 to 8 | 12 | 26 October 2020 |
| Proposed repairs to Buildings 5 to 8 Sections showing new floor and roof construction | 13 | 26 October 2020 |
| Proposed repairs to Great Barn (Building 17) Elevations | 06 | 20 February 2020 |
| Existing Elevations Great Barn Building 17 | 02 | 20 February 2020 |
| Existing Elevations buildings 9 to 16 | 04 | 20 February 2020 |
| Existing plans buildings 1 to 17 | 01 | 20 February 2020 |

3. Except where specified in any condition below, the works shall take place in conformity with the submitted documentation:

Document Buildings 5 to 8 associated with The Great Barn at Hoghton Tower 'Specification of materials and workmanship for conservation and repairs' dated September 2020 and received by the Local Planning Authority on 26th October 2020

Schedule of Essential repairs received by the Local Planning Authority on 20th February 2020,

Reason: For the avoidance of doubt.

4. No works shall commence until the applicant or their agent or successors in title has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which shall be submitted to, and approved in writing by, the local planning authority. All archaeological works shall be undertaken by an appropriately qualified and experienced professional archaeological contractor and comply with the standards and guidance set out by the Chartered Institute for Archaeologists (CIfA). The development shall be carried out in accordance with the agreed details.

Reason: To ensure and safeguard the investigation and recording of matters archaeological/historical importance associated with the development.

5. Notwithstanding any detail shown on the submitted plans, prior to the installation of any external lighting associated with the development hereby approved, a scheme for the provision of external lighting together with a lighting assessment shall be submitted to and approved in writing by the Local Planning Authority.

This shall include a plan to show the location of the lighting and full details of the design, materials, size, technical specifications and illuminance.

The scheme shall also be accompanied by full details to include the following:

- a) to identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) to demonstrate how and where external lighting will be installed to ensure that any external lighting does not disturb or prevent the bats from using their territory or having access to their breeding sites and resting places.

The lighting scheme shall only be implemented in accordance with the approved details.

Reason: This information is required to ensure that the lighting scheme is designed so that it does not adversely affect bats, which are known to be present and are a protected species. The information is also required to ensure that the lighting scheme is sympathetic to the sensitive heritage setting and rural location.

6. Where replacement external facing and roofing materials are required (specifically masonry or roof slates) and cannot be salvaged from the site, full details shall be submitted to and approved in writing by the Local Planning Authority, and samples shall be provided on site. The works shall be carried out only in accordance with the approved details, unless any variation is subsequently agreed in writing by the Local Planning Authority.

Reason: To ensure that the materials are sympathetic to the heritage asset.

7. Prior to its use for each required area, full details of the proposed mortar shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out only in accordance with the approved details, unless any variation is subsequently agreed in writing by the Local Planning Authority.

Reason: To ensure that the materials are sympathetic to the heritage asset.

8. Notwithstanding any detail on the approved plans, planning permission is not granted for the erection of a marquee within the Great Barn.

Reason: For the avoidance of any doubt as this was removed from the scheme.

9. Prior to the provision of any guard / handrail to the external steps, full details shall be submitted to and approved in writing by the Local Planning Authority. The guard / handrail shall be provided only in accordance with the approved details.

Reason: To ensure that such details are sympathetic to the heritage asset.

10. Notwithstanding any details shown on the submitted plans, door DG4 on the Great Barn (building 17) as indicated on drawing number 05B shall only be provided in accordance with full details which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the details are sympathetic to the heritage asset.

APPLICATION REPORT – 20/01211/FULMAJ

Validation Date: 6 November 2020

Ward: Chorley East

Type of Application: Major Full Planning

Proposal: Erection of 12no. one bedroom apartments (Use Class C3) and associated car parking

Location: Brookes Arms Eaves Lane Chorley PR6 0QA

Case Officer: Amy Aspinall

Applicant: Mr Stephen Warren

Agent: Mr Chris Weetman, CW Planning Solutions Ltd

Consultation expiry: 14 July 2021

Decision due by: 8 October 2021 (Extension of time agreed)

RECOMMENDATION

1. It is recommended that planning permission is granted, subject to conditions and a legal agreement to secure financial contributions for open space off-site provision/improvements.

SITE DESCRIPTION

2. The application site is located within the settlement boundary of Chorley as defined by the Chorley Local Plan 2012 – 2026. It comprises a vacant plot of land located at the junction of Brooke Street and Eaves Lane and was formerly the site of the Brookes Arms public house. The surrounding land use is predominantly residential with local conveniences.

DESCRIPTION OF PROPOSED DEVELOPMENT

3. The application seeks planning permission for the erection a two storey block of apartments comprising of 12no. one bedroom apartments (Use Class C3), including access from Eaves Lane via The Brookes, and an associated car park.

4. Since the application was originally submitted the scheme has been amended to reduce the overall scale and height of the building and there has been a reduction in parking provision from 12no. spaces to 8no. spaces.

REPRESENTATIONS

5. A conditional objection has been received that raises concerns with the width of the footpath at the top of Brooke Street and comments that the proposal is a major opportunity to improve pedestrian safety at the junction.

6. Comment is also made the signage on the south side at the top of Brooke Street is very poor and in the wrong place and needs addressing; and that although Brooke Street has a weight restriction of 7.5T, this is ignored on a daily basis by large wagons and buses that are not in use.

7. The resident does, however, comment that overall this is a good scheme.

8. In addition, 1no. representation has been received from the occupier of 159 Brooke Street citing the following grounds of objection:

- Number 159 Brooke Street was subject to major land shake from heavy plant during the demolition of the Brookes Arms pub, resulting in cracks and loss of pointing. We assume more heavy plant on site will impact on our property and its foundations.
- Erection of three storeys on already elevated land and the extent of the extension past the boundary of our rear elevations will significantly reduce light to our gardens. It will also impact on our privacy, some of the windows will be directly overseeing our land.
- The proposal to re-instate trees to the side along our boundary walls will impact on the construction of our stone wall. The original trees were removed by the former publican as they were dangerous and their roots were causing our wall to fall over.
- We are disappointed that whilst the plans are available to view online, we are unable to visit the Council offices to view these in person. We do not think the residents of the area are being given enough opportunity to pass comment, object or support these proposals as the current coronavirus restrictions make it impossible to meet and discuss these plans as a community, and we have been made aware of many residents who do not have access to or who do not feel comfortable making comments online. Whilst it has been possible to speak to Amy Aspinall, our only route for commenting, objecting or supporting is to register online and this seems particularly unfair that these proposals have been put forward during these restrictive times. Not all parties are able to voice their opinion

CONSULTATIONS

9. Lancashire County Council Highway Services: Have no objection to the revised scheme and recommend conditions.

10. Regulatory Services - Environmental Health: Have raised no objections and recommend that the applicant takes into account the guidance contained within the Chorley Council document "Code of Practice for Construction and Demolition" which covers operating hours, noise and vibration control and dust and air pollution issues.

11. United Utilities: Have no objection and recommend drainage conditions.

12. Lead Local Flood Authority: No comments have been received.

13. Lancashire County Council (Education): Advise that an education contribution is not required.

14. CIL Officers: Comment that the proposed development would be CIL Liable and subject to the Council's CIL Charge for Apartments as listed in Chorley Council's CIL Charging Schedule.

PLANNING CONSIDERATIONS

Principle of development

15. Policy 1 of the Central Lancashire Core Strategy 2012 seeks to focus growth and investment on well located brownfield sites in a number of areas including the Key Service Centre of Chorley.

16. Policy V2 (Settlement Areas) of the Chorley Local Plan 2012 – 2026 states that within the settlement areas excluded from the Green Belt, and identified on the Policies Map, there is a presumption in favour of appropriate sustainable development, subject to material planning considerations and the other Policies and Proposals within this Plan.

17. The principle of the development is, therefore, acceptable subject to other considerations set out in this report.

Impact on the character and appearance of the area

18. Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided the proposal does not have a significantly detrimental impact on the surrounding area by virtue of its density, siting, layout, building to plot ratio, height, scale and massing, design, orientation and use of materials; and that the layout, design and landscaping of all elements of the proposal, including any internal roads, car parking, footpaths and open spaces, are of a high quality and respect the character of the site and local area.

19. During the course of the application revised plans have been received due to officer concerns in relation to the originally proposed scale and height of the building. The scheme now presents a two storey development, as opposed to three storeys, and is now more in-keeping in height with surrounding development. The appearance of the building has also been improved, with more visual interest to Eaves Lane, which provides an active frontage to both streetscenes of Eaves Lane and Brooke Street.

20. The proposed layout provides the built form to the frontage of the site, reflecting the surrounding development around the junction of Brooke Street / Eaves Lane / Cowling Brow; with car parking being focussed to the north of the site off an existing access. The 'L-shape' of the building provides an open space to the rear of the site, and an opportunity for soft landscaping to be incorporated into the development.

21. The site is relatively unsightly, and it is considered that the proposed development would result in an overall enhancement of the site and would make a positive contribution to the streetscene. Landscaping details and materials would be secured by way of condition in the interests of the appearance of the development in the locality.

22. It is considered that the proposal is acceptable in design terms and accords with policy BNE1 of the Chorley Local Plan 2012 - 2026.

Impact on neighbouring amenity

23. Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that, where relevant to the development the proposal would not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or by creating an overbearing impact; and that the proposal would not cause an unacceptable degree of noise disturbance to surrounding land uses.

24. The proposed building would occupy a dual position at the junction of Brooke Street and Eaves Lane. To the opposite side of Brooke Street are residential properties which face the site. A separation distance of approximately 15 metres would be achieved between habitable windows. In respect of those residential properties to the opposite side of Eaves Lane, separation distances of approximately 17 metres would be achieved. Whilst this is below the Council's current standards, the interface distances in this area are generally low given that it is a high-density built-up area and not, therefore, an unusual situation. The outlook from these existing properties would clearly change from the current situation, which is a vacant plot, however it is not considered that the proposed building would appear as a visually intrusive or overbearing form of development.

25. On other elevations of the building where habitable windows are proposed at first floor, they would achieve a separation distance in excess of 21 metres to directly facing windows of no.1 The Brookes; or they would face the side elevation of no.161 Brooke Street which has no habitable windows. Accordingly, there would be no adverse direct overlooking or loss of privacy issues to neighbours.

26. The plot is currently vacant and, therefore, the introduction of a two storey development of this scale would result in a change to the amount of sunlight the neighbouring properties receive

at various times of the day, however, given the separation distances achieved and the layout of the proposed development, it is not considered that this would be an unacceptable adverse impact.

27. The proposed development incorporates a private amenity area to the rear of the site for future occupiers to enjoy and this is a positive aspect of the apartment scheme.

28. The proposed car park would be sited to the north of the site and accessed off Eaves Lane via The Brookes. It would be adjacent to the side elevation of no.1 The Brookes and with 5no. parking spaces positioned along this boundary. This would increase the level of activity in this location with the comings and goings of vehicles, however, it is a residential development in a residential area and is not of a significant scale to cause detrimental impacts of noise and disturbance to this adjacent property or other surrounding residences. In land use terms the proposal would be a compatible form of development with neighbouring residential properties.

Highway safety

29. Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that the residual cumulative highways impact of the development is not severe and it would not prejudice highway safety, pedestrian safety, the free flow of traffic, and would not reduce the number of on-site parking spaces to below the standards stated in Site Allocations Policy – Parking Standards, unless there are other material considerations which justify the reduction.

30. During the course of the application, revised plans have been received which incorporate amendments to the proposed scheme. This includes a reduction in parking provision from the 12no. spaces originally proposed to 8no. spaces, in order to facilitate design and layout changes to the building. This is an under-provision of car parking by 4no. spaces based on current standards, however, the site is situated in a highly accessible location with easy access to amenities and sustainable transport options. Lancashire County Council Highway Services have no objection to this under provision but do advise that cycle parking provision is required due to this car parking reduction. This could be secured by way of condition in order to encourage the use of sustainable transport modes other than the car. It is considered that the parking provision is reasonably justified given the sustainable location of the site and that this has enabled key design changes to be made to the proposal which is a clear benefit.

31. The existing access off Eaves Lane via The Brookes would be utilised to serve the proposed development and LCC Highway Services raise no objection to the amended scheme. A resident has made a representation regarding improvements to the width of the footpath at Brooke Street and the revised scheme does demonstrate that width of the footway around the south easterly corner of the site has been increased. Other comments made in relation to road signage and heavy vehicles using the road are a matter for the Local Highway Authority and outside the scope of this planning application.

32. Lancashire County Council Highway Services raise no objection to the application, and it is not considered that the proposed development would adversely affect highways safety.

Public open space

33. Policy HS4 of the Chorley Local Plan 2012 – 2026 requires public open space contributions for new dwellings to be provided in order to overcome the harm of developments being implemented without facilities being provided.

34. Amenity greenspace: There is currently a deficit of provision in Chorley East and, therefore, a contribution towards new provision in the ward is required from this development. Given the nature of the site and the size of the amenity space required, it is considered that improvements/maintenance towards other sites is more appropriate than on-site provision. The contribution required is £8,400.

35. Provision for children/young people: There is currently neither a surplus nor deficit of provision in Chorley East in relation to this standard and the site is within the accessibility catchment (800m) of an area of provision for children/young people. A contribution towards new provision in the ward is, therefore, not required from this development. However, there are areas of provision for children/young people within the accessibility catchment that are identified as being low quality and/or low value in the Open Space Study (sites 1330.1 Tatton Recreation Ground Playground, 1330.2 Tatton Recreation Ground Play Area and 1544 Fell View Playground). A contribution towards improvements to these sites is, therefore required, from this development. The amount required is £1,608.

36. Parks and Gardens: There is no requirement to provide a new park or garden on-site within this development. There are no parks/gardens within the accessibility catchment (1,000m) of this site identified as being low quality and/or low value in the Open Space Study therefore a contribution towards improving existing provision is not required.

37. Natural and Semi-Natural Greenspace: There is no requirement to provide new natural/semi natural greenspace on-site within this development. The site is within the accessibility catchment (800m) of areas of natural/semi-natural greenspace that are identified as being low quality and/or low value in the Open Space Study (site 2036 Amber Drive Woodland), a contribution towards improving these sites is, therefore, required. The amount required is £6,684.

38. Allotments: There is no requirement to provide allotment provision on site within this development, however, the site is within the accessibility catchment (10 minutes' drive time) of a proposed new allotment site at Harrison Road, Adlington (HW5.3). A contribution towards new allotment provision is therefore required from this development. The amount required is £180.

39. Playing Pitches: A Playing Pitch Strategy was published in June 2012 which identifies a Borough wide deficit of playing pitches but states that the majority of this deficit can be met by improving existing pitches. A financial contribution towards the improvement of existing playing pitches is, therefore, required from this development. The Playing Pitch Strategy includes an Action Plan which identifies sites that need improvements. The amount required is £19,188.

40. The contributions would be secure by way of a legal agreement.

Drainage

41. United Utilities raise no objection but recommend drainage conditions.

Community Infrastructure Levy

42. The Chorley CIL Infrastructure Charging Schedule provides a specific amount for development. The CIL Charging Schedule was adopted on 16 July 2013 and charging commenced on 1 September 2013. The proposed development would be CIL Liable and subject to the Council's CIL Charge for Apartments as listed in Chorley Council's CIL Charging Schedule.

Other matters

43. Trees – The neighbour objection raises concerns in relation to the location of the proposed tree planting and impact on the construction of the stone wall as trees have previously been removed as they were dangerous and the roots were causing the wall to fall over. A landscaping scheme would be secured by condition in any event and the location of the trees could be addressed at this stage.

44. Consultation during the covid restrictions - This is a matter which is outside of the control of the Local Planning Authority and was the result of a global pandemic.

CONCLUSION

45. The proposal has been amended since the application was originally submitted and it is now considered to be acceptable in design terms and would not be harmful to the streetscene. It would not be detrimental to highway safety, nor would it adversely affect the amenity afforded to neighbouring residential properties. In order to comply with policy HS4 of the Chorley Local Plan 2012 -2026 a financial contribution is required, and this would be secured by way of a legal agreement. The proposed development accords with the relevant policies of the Development Plan and the application is recommended for approval, subject to conditions.

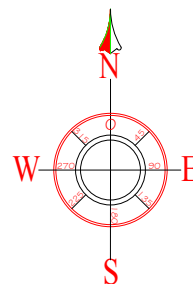
Suggested conditions

46. To follow.

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.

RELEVANT HISTORY OF THE SITE

There is no recent relevant planning history.



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Scale

1 :1250

Drawing No.

27/20LOC

Drawing Status

Location Plan

Land at the Junction of
Eaves Lane
& Brooke Street
Bartle Lane
Chorley
Lancashire

Rev.

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Planning
Committee Meeting

05 October 2021



Item 3d

20/01211/FULMAJ

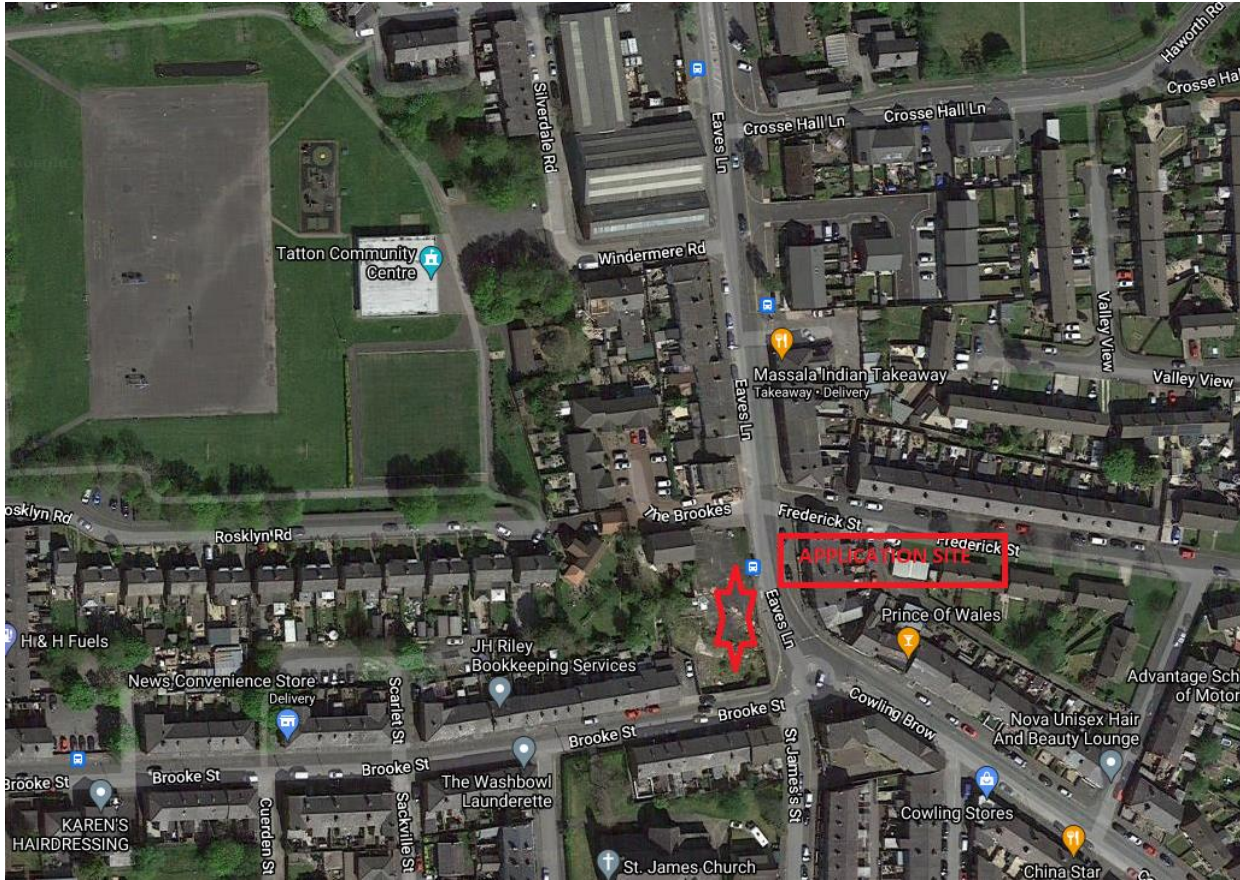
Former Brookes Arms, Eaves Lane, Chorley

Erection of 12no. one bedroom apartments (Use Class C3) and associated car parking

Location Plan

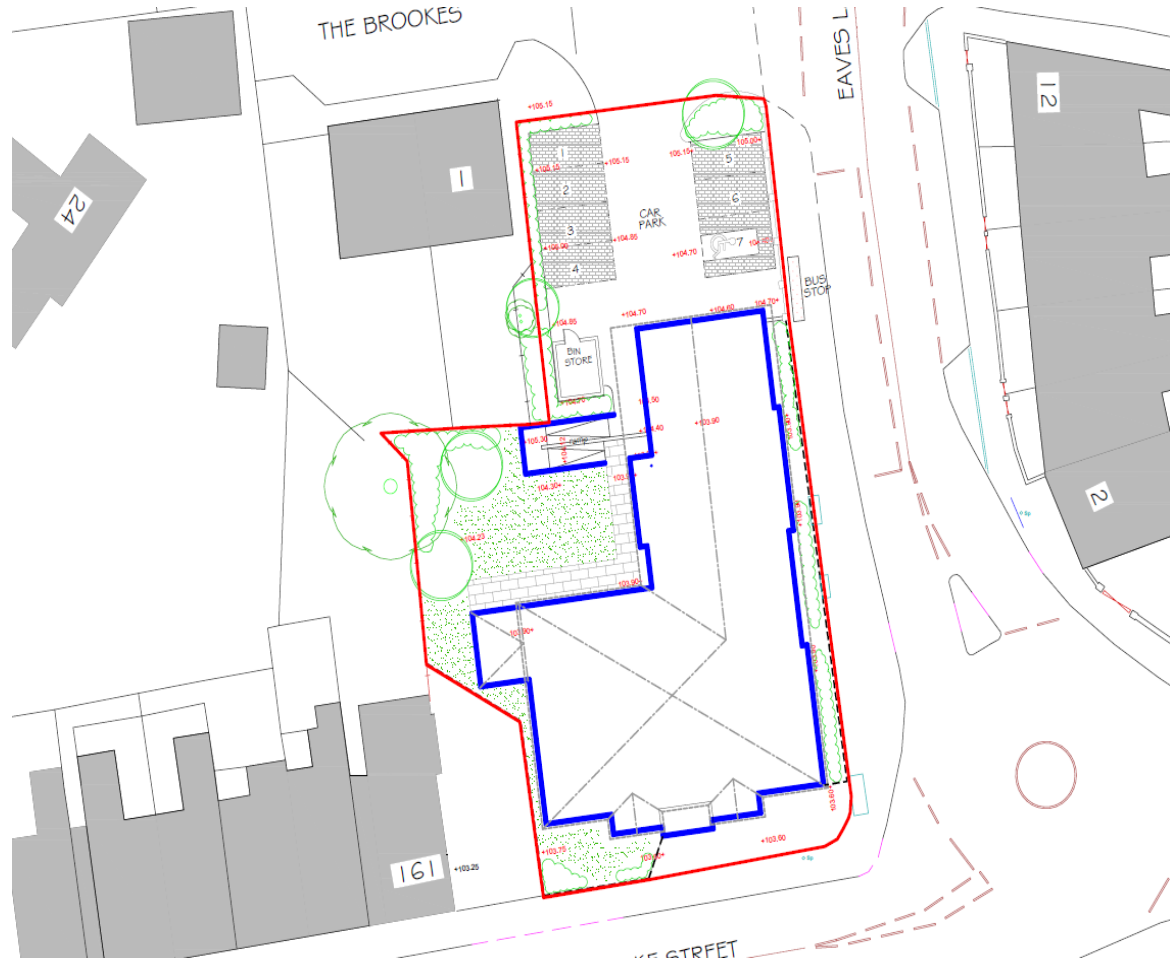


Aerial photo



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Proposed site plan

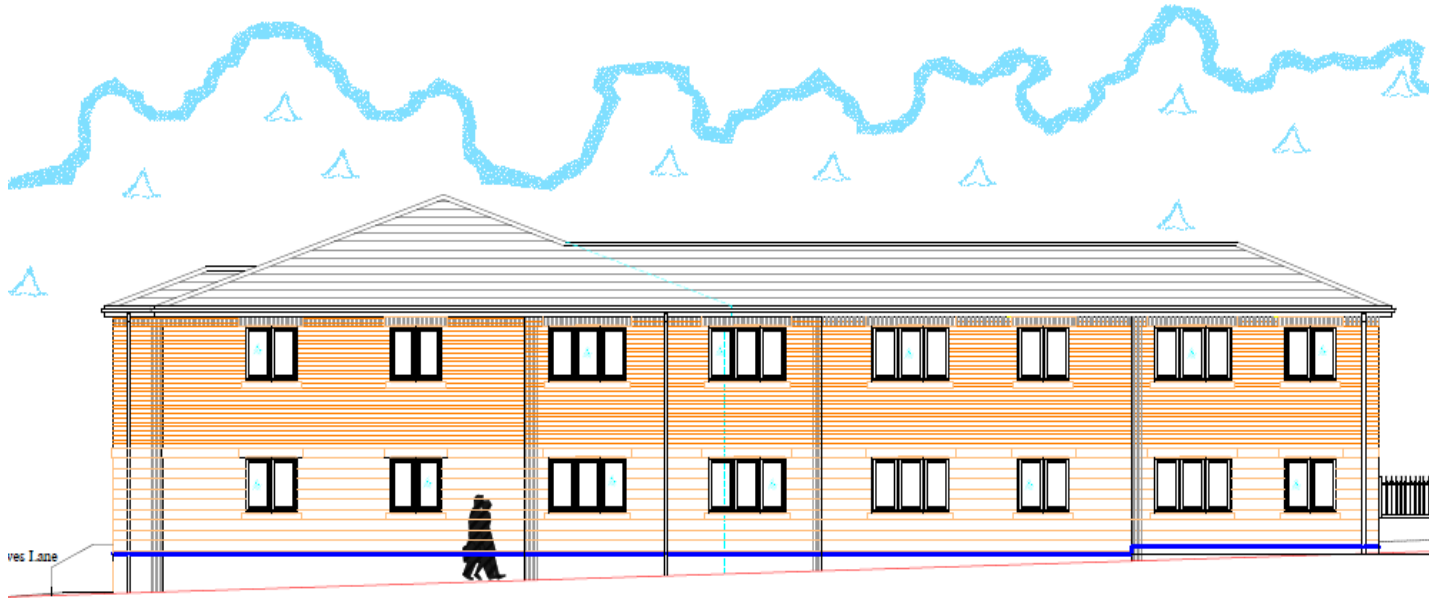


Proposed Elevations – Brooke Street



BROOKE STREET SOUTH ELEVATION
SCALE 1:100

Proposed Elevations – Eaves Lane

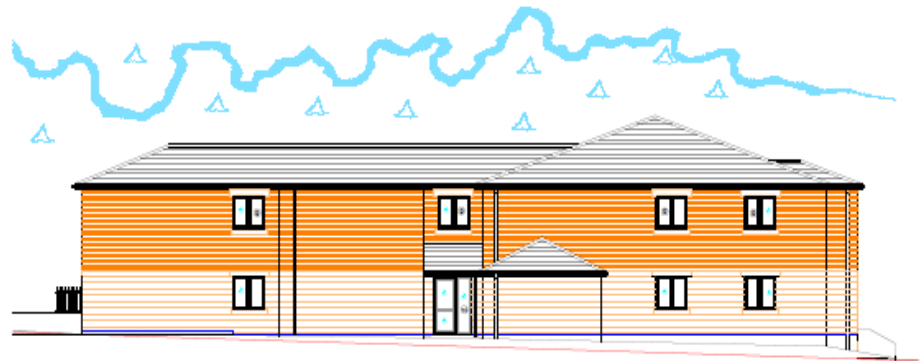


EAVES LANE EAST ELEVATION
SCALE 1:100

Proposed Elevations



NORTH ELEVATION
SCALE 1:100



WEST ELEVATION
SCALE 1:100



Site Photo



Site Photo



Site Photo



Site Photo



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Site Photo



Site Photo



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ITEM 3d - 20/01211/FULMAJ – Former Brookes Arms, Eaves Lane, Chorley

The recommendation remains as per the original report.

An email of support has been received from Cllr Zara Khan, which sets out as follows:

“The new development is welcomed by me as the area was looking pretty grim with the issues around the area since the demolition of Brookes arms some years ago, the concern about the narrow footpath at top of Brooke St has also been addressed by LCC and so has the access concerns.”

Cllr Hasina Khan has requested that her comments are reported at planning committee. They are as follows:

“This application is welcomed by me, as the site has been an eye sore for many years and it will be a good tidy up for the area, residents will be happy with this too. The concerns regards to the narrow footpath at the top of Brooke Street to widen it as was below the minimum standard seems to have been addressed now by LCC, so has the access”.

The following conditions are recommended:

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 |
|------------------------|------------|-----------------|
| Proposed Layout | PL/EL/20 E | 05 October 2021 |
| Ground and First Floor | GF1/20P1 C | 18 June 2021 |
| Proposed Elevations | PE/EL/20 C | 22 June 2021 |
| Location Plan | 27/20LOC | 6 November 2020 |

3. The external facing materials, as detailed in the Materials Treatment Key as shown on drawing number PE/EC/20 REV C, shall be used and no others substituted unless alternatives are first submitted to and agreed in writing by the Local Planning Authority, when the development shall then be carried out in accordance with the alternatives approved.

Reason: In the interests of the appearance of the development.

4. Any boundary treatment to the site frontages (Eaves Lane /Brooke Street) shall only be erected in accordance with full details which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: Such details have not been provided and are required in the interests of the appearance of the development in the streetscene.

5. Prior to the commencement of the development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with

evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. In the event of surface water draining to the combined public sewer, the pass forward flow rate to the public sewer must be restricted to 5 l/s.

The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

6. Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

7. Prior to first occupation of the development hereby permitted, covered and secure cycle storage shall be provided on site in accordance with full details which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To encourage sustainable transport modes.

8. Prior to the commencement of the development, excluding site works, a scheme for off-site works of highway improvement shall be submitted to and approved by the Local Planning Authority.

The works shall include:

- Provision of dropped kerbs and tactile paving to the footway on both sides of the entrance to The Brookes.
- Reinstatement of section of the existing vehicle dropped crossing on Brooke Street in line with the application site boundary.
- Widening of the footway at the corner of Brooke Street Eaves Lane

The works shall be carried out in accordance with the approved details prior to any part of the development being occupied.

Reason: To secure the final details of highways works.

9. Prior to the commencement of the development, details of proposed building finished floor levels (all relative to ground levels adjoining the site) shall be submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on previously submitted plan(s). The development shall be carried out strictly in conformity with the approved details.

Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.

10. Prior to the commencement of the development hereby permitted, including site works, an updated landscaping scheme of the site shall be submitted to and approved in writing by the Local Planning Authority.

This shall include:

- all existing trees and hedgerows on the land; detail any to be retained, together with measures for their protection during the course of development;
- indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded

- full details of all hard-surfacing areas of the site
- Measures for biodiversity enhancements across the site

All landscaping shall be carried out in accordance with the approved details within the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure that a satisfactory landscaping scheme for the development is carried out and to secure a high-quality design.

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APPLICATION REPORT – 21/00380/FUL

Validation Date: 14 July 2021

Ward: Croston, Mawdesley And Euxton South

Type of Application: Full Planning

Proposal: Erection of 3no. detached dwellinghouses, erection of stableblock and erection of 1no. detached garage, following the demolition of the existing equestrian facilities and storage building

Location: South View Back Lane Mawdesley Ormskirk L40 3SY

Case Officer: Amy Aspinall

Applicant: Mr Paul Bailey

Agent: Mr Paul Baines, PAB Architects Ltd

Consultation expiry: 4 August 2021

Decision due by: 8 October 2021 (Extension of time agreed)

RECOMMENDATION

1. It is recommended that planning permission is granted, subject to conditions.

SITE DESCRIPTION

2. The application site is located wholly within the Green Belt, as defined the Chorley Local Plan Policies Map and is comprised of land associated with South View and includes its private equestrian facilities. The land to be developed constitutes previously developed land, having regard to the definition set out in the National Planning Policy Framework 2021 (the Framework) at Annex 2: Glossary which states:

“Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape”.

DESCRIPTION OF PROPOSED DEVELOPMENT

3. The application seeks planning permission for the erection of 3no. detached dwellinghouses, erection of a stableblock and erection of 1no. detached garage, following the demolition of the existing equestrian facilities and storage building. The site would be accessed via the existing access off Back Lane.
4. Planning permission was granted for a similar development in February 2021 (Ref: 20/00556/FUL Erection of 3no. detached dwellinghouses with associated detached garages

and extension to retained stable block, following the demolition of an existing stable block and storage building).

REPRESENTATIONS

5. No representations have been received.

CONSULTATIONS

6. Mawdesley Parish Council object to the application for the following reasons:

- *The additional homes are in the Green Belt. The policy aims to prevent the urban sprawl which is reducing quality of life in rural villages. This unsustainable form of development swallows up farmland and wildlife habitats while increasing air pollution, flood risk and car dependency.*
- *The size and physical scale of the buildings means they will have a visual impact on the local environment. They are so large they will be out of keeping and change the character of the village.*
- *The development is on a bad bend and the additional traffic will have an impact on the narrow country lane*
- *A large development just down the road from this has already impacted the sewerage and drainage systems in the village there is no capacity for further development. The Parish Council would ask Planning to carefully review allowing people to build new houses in the Green Belt*

7. Lancashire County Council Highway Services: Have no objection and recommend conditions.

8. Greater Manchester Ecology Unit: Recommend conditions.

9. United Utilities: Recommend conditions.

10. CIL Officers: Advise that the development is subject to the CIL Charge for Dwelling Houses as listed in Chorley Council's CIL Charging Schedule.

PLANNING CONSIDERATIONS

Principle of development in the Green Belt

11. The acceptability of the principle of residential development, comprising 3 no. dwellings and a detached triple garage, has already been established on this site under planning permission 20/00556/FUL. The key differences in this current application are the change in house types on plots 2 and 3, minor changes to plot 1 and the demolition and replacement of the existing stables elsewhere on site, including an additional bay.

12. The application site is located within the Green Belt and falls within the definition of previously developed land provided within the National Planning Policy Framework 2021 (The Framework). Section 13 of the Framework confirms that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

13. Development will only be permitted within the Green Belt, in accordance with the Framework, if it is considered appropriate development or where very special circumstances can be demonstrated. The Framework confirms that '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.

14. Paragraph 149 of the Framework states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt but lists a number of exceptions. One exception listed at paragraph 149 of the Framework of development that

need not be considered inappropriate development in the Green Belt is the limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development.

15. Whilst the test for sites such as this relates to the impact on openness, the Framework does not contain a specific definition of 'openness'. It is a subjective judgment which is considered further below, along with objective criteria of making that assessment. It is considered that in respect of the Framework, the existing site currently has an impact on the openness of the Green Belt. However, it is important to note that merely the presence of an existing building on the site currently does not justify any new buildings. The new buildings must also not "have a greater impact on the openness of the Green Belt".
16. To engage with the exceptions of paragraph 149 of the Framework, which is reflected in policy BNE5 of the Chorley Local Plan 2012 – 2026, the test relates to the existing development. The openness of an area is clearly affected by the erection or positioning of any object within it no matter whether the object is clearly visible or not. The openness test relates to the whole of the site.
17. Policy BNE5 relates to the redevelopment of previously developed sites in the Green Belt and states that redevelopment of previously developed sites in the Green Belt will be permitted providing that the appearance of the site as a whole is maintained or enhanced and that all proposals, including those for partial redevelopment, are put forward in the context of a comprehensive plan for the site as a whole.
18. Whether harm is caused to openness depends on a variety of factors such as the scale of the development, its locational context and its spatial and/or visual implications. At present, the site is occupied by a large storage building and equestrian facilities including stables, hardstanding areas, horse-walker and manege. The buildings are concentrated to two specific areas of the site: the storage building is to the north of the existing dwellinghouse, with the equestrian buildings being parallel to Back Lane, and extending into the site. The presence of this existing development already causes harm to openness by its mere existence; and case law has established that for there to be a greater impact, there must be something more than merely a change. The proposal involves the demolition of all of the specified buildings and structures on site, in order to offset the harm caused to openness which would arise from the proposed development. The assessment of whether or not the proposal has a greater impact on the openness of the Green Belt is considered in the context of the site as a whole.
19. The proposed dwellinghouse on plot 1 would be sited in the location of the large storage building and associated hard standing, which is situated to the north of the site and has a volume of approximately 1800m³. The proposed dwellinghouse would be considerably smaller than the existing building in volumetric and footprint terms, with reduced overall visual bulk and massing. Plots 2 and 3 would be sited in the location of the equestrian facilities, with an internal access and frontage to Back Lane. Plots 2 and 3 combined would have a greater volume than the buildings to be demolished in this specific location and would be more visually prominent in the streetscene given their two storey height compared to the single storey stables. However, it would still be seen as a linear form of development along Back Lane, and the existing equestrian development is more spread out compared to the layout of the proposed dwellings and the former also occupies a much larger footprint. A key change from the previous planning permission 20/00556/FUL is that the applicant wishes to relocate a stable block which was previously identified for retention. This would have three bays and a storage/feed area and would be of timber construction with metal sheet roof. Any harm would be offset by the demolition of the existing stables.
20. When considering the site as a whole, the proposed development would offer a reduction of built form and approximately 12% reduction in volume across the site. Whilst the proposal would result in a clear change from how the site looks now, taking into account all of the above factors, and when assessing the site as a whole, it is not considered that the proposed development would have a greater impact on the openness of the Green Belt than

the existing development. The proposal meets exception (g) of paragraph 149 and is not, therefore, inappropriate development in the Green Belt.

21. In relation to the scale of development in an 'other area' as identified by policy 1(f) of the Central Lancashire Core Strategy the proposed development is not major development and, therefore, falls to be considered small scale. As such it is considered that the proposed development is compliant with policy 1(f) of the Central Lancashire Core Strategy.

Impact on the character and appearance of the area

22. Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided the proposal does not have a significantly detrimental impact on the surrounding area by virtue of its density, siting, layout, building to plot ratio, height, scale and massing, design, orientation and use of materials; and that the layout, design and landscaping of all elements of the proposal, including any internal roads, car parking, footpaths and open spaces, are of a high quality and respect the character of the site and local area.
23. The proposed residential development would clearly result in the site having a domestic appearance compared to the existing arrangements, and particularly when viewed from the streetscene. Plots 2 and 3 would be the same house type of two storeys in height, which would provide a consistent design approach to the frontage of the development. Plot 1 would have similar design features to plots 2 and 3 such as the gable with glazing at first floor, and the dormers, which provides a visual design link across the development. Plot 1 is proposed as a larger detached dwellinghouse, however, its design is such that the bulk and mass is broken up with the variation of two storey and single storey elements. It would also have a considerable set-back from the road and would be seen as a backdrop to the existing dwelling of South View.
24. The layout of the development extends from an access point off Back Lane with a proposed internal driveway running parallel with Back Lane. This provides a setback from the road and allows for the existing hedgerow frontage to be retained, which makes a positive contribution to the character of Back Lane. Its retention could be conditioned accordingly. Plot 1 would be served by an existing driveway which extends from the access and the proposed triple garage to serve South View would be seen in the domestic context of this residential property. No details of landscaping have been submitted; however, such details could be secured by way of condition, in the interest of the appearance of the development in the locality.
25. The proposed stable block would be relocated from the front of the site to a more central location adjacent to the existing manege. It is a typical equestrian design, of timber construction and would not be harmful to the visual amenities of the locality.
26. The site is already developed and is situated adjacent to the large detached property of South View, and other properties close by vary widely from large detached dwellings to more modest bungalows, of varying styles and appearance. It is not considered that the overall design of the proposed development would be detrimental to the character and appearance of the area, taking into account the design criteria of policy BNE1 of the Chorley Local Plan.

Impact on neighbouring amenity

27. Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that, where relevant to the development the proposal would not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or by creating an overbearing impact; and that the proposal would not cause an unacceptable degree of noise disturbance to surrounding land uses.

28. Each plot would be sufficiently separated from South View, well in excess of the Council's separation standard of 21 metres for directly facing principal windows. The separation distance ensures that satisfactory relationships are achieved between existing and proposed development.
29. The nearest neighbouring property to the proposed development is no.78 Gorse Lane which is situated to the opposite side of the road to proposed plot 3. A separation in excess of 21 metres would be achieved between the side elevation of the proposed dwellinghouse of plot 3 and this neighbouring property which provides a satisfactory relationship ensuring that the amenity of this neighbouring property is not detrimentally affected.
30. Each plot would have sufficient garden space to carry out day-to-day activities and would be afforded acceptable living conditions. The garden of plot 2 would be situated around 17 metres from the stables which are proposed to be re-located within the site. This distance, combined with the small-scale nature of the equestrian facilities and that fact that it would be an informed situation by any future occupiers of the development, is satisfactory.
31. The proposed residential use is considered to be a compatible form of development with neighbouring land uses and is of a small-scale nature which would not give rise to adverse impacts of noise and disturbance to the detriment of the locality.
32. The proposed development is considered to accord with policy BNE1 of the Chorley Local Plan in respect of amenity.

Impact on ecological interests

33. Policy BNE9 (Biodiversity and Nature Conservation) of the Chorley Local Plan 2012 – 2026 stipulates that Biodiversity and Ecological Network resources will be protected, conserved, restored and enhanced; and that priority will be given to, among other things, protecting, safeguarding and enhancing habitats for European, nationally and locally important species.
34. The application is accompanied by an ecological survey which is still in date and provides an inspection in relation to bats and birds. This has been assessed by the Council's appointed ecologists at the Greater Manchester Ecology Unit (GMEU). They advise that their comments in relation to planning application 20/00556/FUL remain relevant.
35. The survey does not provide an assessment of great crested newts, although there is a pond located within 100 metres of proposed plot 1. The Council's appointed ecologists at Greater Manchester Ecological Unit (GMEU) advise that this pond has recently been assessed as having low great crested newt breeding potential. Based on this information, the submission of Reasonable Avoidance Measures would be acceptable.
36. In terms of bats, all buildings to be demolished were recorded as having negligible bat roosting potential and no trees were noted with any potential. GMEU do not dispute these findings and advise that a precautionary informative is attached to any permission.
37. The ecological assessment found evidence of birds having nested in the buildings and vegetation along Back Lane. As all British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended a condition to prevent demolition of the buildings or removal of vegetation during nesting season would be appropriate.
38. A landscaping scheme of the site would secure biodiversity gains.
39. In consideration of the above and the advice from GMEU it is not considered that the proposed development would not be detrimental to nature conservation or protected species interests, having regard to policy BNE9 of the Chorley Local Plan.

Highway safety

40. Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that the residual cumulative highways impact of the development is not severe and it would not prejudice highway safety, pedestrian safety, the free flow of traffic, and would not reduce the number of on-site parking spaces to below the standards stated in Site Allocations Policy – Parking Standards, unless there are other material considerations which justify the reduction.
41. The access to the site would be via the existing access which is situated along Back Lane and adjacent to the access of South View. An internal driveway would serve Plots 2 and 3 to the front of the site with a new internal access arm leading to the proposed stable-block. Plot 1 would be served by the existing access along the PROW.
42. Plot 1 would be a 4/5 bedroom dwellinghouse and there is sufficient space to accommodate parking provision for 3no. cars which is the Council's parking requirement. Plots 2 and 3 would benefit from parking for 2no. cars, in addition to a garage space for 1no. car. Accordingly, the Council's parking standards would be met within the site.
43. A Public Right of Way (PROW) FP 29 runs through the site, however this would not be obstructed by the proposed development. Notwithstanding this, the grant of planning permission does not provide consent to obstruct a PROW, as this is covered under separate legislation.
44. LCC Highways requested an amendment to the submitted plan to increase the turning head for the stables and to indicate that the doors of the proposed stable-block storage area would not open outwards. A revised plan has been submitted which addresses this issue.
45. Lancashire County Council Highways raise no objection to the proposed development and it is considered that the proposal is acceptable in highways safety terms having regard to policy BNE1 of the Chorley Local Plan.

Public open space

46. Policy HS4 of the Chorley Local Plan 2012 – 2026 requires public open space contributions for new dwellings to be provided in order to overcome the harm of developments being implemented without facilities being provided.
47. Until recently the National Planning Practice Guidance (NPPG) previously set out a threshold for tariff-style contributions, stating that planning obligations should not be sought from developments of 10 or less dwellings and which have a maximum combined floorspace of no more than 1000 square metres. This guidance has been removed from the latest NPPG and has been replaced with a requirement that planning obligations for affordable housing should only be sought for residential developments that are major developments.
48. Specifically, the guidance was derived from the order of the Court of Appeal dated 13 May 2016, which gave legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014 which has not been withdrawn and which should, therefore, clearly still be taken into account as a material consideration in the assessment of planning applications.
49. To this end whilst it would normally be inappropriate to require any affordable housing or social infrastructure contributions on sites below the thresholds stated, local circumstances may justify lower (or no) thresholds as an exception to the national policy. It would then be a matter for the decision-maker to decide how much weight to give to lower thresholds justified by local circumstances.
50. Consequently, the Council must determine what lower thresholds are appropriate based on local circumstances as an exception to national policies and how much weight to give to the benefit of requiring a payment for 10, or fewer, dwellings. The Council has agreed to only

seek contributions towards provision for children/young people on developments of 10 dwellings or less.

51. There is, however, currently a surplus of provision in Eccleston and Mawdesley in relation to this standard, therefore, a contribution towards new provision in the ward cannot be required from this development.

52. The site is not within the accessibility catchment (800m) of any areas of provision for children/young people that are identified as being low quality and/or low value in the Open Space Study and, therefore, a contribution towards improvements cannot be required from this development.

Sustainability

53. Policy 27 of the Core Strategy requires all new dwellings to be constructed to Level 4 of the Code for Sustainable Homes or Level 6 if they are commenced from 1st January 2016. It also requires sites of five or more dwellings to have either additional building fabric insulation measures or reduce the carbon dioxide emissions of predicted energy use by at least 15% through decentralised, renewable or low carbon energy sources. The 2015 Deregulation Bill received Royal Assent on Thursday 26th March 2015, which effectively removes Code for Sustainable Homes. The Bill does include transitional provisions which include:

“For the specific issue of energy performance, local planning authorities will continue to be able to set and apply policies in their Local Plans which require compliance with energy performance standards that exceed the energy requirements of Building Regulations until commencement of amendments to the Planning and Energy Act 2008 in the Deregulation Bill 2015. This is expected to happen alongside the introduction of zero carbon homes policy in late 2016. The government has stated that, from then, the energy performance requirements in Building Regulations will be set at a level equivalent to the (outgoing) Code for Sustainable Homes Level 4. Until the amendment is commenced, we would expect local planning authorities to take this statement of the government’s intention into account in applying existing policies and not set conditions with requirements above a Code Level 4 equivalent.”

“Where there is an existing plan policy which references the Code for Sustainable Homes, authorities may continue to apply a requirement for a water efficiency standard equivalent to the new national technical standard, or in the case of energy a standard consistent with the policy set out in the earlier paragraph in this statement, concerning energy performance.”

54. Given this change, instead of meeting the code level, the dwellings should achieve a minimum dwelling emission rate of 19% above 2013 Building Regulations in accordance with the above provisions. This could be controlled by a condition.

Community Infrastructure Levy

55. The Chorley CIL Infrastructure Charging Schedule provides a specific amount for development. The CIL Charging Schedule was adopted on 16 July 2013 and charging commenced on 1 September 2013. The proposed development would be a chargeable development and the charge is subject to indexation in accordance with the Council’s Charging Schedule.

CONCLUSION

56. The proposal accords with the exception of paragraph 149 (g) of the National Planning Policy Framework and is not, therefore, inappropriate development in the Green Belt. The proposal would not be detrimental to the character and appearance of the area, nor would it adversely affect the amenity afforded to neighbouring residential properties. The proposed development would not prejudice highway safety and would not be detrimental to nature conservation interests or European protected species. The proposal is considered to be a sustainable form of development and accords with the relevant policies of the Development Plan. Accordingly, it is recommended that the application is approved subject to conditions.

57. Suggested conditions

To follow.

RELEVANT HISTORY OF THE SITE

Ref: 77/01063/FUL **Decision:** REFFPP **Decision Date:** 14 February 1978
Description: Addition of Granny Flat to existing house

Ref: 91/00005/FUL **Decision:** PERFPP **Decision Date:** 25 February 1991
Description: Single-storey rear extension

Ref: 08/00736/FUL **Decision:** PERFPP **Decision Date:** 18 August 2008
Description: Demolition of existing detached house and erection of 2 1/2 storey dwelling (incorporating room in the roof space) in its place

Ref: 08/01264/FUL **Decision:** PERFPP **Decision Date:** 23 February 2009
Description: Erection of a replacement garage

Ref: 09/00292/FUL **Decision:** PERFPP **Decision Date:** 15 June 2009
Description: Substitution of house type approved by 08/00736/FUL to now include single storey rear addition housing a utility room and WC

Ref: 09/00653/DIS **Decision:** PEDISZ **Decision Date:** 28 September 2009
Description: Application to discharge condition nos. 3 and 6 of planning permission no. 09/00292/FUL

Ref: 09/00655/DIS **Decision:** PEDISZ **Decision Date:** 1 October 2009
Description: Application to discharge condition 3 attached to planning approval 08/01264/FUL

Ref: 15/00267/FUL **Decision:** PERFPP **Decision Date:** 14 August 2015
Description: Erection of a part single/part two storey rear extension incorporating single storey glazed covered link walkway and ancillary living accommodation (with accommodation at first floor level) (part retrospective) and the erection of a single storey side extension

Ref: 17/00142/FULHH **Decision:** PERFPP **Decision Date:** 13 April 2017
Description: Erection of a single storey glazed covered link walkway and the erection of a single storey side extension with dormer bedroom above to replace the original approved link walkway and side extension (amendment to previous permission reference 15/00267/FUL)

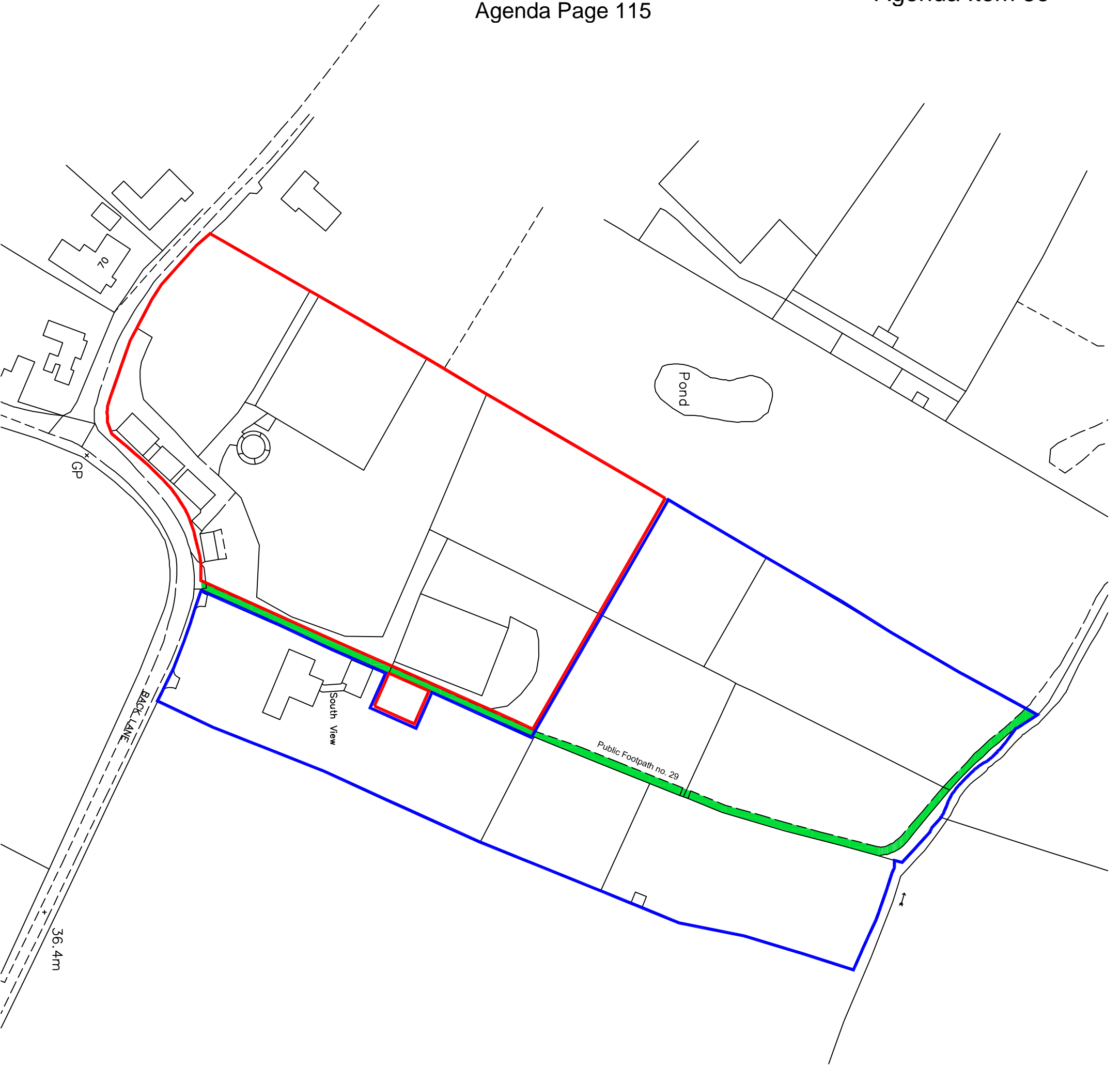
Ref: 20/00556/FUL **Decision:** PERFPP **Decision Date:** 3 February 2021
Description: Erection of 3no. detached dwellinghouses with associated detached garages and extension to retained stable block, following the demolition of an existing stable block and storage building

Ref: 21/00256/MNMA **Decision:** PEMNMZ **Decision Date:** 10 May 2021
Description: Minor non-material amendment to planning permission 20/00556/FUL (Erection of 3no. detached dwellinghouses with associated detached garages and extension to retained stable block, following the demolition of an existing stable block and storage building) to amend the wording of conditions nos.6 (landscaping scheme), 7 (hard landscaping), 8 (boundary treatments) and 11 (dwelling emission rate) to allow the car port to be erected in advance of formal discharge of the conditions

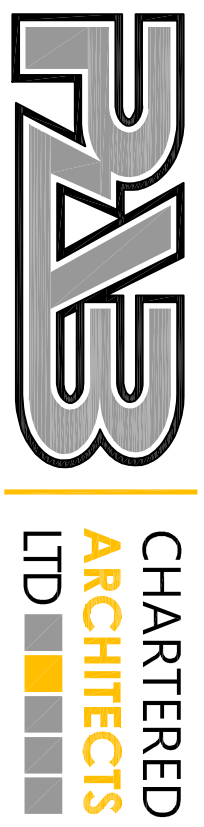
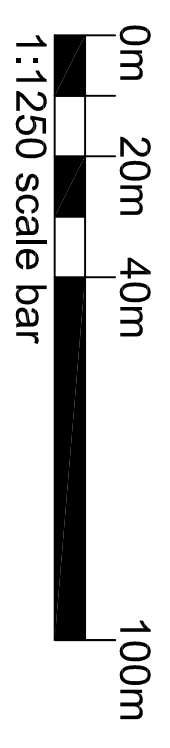
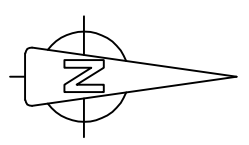
RELEVANT POLICIES: In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless 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.

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| Rev/No | Revision note | Date | Signature/Checked |
|--------|-----------------|----------|-------------------|
| A | 1. Plan updated | 16.07.20 | |



PROJECT: RESIDENTIAL DEVELOPMENT
 SOUTH VIEW
 BACK LANE
 MAWDESLEY

CLIENT: MR & MRS BAILEY

Drawing Title: LOCATION PLAN

Drawing No. 2021-SK-11
 Date: MAY 2020
 Scale: 1:1250 @ A3
 Reviser: A
 Issue:

Renaissance Studio, No 1 Derby, St. Leigh, Leicestershire WN7 4PF
 Telephone: 01942 673360 . Fax: 01942 682084
 Email: info@pabarchitects.co.uk . www.pabarchitects.co.uk

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Planning
Committee Meeting

05 October 2021



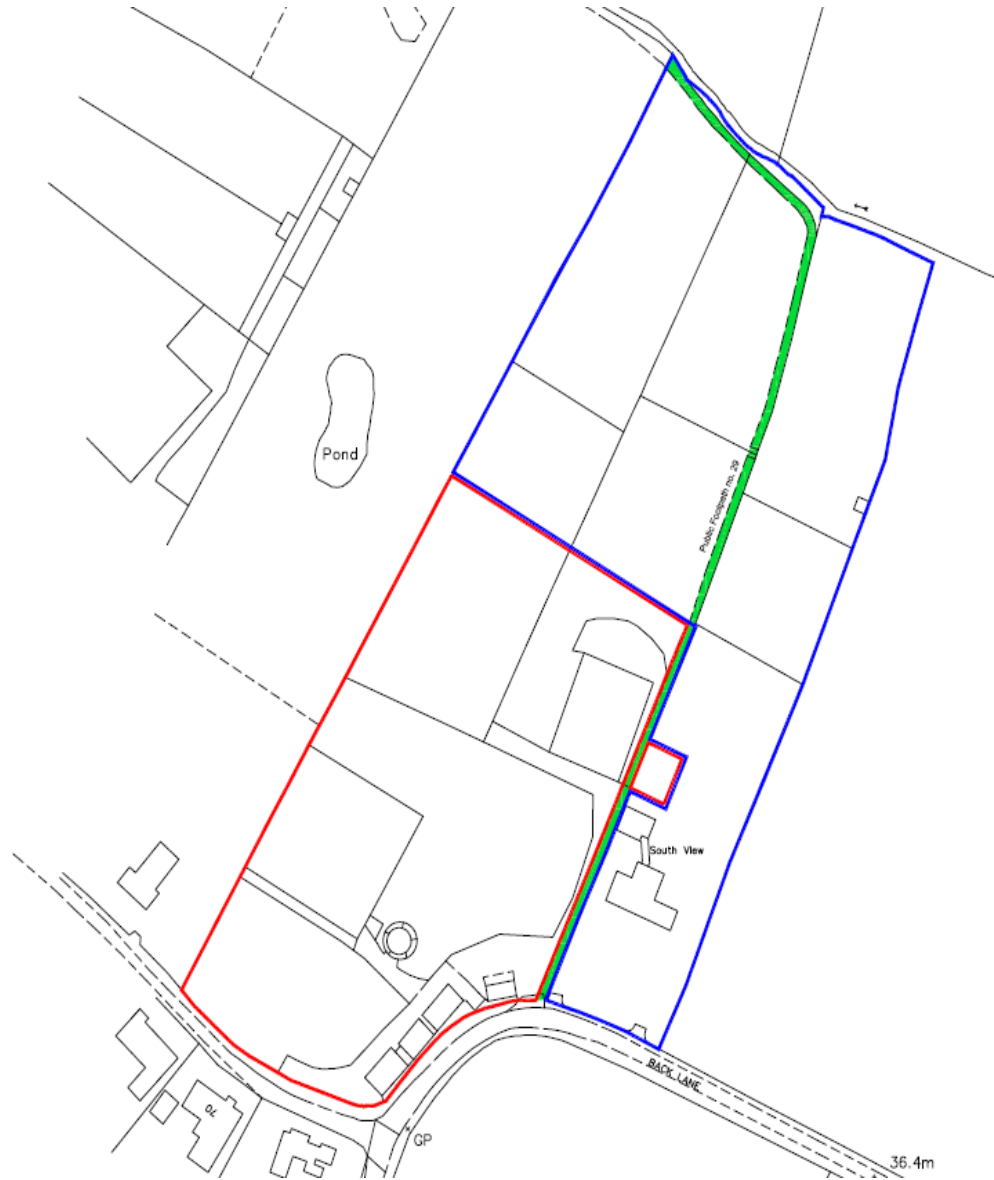
Item 3e

21/00380/FUL

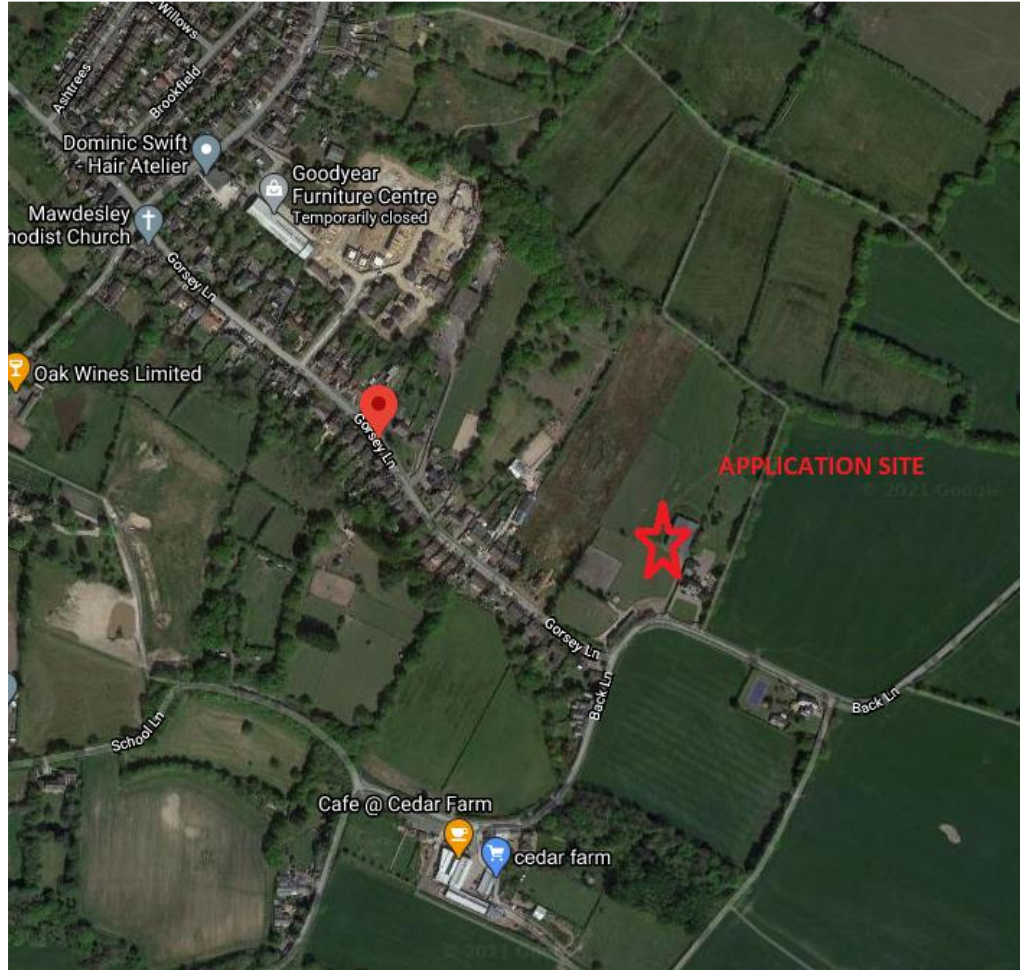
South View, Back Lane, Mawdesley

Erection of 3no. detached dwellinghouses, erection of stableblock and erection of 1no. detached garage, following the demolition of the existing equestrian facilities and storage building

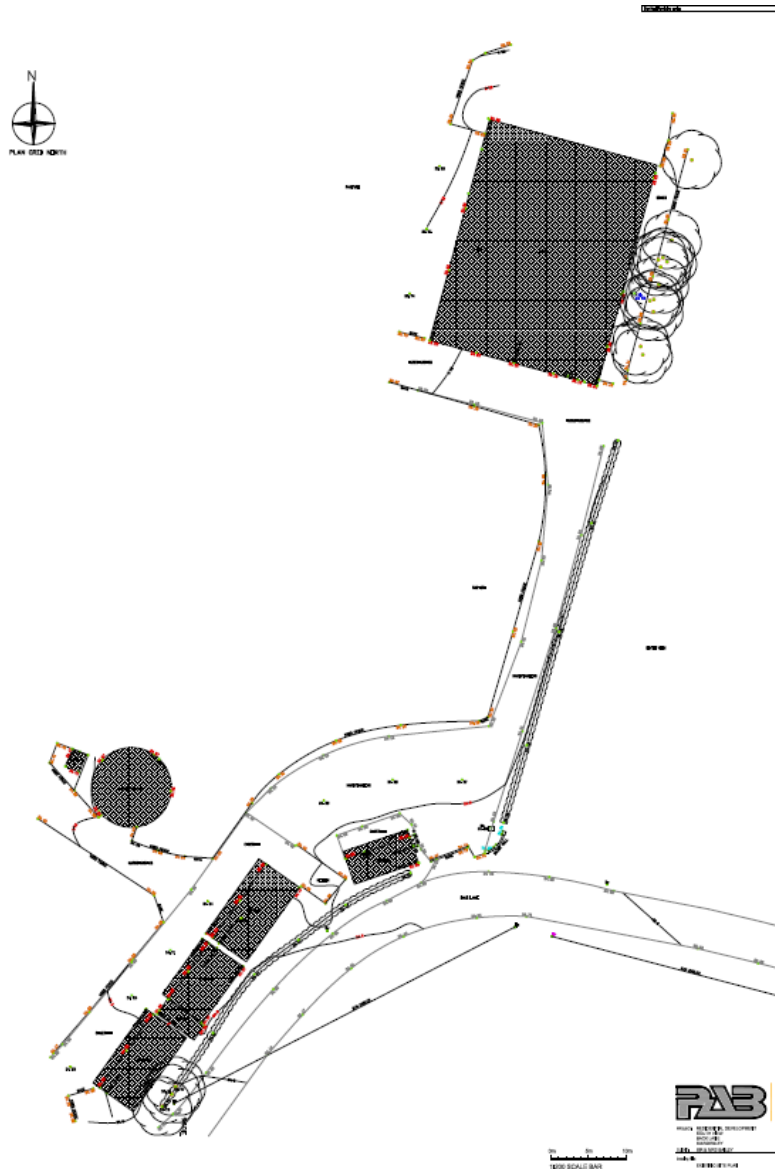
Location Plan



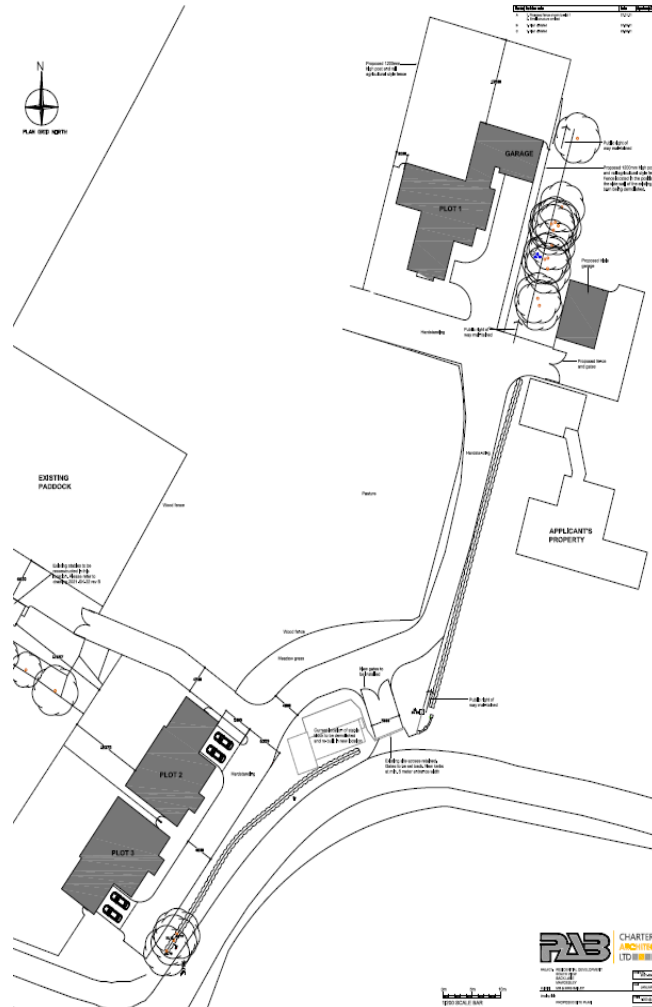
Aerial photo



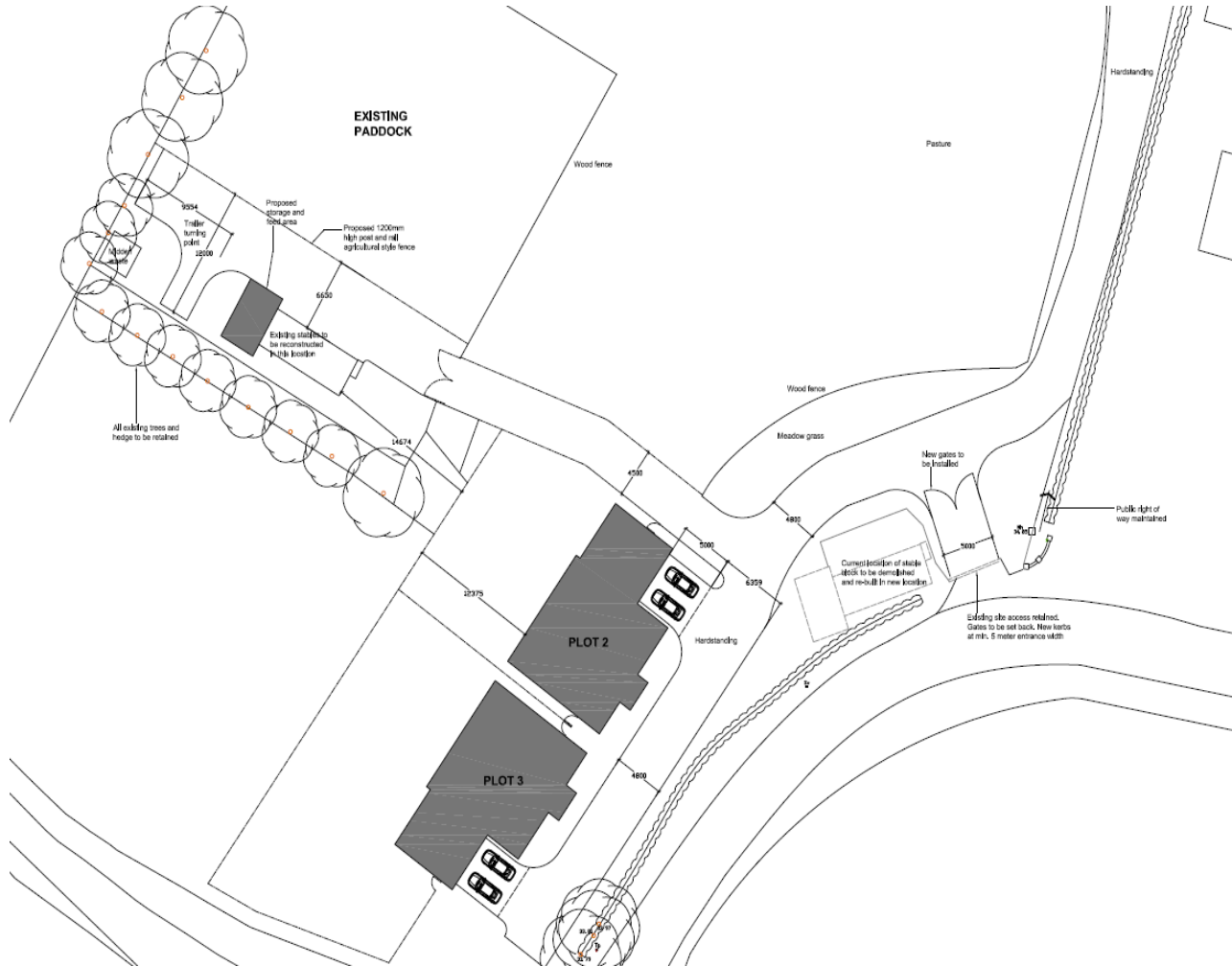
Existing Site Layout



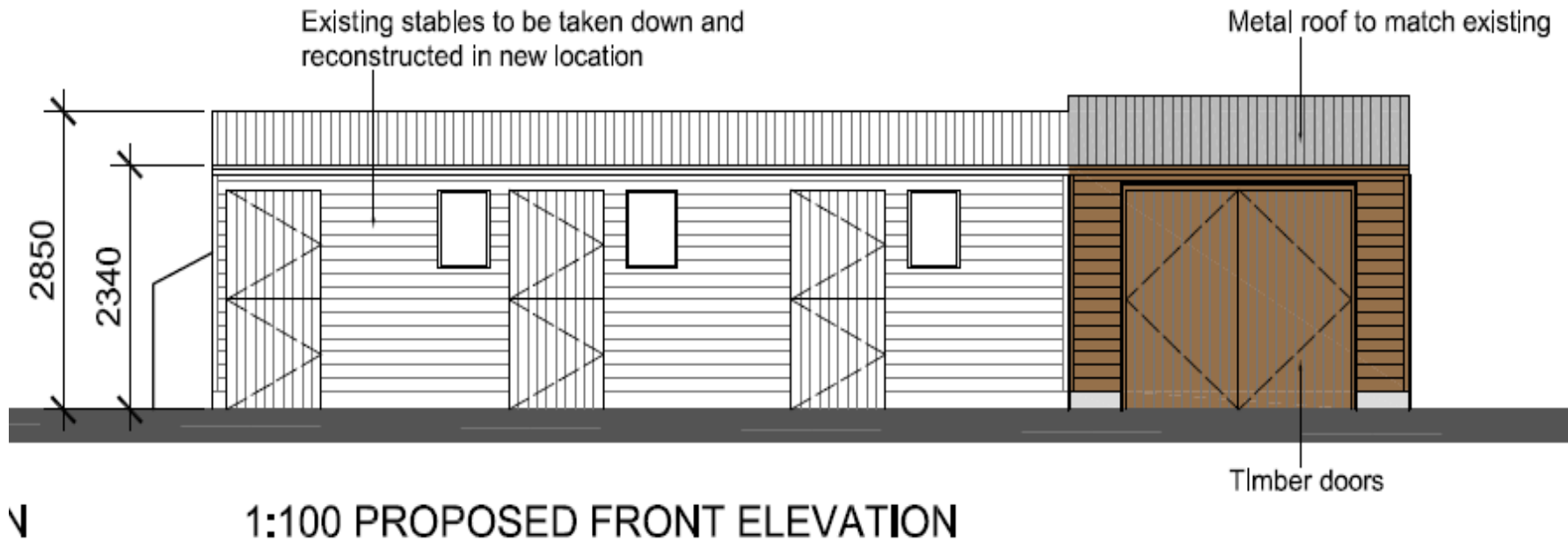
Proposed Site Layout



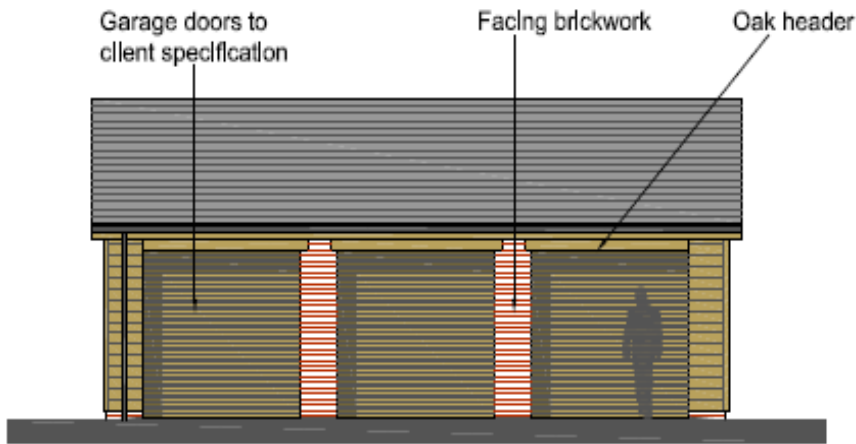
Proposed Site Plan Southern Area



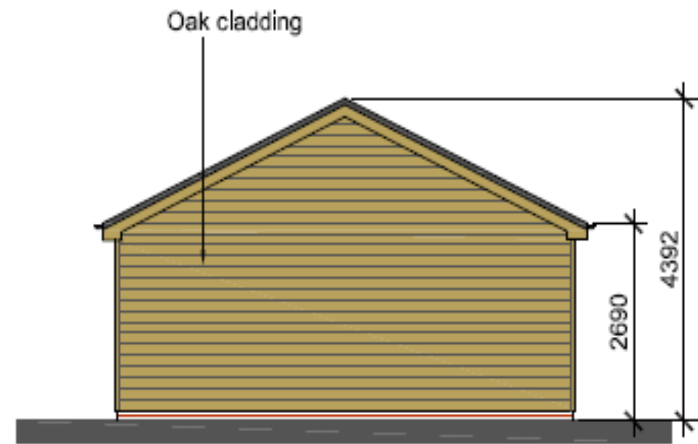
Proposed Stables (replacement)



Proposed Garage



1:100 FRONT ELEVATION



1:100 SIDE ELEVATION

Proposed Plot 1



Proposed Plot 1



Proposed Plot 2

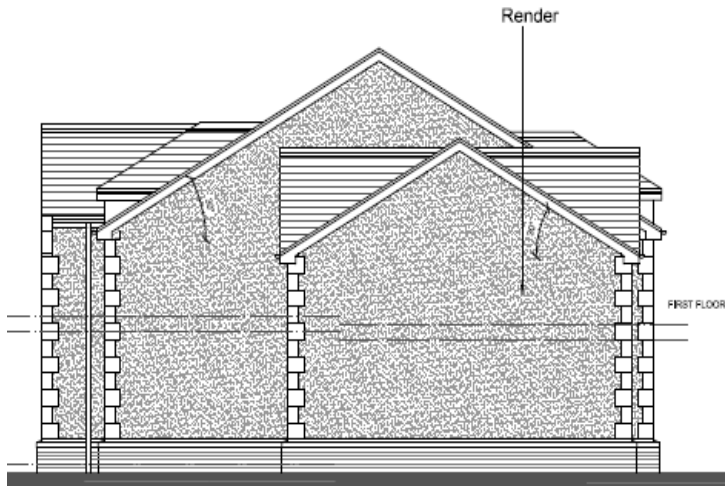


FRONT ELEVATION 1:100



REAR ELEVATION 1:100

Proposed Plot 2



SIDE ELEVATION 1:100



SIDE ELEVATION 1:100

Proposed Plot 3

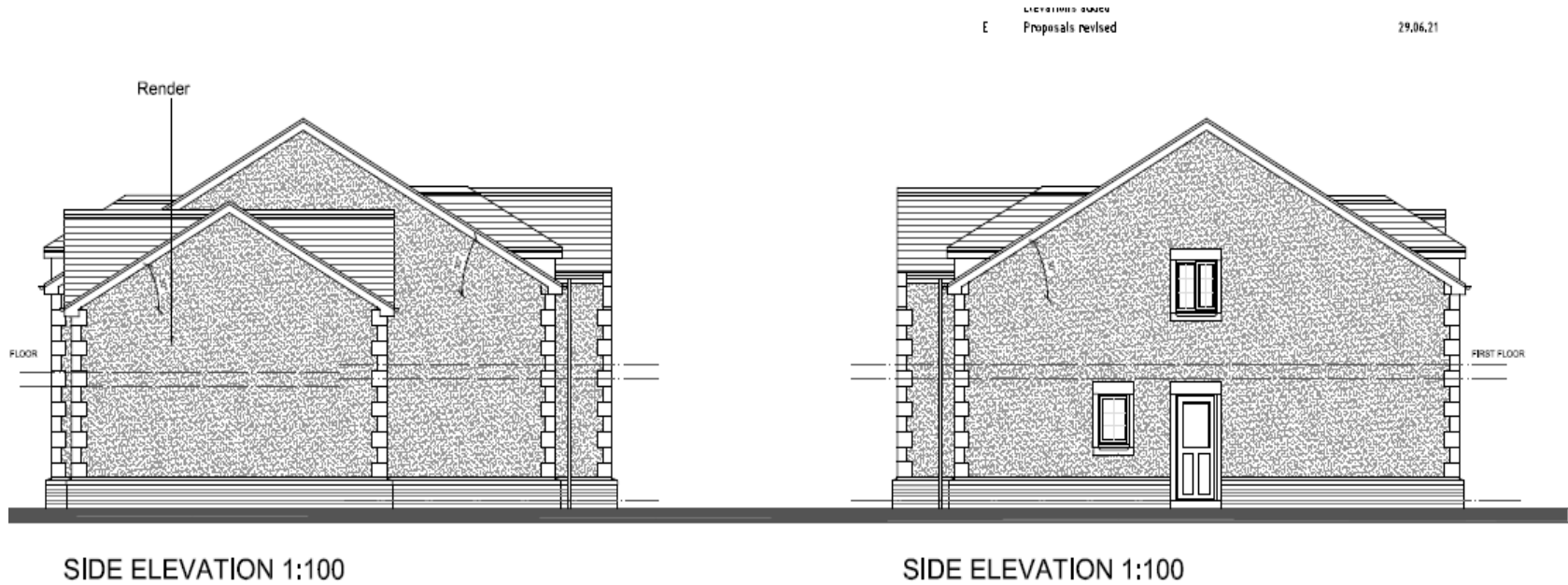


FRONT ELEVATION 1:100



REAR ELEVATION 1:100

Proposed Plot 3



Site photo



Site photo – Back Lane



Site photo



Site photo – South View



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ITEM 3e- 21/00380/FUL – South View Back Lane Mawdesley

The recommendation remains as per the original report.

The following conditions are recommended:

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 |
|---|---------------|----------------|
| Proposed Plans and Elevations | 2021 PL 103 A | 23 August 2021 |
| Proposed Site Plan | 2021 SK 20 C | 23 August 2021 |
| Proposed Site Plan South Area | 2021 SK 22 B | 23 August 2021 |
| Buildings and structures to be demolished | 2021 SK 21 A | 5 July 2021 |
| Location Plan | 2021 SK 11 A | 5 July 2021 |
| Plot 3 General Arrangement | 2021 SK 06 E | 5 July 2021 |
| Plot 1 Proposed Elevations | 2021 SK 09 B | 5 July 2021 |
| Plot 1 Proposed Plans / Elevations | 2021 SK 05 B | 5 July 2021 |
| Plot 2 General Arrangement | 2021 SK 30 | 5 July 2021 |
| Proposed Garage | 2021 BR 01 A | 5 July 2021 |

3. Prior to the commencement of the construction of each dwellinghouse hereby permitted, full details of all external facing and roofing materials of the respective dwellinghouse (notwithstanding any details shown on previously submitted plan(s) and specification) shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved.

Reason: In the interests of the appearance of the development and to ensure that the materials used are visually appropriate to the locality.

4. No dwelling hereby permitted shall be commenced until all existing buildings on the site identified for demolition (as shown on drawing number 2021 SK 21 A titled 'Buildings and Structures to be Demolished') are demolished in full and all resultant materials removed from the site.

Reason: The demolition of the existing buildings is necessary to make the development acceptable in the Green Belt as an exception to inappropriate development in the Green Belt as listed in paragraph 149 (g) of the National Planning Policy Framework (2021) and also in accordance with Chorley Local Plan 2012 - 2026 policy BNE5.

5. Prior to the commencement of the development hereby permitted, excluding the erection of the detached garage, a landscaping scheme of the site shall be submitted to and approved in writing by the Local Planning Authority.

This shall include:

- all existing trees and hedgerows on the land; detail any to be retained, together with measures for their protection during the course of development;

- indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded
 - The scheme shall also include a measure of biodiversity enhancements across the site
- All landscaping shall be carried out in accordance with the approved details within the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure that a satisfactory landscaping scheme for the development is carried out to mitigate the impact of the development and secure a high-quality design.

6. Prior to the commencement of development hereby permitted, excluding site works and demolition and the erection of the detached garage, full details of the colour, form and texture of all hard landscaping (ground surfacing materials) (notwithstanding any such detail shown on previously submitted plans and specification) shall 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, and shall be completed in all respects before the final completion of the development and thereafter retained.

Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area.

7. Prior to the erection of boundary treatments for each plot, full details of the alignment, height and appearance of all fences and walls and gates to be erected (notwithstanding any such detail shown on previously submitted plan(s)) shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until all fences and walls shown in the approved details to bound its plot have been erected in conformity with the approved details. Other fences and walls shown in the approved details shall have been erected in conformity with the approved details prior to substantial completion of the development.

Reason: To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents.

8. No dwellinghouse hereby permitted shall be occupied until that part of the access extending from the highway boundary for a minimum distance of 5 metres into the site is paved in tarmacadam, concrete, block paviers, or other approved materials.

Reason: To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to other road users.

9. All new dwellings are required to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations.

Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However, as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reduction as part of new residential schemes in the interests of minimising the environmental impact of the development.

10. Prior to the commencement of the development, excluding the erection of the detached garage, details shall be submitted to and approved in writing by the Local Planning Authority

demonstrating that each dwelling will meet the required Dwelling Emission Rate. The development thereafter shall be completed in accordance with the approved details.

Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However, as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development. This needs to be provided prior to the commencement so it can be assured that the design meets the required dwelling emission rate.

11. No dwelling hereby approved shall be occupied until a SAP assessment (Standard Assessment Procedure), or other alternative proof of compliance (which has been previously agreed in writing by the Local Planning Authority) such as an Energy Performance Certificate, has been submitted to and approved in writing by the Local Planning Authority demonstrating that the dwelling has achieved the required Dwelling Emission Rate.

Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However, as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development.

12. Foul and surface water shall be drained on separate systems. Surface water shall be drained in accordance with the hierarchy of drainage options in national planning practice guidance. In the event of surface water discharging to public sewer, the rate of discharge shall be restricted to the lowest possible rate which shall be agreed with the statutory undertaker prior to connection to the public sewer.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

13. No works to trees, shrubs or hedgerows or demolition of the buildings 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 that appropriate measures put in place to protect nesting bird interests on site.

Reason: All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981 (as amended).

14. No development shall commence or any vegetation clearance carried out until a method statement of reasonable avoidance measures for amphibians has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full conformity with the approved method statement.

Reason: reasonable avoidance measures are necessary due to the presence of a pond within proximity to the development, in the interests of nature conservation.

15. No development shall commence or vegetation clearance carried out until a method statement detailing eradication and/or control and/or avoidance measures for Himalayan Balsam has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full conformity with the approved method statement.

Reason: Himalayan Balsam has been recorded on site and is an invasive plant species.

16. The existing hedgerow to the site boundaries with Back Lane and Gorsey Lane shall be permanently retained.

Reason: The existing trees/hedgerows h make a significant contribution to the visual amenity of the area.

17. The existing hedgerow to the site boundaries with Back Lane and Gorsey Lane shall be protected at all times during site works and construction in accordance with BS 5837:2012

Reason: In the interests of the wellbeing of the existing trees/hedgerows which make a significant contribution to the visual amenity of the area.

18. The development hereby approved shall only be served by the access as shown on approved drawings 2021 SK 22 B titled 'Proposed Site Plan South Area' and 2021 SK 20 C titled 'Proposed Site Plan'.

Reason: In the interests highways safety.

APPLICATION REPORT – 21/00965/FUL

Validation Date: 6 August 2021

Ward: Clayton East, Brindle And Hoghton

Type of Application: Full Planning

Proposal: Erection of five dwellings and garages

Location: Straits Farm The Straits Hoghton Preston PR5 0DA

Case Officer: Mr Iain Crossland

Applicant: Lanley Developments Ltd.

Agent: Mr Daniel Hughes, PWA Planning

Consultation expiry: 2 September 2021

Decision due by: 1 October 2021

RECOMMENDATION

1. It is recommended that planning permission is granted subject to conditions.

SITE DESCRIPTION

2. The application site is located in the Village of Hoghton, within the settlement area that is excluded from the Green Belt. It comprises a small agricultural field associated with Straits Farm. The application site is bound by residential development to the south and west, with dwellings to the north separated by a narrow area of open land and agricultural land to the east. The character of the area is that of a rural village with a mixture of traditional and more contemporary buildings surrounded by open agricultural land. Planning permission has been previously granted for four dwellings on the site.

DESCRIPTION OF PROPOSED DEVELOPMENT

3. This application seeks planning permission for the erection of five detached dwelling houses and associated detached garages. Vehicular access would be taken from The Straits in a similar position to the existing farm access. The dwellings would comprise a mixture of differing house types in a traditional design style faced in stone and brick.

REPRESENTATIONS

4. Representations have been received from the occupiers no. 4 addresses citing the following grounds of objection:
 - Increase in traffic and resultant impact on highway safety.
 - Increase in traffic and resultant impact on amenity through noise and disturbance.
 - Impact on privacy.
 - Impact on the character of the area.
 - Loss of open rural views.
 - No need for more houses in Hoghton.
 - Overdevelopment of the site.
 - Development would result in the loss of one of the only green spaces in the village.

- Pollution from more vehicles.
- The development would set a precedent for other development.
- Impact on wildlife.
- Drainage could be damaged by the development.
- Legal boundaries cannot be altered through the development and trees and hedges in the ownership / part ownership of other private owners must not be altered without consent of owners.

CONSULTATIONS

5. Hoghton Parish Council: Have commented as follows:
 1. If approved the development would set a precedent for further development in the area.
 2. This is an over development of the site.
 3. There are highway health and safety issues resulting from another access to the busy Blackburn Old Road with increased traffic from the site. This access is a short distance from Quaker Brook Lane where there are significant highway problems.
 4. A new access is to be constructed as a result of development at Wise Mary`s Farm which will add to the number of accesses to Blackburn Old Road.
6. Greater Manchester Ecology Unit: Recommend conditions.
7. Waste & Contaminated Land: Have no objection.
8. Lancashire County Council Highway Services: Have no objection subject to conditions.
9. United Utilities: Have no objection subject to condition.

PLANNING CONSIDERATIONS

Principle of development

10. One of the core principles of the National Planning Policy Framework (the Framework) is that development should be focussed in locations that are sustainable. It is considered that the site is located in a relatively sustainable location with some access to public transport, some limited local amenities such as a local shop, community centre, church, sports club and public houses, and the means to access other nearby amenities, such as schools, relatively easily. The Framework also states that development in sustainable locations should be approved without delay.
11. Hoghton is not specified as an area for growth within Central Lancashire Core Strategy policy 1, which seeks to guide development at a strategic level, and falls to be considered as an 'other place'. Criterion (f) of Core Strategy policy 1 reads as follows:

"In other places – smaller villages, substantially built up frontages and Major Developed Sites – development will typically be small scale and limited to appropriate infilling, conversion of buildings and proposals to meet local need, unless there are exceptional reasons for larger scale redevelopment schemes."
12. The preamble to the policy provides some limited context to the policy wording stating that growth and investment should be confined here (in other places) to small scale infill, in the interests of sustainable development. The proposed development is small scale, being classified as minor development as it would not fall to be defined as major development by the Town and Country Planning (Development Management Procedure) (England) Order 2010. The development of five dwellings would be commensurate with the scale of the village, whilst the site itself represents one of only a very limited number of opportunities for development within the settlement area of the village. The proposed development would infill an area of the settlement with the site being well contained by existing development with residential property on three sides of the site resulting in an almost landlocked pocket of undeveloped land.
13. In addition to this, and as set out above, the location does have some sustainability credentials being located within the village that comprises, a number of amenities within

walking distance and the means to access other more distant amenities via a regular bus service. On this basis the site is considered to represent an infill opportunity within the village, in a strategic sense, and the development would be small scale and commensurate with the size of the settlement. The site and proposal are, therefore, considered to be in line with policy 1 of the Core Strategy, and would not be contrary to the aim of achieving sustainable development.

14. The application site forms part of land designated by policy V2 of the Chorley Local Plan 2012-2026 as within the Settlement Area of Hoghton. Within these areas there is a presumption in favour of appropriate sustainable development, subject to material planning considerations and compliance with other Development Plan policies.
15. Policy 31 of the Core Strategy seeks to protect the best and most versatile agricultural land (Grades 1, 2 and 3a) that occurs to the west of Central Lancashire. The application site does not fall within this area and is not of an appropriate grade. In addition to this, the field that comprises the application site is small, surrounded by housing on three sides and is of limited functional value in terms of its capacity to support the production of food using modern farming methods.
16. The proposed development comprises five dwellings in the settlement area of the village, on a site that is contained within a developed part of the village, and would be small scale development. It is, therefore, considered that the 'principle' of the proposed development is acceptable in compliance with the Framework, Core Strategy policy 1 and Chorley Local Plan policy V2.
17. It is also noted that there is an extant planning permission (ref. 19/00943/FUL) for the site for the erection of four dwellings.

Impact on character and appearance of locality

18. Policy BNE1 of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided the proposal does not have a significantly detrimental impact on the surrounding area by virtue of its density, siting, layout, building to plot ratio, height, scale and massing, design, orientation and use of materials; and that the layout, design and landscaping of all elements of the proposal, including any internal roads, car parking, footpaths and open spaces, are of a high quality and respect the character of the site and local area.
19. The proposed development comprises five detached dwellings with associated detached garages set within an area of land to the north of Straits Farm and behind houses that face The Straits. There are houses backing onto to the site to the south and west. As such the application site is relatively well screened from public views and is not prominent other than the point of access to The Straits. The site would be most visible from the access road to Rock Gardens east of the site, which is not a through road or a public right of way and so conveys only limited patronage resulting in limited public views of the site. As set out above there is no predominant design style in the village with a range of dwelling types, styles and materials in evidence. The nearest buildings along The Straits comprise stone terraces, agricultural buildings, bungalows in buff brick and render and other houses of red brick and render in both traditional and modern design styles. Similarly the houses along Quaker Brook Lane are a mixture of house types and materials.
20. The proposed dwellings would be detached and of a traditional design style, with more contemporary features such as balconies and full length window openings confined to the rear of the buildings, whilst three of the dwellings would have large areas of glazing to the front gables. There would be front porches to two of the dwellings, gable and pediment features, chimney stacks, stone quoins and some simple window detailing. The dwellings have been designed to display features and characteristics that would provide interest and are of an appropriate design response to the character of the locality. The heights of the proposed dwellings are relatively modest and would be appropriate to the site and commensurate with surrounding development. The use of stone, red brick and slate

materials would help the proposed dwellings to blend into the agrarian character of the traditional farm buildings to the west of the site and would contribute to a characterful form of development.

21. The proposed dwellings would be served by an access drive that would pass through the old farm yard and two of the dwellings would face onto it, whilst three of the dwellings would be perpendicular to it. Each property would have front and rear gardens, driveway parking and double garages. There would be a good level of outdoor amenity space and the layout of the proposed development results in a low density that reflects the character of the location. The access would connect with The Straits to the east side of the farm buildings and in a similar position to the existing site access. It is noted that there is a large oak tree to the east of the proposed access, which would be retained and protected during the formation of the access. As a result the access itself would have a limited impact on the streetscene along The Straits, and the character of The Straits would be maintained through the retention of the tree.
22. The proposed dwellings include detail and features of interest to all elevations. Given the proposed design and the scale of the proposed dwellings they would not be obtrusive when viewed from Rock Gardens.
23. Overall, it is considered that the proposed dwellings would result in a harmonious addition to the village, would be an appropriate design response to the site and character of the locality and overall would contribute positively to the character of the area. This complies with policy BNE1 of the Chorley Local Plan 2012 - 2026.

Neighbour amenity

24. Policy BNE1 of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that, where relevant to the development the proposal would not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or by creating an overbearing impact; and that the proposal would not cause an unacceptable degree of noise disturbance to surrounding land uses.
25. The nearest dwellings to the application site are located along The Straits to the south. The proposed dwellings at plot 1 and plot 5 are positioned such that they are perpendicular to the gardens to properties along The Straits. There would be no windows to habitable rooms in the first floor side elevations of these plots facing towards the properties on The Straits, and as such would have no adverse impact on privacy. Plot 1 would be positioned approximately 9m from the garden boundary with Dunsford and at least 20m from the main rear elevation to this dwelling, whilst plot 5 would be positioned approximately 8m from the garden boundary with Eagley Bank and at least 20m from the main rear elevation of this dwelling. As a result there would be no adverse impact on light or outlook by virtue of the positioning to the north, the degree of separation and scale of the proposed buildings.
26. Plot 3 and plot 4 would have front elevations facing towards the rear gardens of properties along The Straits. Plot 4 would be positioned approximately 13m from the garden boundary with Lenwade and at least 22m from the main rear elevation to this dwelling, which meets with the Council's interface guidelines, and is, therefore, considered to result in an acceptable relationship, whilst plot 3 is further distanced from these properties. As such the proposed dwellings meet with the Council's interface standards and would have no adverse impact on the amenity of occupiers of dwellings along The Straits in this regard.
27. In relation to the dwellings along Quaker Brook Lane, it is noted that the properties that back onto the site benefit from large rear garden areas. The dwelling at plot 2 has a rear elevation facing towards St Edmunds and Heatherdale, whilst plot 1 faces towards Heatherdale and White Croft, although it is noted that the positioning of the proposed dwellings would be at an angle to the existing dwellings. Plot 2 is positioned approximately 10m from the garden boundary to Heatherdale, and is at least 35m from this dwelling and further from St Edmunds, whilst plot 1 is approximately 10m from the garden boundary, and is at least 35m from the dwellings at Heatherdale and White Croft. The positioning of plots 1 and 2 meet

with the Council's interface guidelines, however, it is noted that the proximity to the garden boundaries only marginally meets the standard, whilst the proposal seeks to include balcony areas to the first floor rear elevations of the dwellings. Balconies promote a greater level of use and panorama than would normally be expected from standard bedroom windows, and, therefore, generate greater potential for overlooking. Plot 1 and plot 2 have, therefore, been amended to remove the balconies to the rear elevations and replace these with standard glazed window openings. Given the removal of the balconies from plot 1 and plot 2 it is considered that there would be no adverse impact on the amenity of the occupiers of any of the dwellings at Quaker Brook Lane.

28. The existing dwellings at Rock Gardens to the north face onto the site and are located over 30m from the site boundary. Given this degree of separation there would be no adverse impact on the amenity of the occupiers of these dwellings, and the development would be well in excess of the Council's interface guidelines in relation to these properties.
29. In relation to the potential for disturbance from vehicles accessing the site, which is a concern that has been raised in representations received, it is noted that the access drive would run directly to the rear of properties facing along The Straits and Quaker Brook Lane. Given that the driveway would serve only five dwellings, the vehicular traffic movements passing along the road would be limited and the associated speeds would be low. As such the level of noise and disturbance generated would be typical of domestic residential levels and would be limited and not considered harmful to amenity. This is particularly so when considered in comparison to the movement of agricultural machinery, as per the lawful situation at the site.
30. No boundary treatment details have been provided at this time. In the interests of privacy and domestic security it is recommended that a condition be attached to any grant of planning permission requiring full details of the position, heights, and types of boundaries to be erected on the site. It is recommended that those boundaries that adjoin the rear gardens of existing and proposed dwellings be a minimum of 1.8m in height and that boundary hedges are retained and incorporated where possible.
31. The relationships between the proposed dwellings themselves comply with the Council's interface standards and would have no unacceptable detrimental impact on residential amenity.

Highway safety

32. The proposed development would result in the construction of five dwellings with four bedrooms each. Each property would have a detached double garage in addition to driveway parking resulting in on-site parking provision for at least three cars per plot, which complies with the parking standards specified in policy ST4 of the Chorley Local Plan 2012 – 2026.
33. Vehicular access would be taken from The Straits in a similar position to the existing farm access. This is from the A675 which is a main distributor road and the diversion route for the M65. The speed limit has been reduced from 50mph to 40mph in April 2018 due to the high number of collisions on this road. The site access has been shown in drawing number 20/089/P24, which Lancashire County Council (LCC) Highway Services have assessed and consider to be acceptable. This includes a 2m wide footway to the west of the access for 10m into the site. LCC Highway Services are of the opinion that the highway layout conforms with the philosophy of the Manual for Streets; Creating Civilised Streets; policy ST4 of the Chorley Local Plan 2012 – 2024 and appendix A. It is noted, however, that the layout would not meet with the standards required for the estate road to be adopted by Lancashire County Council as the Local Highway Authority.
34. LCC Highway Services have requested that the two bus stops on The Straits are improved with quality bus stops and the provision of a shelter on the north side of The Straits. This is to promote sustainable forms of transport and aid social inclusion. The new site access and any bus stop upgrades would be required to be constructed under a s278 agreement of the 1980 Highways Act.

35. LCC Highway Services have confirmed that they do not have any objections regarding the proposed erection of five dwelling houses and garages and are of the opinion that the proposed development would not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

Ecology

36. Policy BNE9 of the Chorley Local Plan 2012 – 2026 stipulates that Biodiversity and Ecological Network resources will be protected, conserved, restored and enhanced; and that priority will be given to, among other things, protecting, safeguarding and enhancing habitats for European, nationally and locally important species.
37. The application is accompanied by an ecology assessment of the site. This has been reviewed by the Council's ecology advisors (Greater Manchester Ecology Unit) who advise that the ecological consultants appear to have undertaken a detailed survey of the site and carried out an appropriate level of survey. No significant ecological issues were identified by the developer's ecological consultant. GMEU consider that issues relating to nesting birds, hedgehog, invasive species and landscaping can be resolved via condition and or appropriate informative.
38. The site was assessed for all likely protected species. No evidence of any such species was found and all reasonably discounted. GMEU have no reason to doubt the findings of the report. No potential bat roosting habitat is present and the nearest pond, nearly 200m to the east, was assessed as poor quality, which when combined with the scale of the development reduces the risk further. It is not considered that any further information or measures are required.
39. The proposed development would result in the loss of potential bird nesting habitat particularly along the southern boundary. All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. It is, therefore, recommended that a condition is attached to any grant of planning permission preventing works to buildings, trees and hedges during the bird nesting season.
40. Cotoneaster and monbretia were both identified within the southern boundary of the site. Both species are included within Schedule 9 part 2 of the Wildlife & Countryside Act 1981, as amended. It is an offence to introduce or cause to grow wild any plant listed under this schedule. It is, therefore, recommended that a condition requiring a method statement detailing eradication and/or control and/or avoidance measures for rhododendron and monbretia be attached to any grant of planning permission.
41. A hedgehog was identified on an adjacent plot as part of a 2018 study. The hedgehog is a Species of Principal Importance under Section 41 of the Natural Environment and Rural Communities Act (2006), therefore, they must be taken into consideration by a public body when performing any of its functions with a view to conserving biodiversity. Whilst not protected under wildlife legislation they are protected under animal welfare legislation. It is, therefore, recommended that an informative reminding the applicant of their duties under the Wild Mammal (Protection) Act 1996 is applied to any permission.
42. The Framework states that the planning system should contribute to and enhance the natural and local environment. The proposed development would result in the replacement of improved grassland of low value ecological habitat with housing and gardens. The development would also result in the clearance of scrub along the southern boundary and the associated bird nesting potential and habitat for hedgehog. A new native hedge is proposed along the northern, southern and western boundaries and screen planting along the southern boundary with some tree, shrub and hedge planting within the site. Overall GMEU are satisfied with the landscaping proposals. It is recommended that a condition requiring the implementation of the landscaping plan is attached to any grant of planning permission in order to ensure adequate mitigation.

Flood risk and drainage

43. The application site is not located in an area that is at risk of flooding from pluvial or fluvial sources, according to Environment Agency mapping data. In accordance with the Framework and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.
44. The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. As such the developer should consider the following drainage options in the following order of priority:
1. into the ground (infiltration);
 2. to a surface water body;
 3. to a surface water sewer, highway drain, or another drainage system;
 4. to a combined sewer.
45. In the absence of a detailed foul and surface water drainage scheme at this stage it is recommended that the applicant submits details of a sustainable surface water drainage scheme and a foul water drainage scheme that is designed in accordance with the surface water drainage hierarchy outlined above. It is recommended that a condition be attached to any grant of planning permission requiring such details prior to the commencement of development.

Public open space

46. Policy HS4 of the Chorley Local Plan 2012 – 2026 requires public open space contributions for new dwellings to be provided in order to overcome the harm of developments being implemented without facilities being provided.
47. Until recently the National Planning Practice Guidance (NPPG) previously set out a threshold for tariff-style contributions, stating that planning obligations should not be sought from developments of 10 or less dwellings and which have a maximum combined floorspace of no more than 1000 square metres. This guidance has been removed from the latest NPPG and has been replaced with a requirement that planning obligations for affordable housing should only be sought for residential developments that are major developments.
48. Specifically the guidance was derived from the order of the Court of Appeal dated 13 May 2016, which gave legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014 which has not been withdrawn and which should, therefore, clearly still be taken into account as a material consideration in the assessment of planning applications
49. To this end whilst it would normally be inappropriate to require any affordable housing or social infrastructure contributions on sites below the thresholds stated, local circumstances may justify lower (or no) thresholds as an exception to the national policy. It would then be a matter for the decision-maker to decide how much weight to give to lower thresholds justified by local circumstances.
50. Consequently, the Council must determine what lower thresholds are appropriate based on local circumstances as an exception to national policies. The Council has agreed to only seek contributions towards provision for children/young people on developments of 10 dwellings or less.
51. There is currently a deficit of provision in Hoghton in relation to this standard, a contribution towards new provision in the settlement is, therefore, required from this development. The amount required is £134 per dwelling. However, a financial contribution for off-site provision can only be requested if there is an identified scheme for new provision due to pooling restrictions and at present there are none identified and therefore no contribution can be sought.

Sustainability

52. Policy 27 of the Core Strategy requires all new dwellings to be constructed to Level 4 of the Code for Sustainable Homes or Level 6 if they are commenced from 1st January 2016. It also

requires sites of five or more dwellings to have either additional building fabric insulation measures or reduce the carbon dioxide emissions of predicted energy use by at least 15% through decentralised, renewable or low carbon energy sources. The 2015 Deregulation Bill received Royal Assent on Thursday 26th March 2015, which effectively removes Code for Sustainable Homes. The Bill does include transitional provisions which include:

“For the specific issue of energy performance, local planning authorities will continue to be able to set and apply policies in their Local Plans which require compliance with energy performance standards that exceed the energy requirements of Building Regulations until commencement of amendments to the Planning and Energy Act 2008 in the Deregulation Bill 2015. This is expected to happen alongside the introduction of zero carbon homes policy in late 2016. The government has stated that, from then, the energy performance requirements in Building Regulations will be set at a level equivalent to the (outgoing) Code for Sustainable Homes Level 4. Until the amendment is commenced, we would expect local planning authorities to take this statement of the government’s intention into account in applying existing policies and not set conditions with requirements above a Code Level 4 equivalent.”

“Where there is an existing plan policy which references the Code for Sustainable Homes, authorities may continue to apply a requirement for a water efficiency standard equivalent to the new national technical standard, or in the case of energy a standard consistent with the policy set out in the earlier paragraph in this statement, concerning energy performance.”

53. Given this change, instead of meeting the code level, the dwellings should achieve a minimum dwelling emission rate of 19% above 2013 Building Regulations in accordance with the above provisions. This can be controlled by a condition.

Community Infrastructure Levy

54. The Chorley CIL Infrastructure Charging Schedule provides a specific amount for development. The CIL Charging Schedule was adopted on 16 July 2013 and charging commenced on 1 September 2013. The proposed development would be a chargeable development and the charge is subject to indexation in accordance with the Council’s Charging Schedule.

Other matters

55. The setting of a precedent: All planning applications must be determined on their individual merits and any development of this site would not compromise the Council’s ability to assess future applications against the development plan.
56. Loss of a green space provided by the field: The application site is an agricultural field and does not serve a purpose as public amenity land. There is no public access and no open space designation covering the site.
57. Loss of views: This is not a material planning consideration.
58. Alteration to hedges and boundaries: This is a civil matter between the applicant and any adjoining land owners.
59. No need for more houses in Hoghton; There is no limit on the number of houses to be provided in an area or across the Borough. The provision of housing is a benefit.
60. Pollution from more vehicles: There is no evidence of poor air quality in this location, and no evidence that the development would lead to a harmful impact on air quality.
61. Drainage could be damaged by the development: It is recommended that a surface water drainage scheme is provided prior to any commencement of development. This should identify a suitable method for draining the site that would not lead to surface water run off that exceeds current rates.

CONCLUSION

62. It is considered that the proposed development would have no detrimental impact on the character of the area and accords with the aims of policies within the Framework, Central Lancashire Core Strategy and Chorley Local Plan 2012 – 2026 that seek to achieve sustainable development. It is also considered that the proposed development would not give rise to undue harm to the amenities of neighbouring residents or result in any unacceptable impact on highway safety.

63. Suggested conditions

To follow.

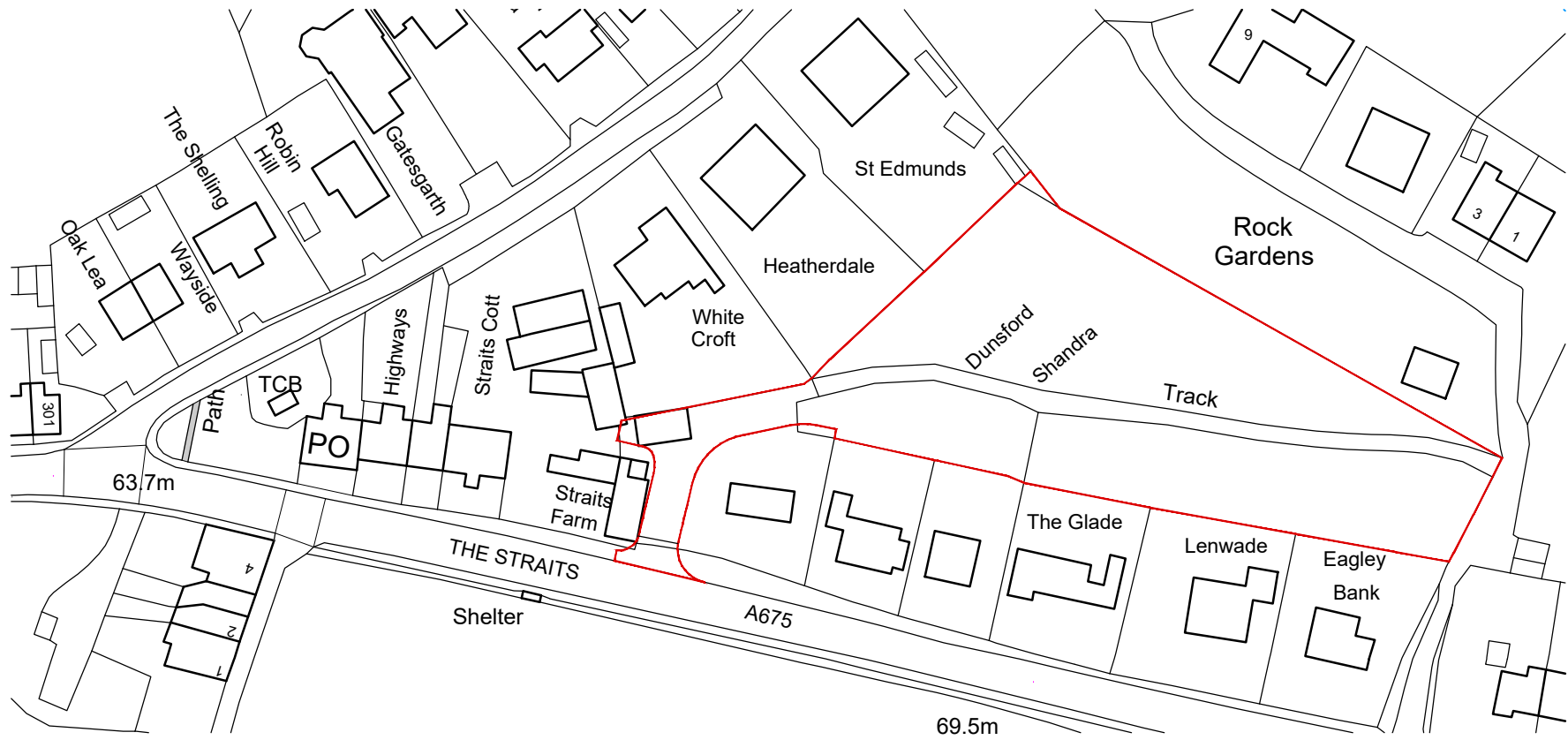
RELEVANT HISTORY OF THE SITE

Ref: 19/00943/FUL **Decision:** PERFPP **Decision Date:** 7 February 2020

Description: Erection of four dwelling houses and garages

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.

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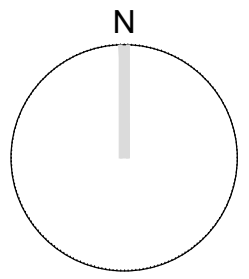



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Scale: 1:1250

Revision Notes:



| | | | | | |
|---|--|--------------------|------------------------------|---------------|--|
|  | CLIENT Lanley Homes. | | | | |
| | PROJECT NAME Proposed development of 5no detached dwellings with garages at | | | | |
| | Straits Farm, The Straits, Houghton, PR5 0DA. | | | | |
| DRAWING NAME Location Plan. | | | | | |
| SCALE 1:1250 @ A4 | DRAWN BY JRM | DATE 15:07:2021 | DRAWING NUMBER 20/089/L05 | REVISION - | |

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Planning
Committee Meeting

05 October 2021



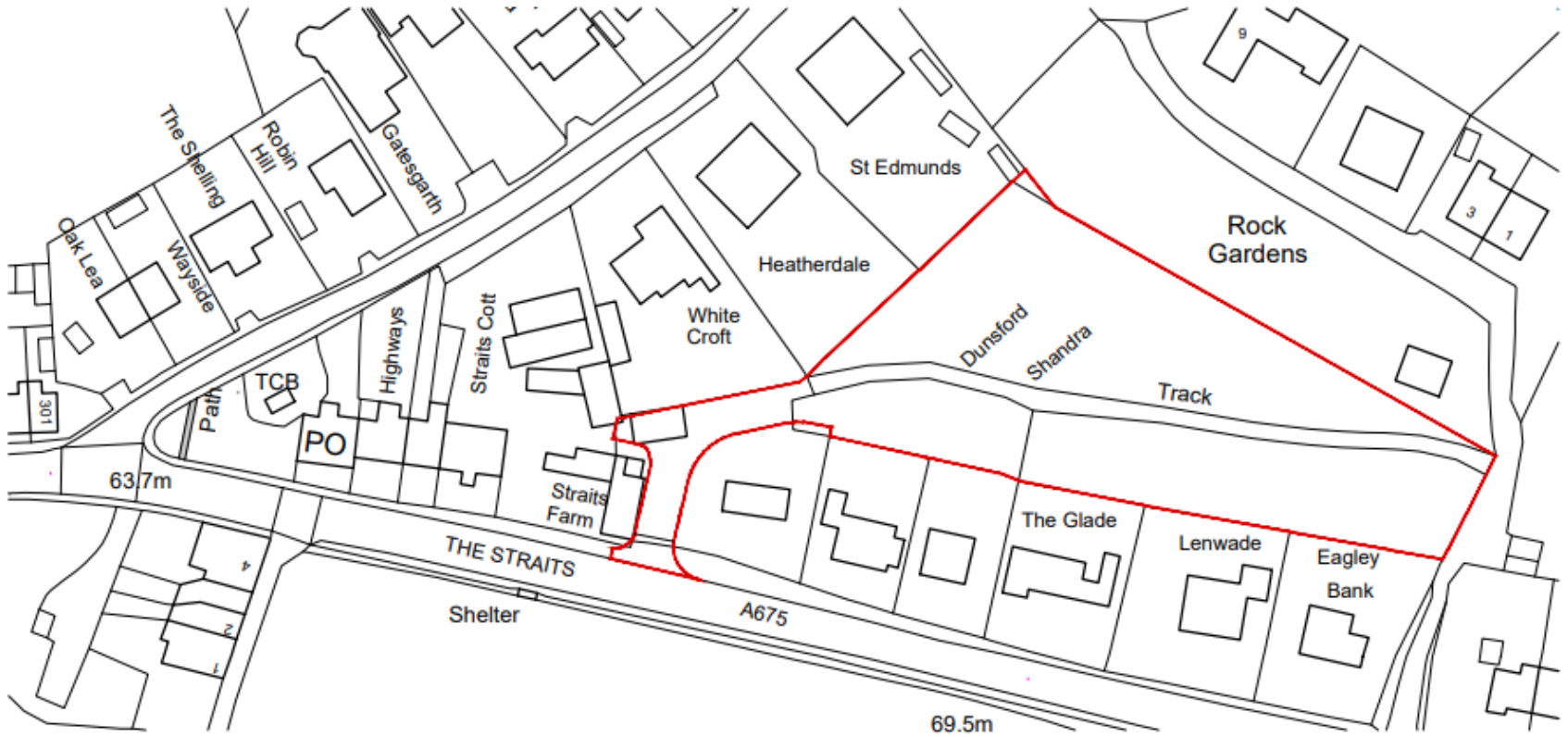
Item 3f

21/00965/FUL

Straits Farm, The Straits, Hoghton

Erection of five dwellings and garages

Location Plan



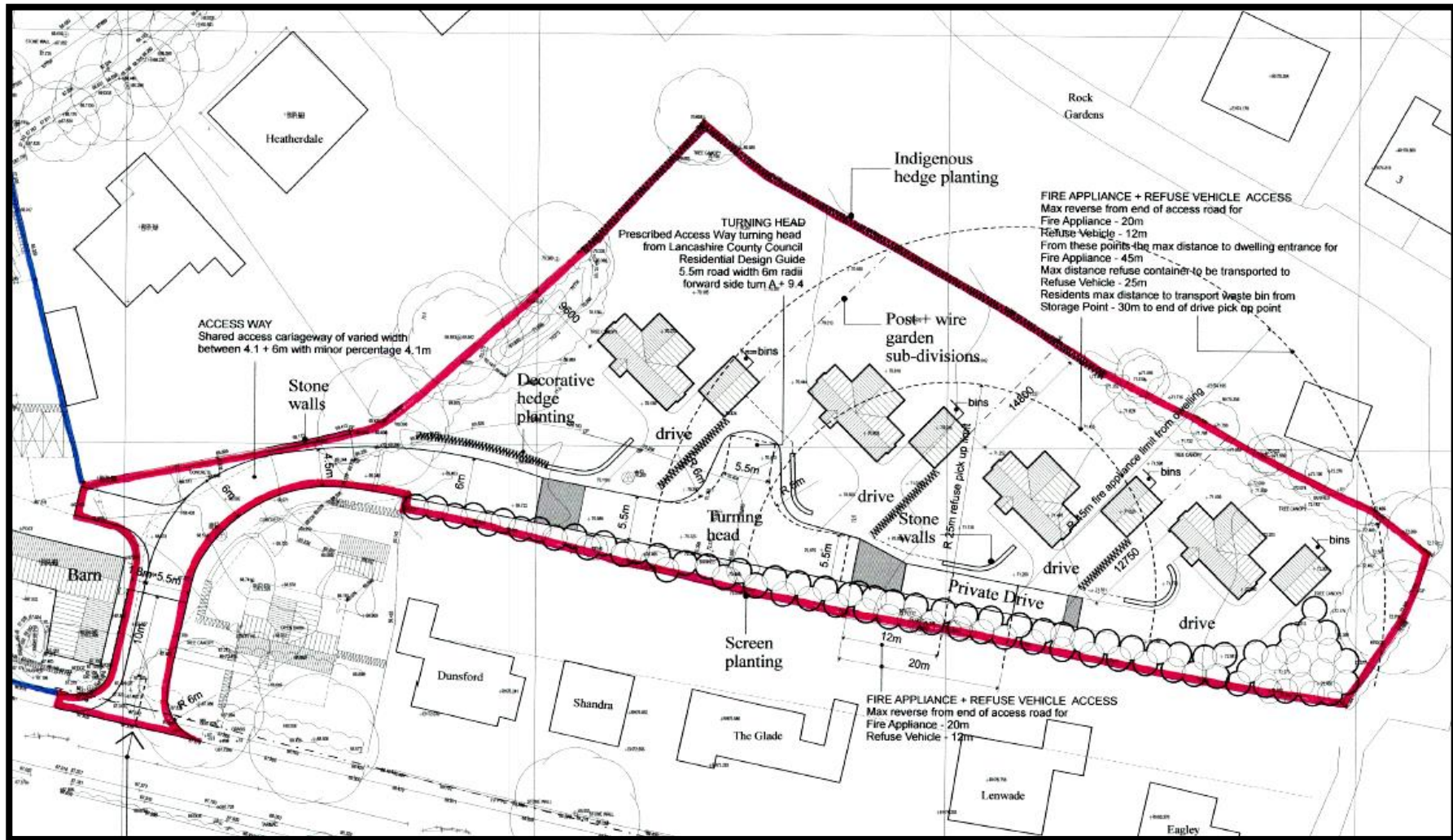
Aerial photo



Proposed site plan



Previously approved site plan



Proposed house type – plot 1



FRONT



SIDE (R)



REAR



SIDE (L)

Proposed house type – plot 2



FRONT



SIDE (R)



REAR



SIDE (L)

Proposed house type – plot 3



FRONT



SIDE (R)



REAR



SIDE (L)

Proposed house type – plot 4



FRONT



SIDE (R)



REAR



SIDE (L)

Proposed house type – plot 5



FRONT



SIDE (R)



REAR



SIDE (L)

Site photo



Site photo



Site photo



Site photo



Site photo



View towards site entrance



Site entrance / The Straits



ITEM 3f - 21/00965/FUL – Straits Farm, The Straits, Hoghton

The recommendation remains as per the original report

(4)No. further letters of objection have been received setting out the following issues:

Impact of the development and access on highway safety

- Concerns as to whether adequate visibility at the access can be achieved.
- The estate road would not be to an adoptable standard.
- Loss of views.
- Adverse impact on privacy
- Loss of open land within the centre of the village.
- Disruptive impact of the development on residents.
- Noise impact from new residents accessing the houses.
- Overdevelopment
- No need for more houses.
- Any houses that area needed in this area would be for first time buyers.
- Adverse impact on the character of the area.
- Adverse impact on drainage.
- Ecological impacts

The following consultee responses have been received:

LCC Highways have responded in relation to comments received about the highway safety situation and visibility. They have noted that the access has already been approved as part of planning permission 19/00943/FUL, which proved adequate sightlines could be achieved and are recommended to be condition in any grant of planning permission in this instance. In relation to the adoption of the estate road LCC note that smaller estates such as this are not normally adopted and privately maintained.

The following conditions are recommended:

| No. | Condition | | | | | | | | | | | | | | | | | | |
|---------------------|--|-------------------|-------------------|---------------|---------------|------------|----------------|--------------------|------------|----------------|---------------------|---------------|----------------|---------------------|------------------|-------------------|---------------------|------------------|-------------------|
| 1. | <p>The proposed development must be begun not later than three years from the date of this permission.</p> <p><i>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.</i></p> | | | | | | | | | | | | | | | | | | |
| 2. | <p>The development shall be carried out in accordance with the following plans:</p> <table border="1" data-bbox="320 1704 1307 2020"> <thead> <tr> <th data-bbox="320 1704 743 1771">Title</th> <th data-bbox="743 1704 1007 1771">Drawing Reference</th> <th data-bbox="1007 1704 1307 1771">Received date</th> </tr> </thead> <tbody> <tr> <td data-bbox="320 1771 743 1807">Location Plan</td> <td data-bbox="743 1771 1007 1807">20/089/L05</td> <td data-bbox="1007 1771 1307 1807">06 August 2021</td> </tr> <tr> <td data-bbox="320 1807 743 1843">Proposed Site Plan</td> <td data-bbox="743 1807 1007 1843">20/089/P24</td> <td data-bbox="1007 1807 1307 1843">06 August 2021</td> </tr> <tr> <td data-bbox="320 1843 743 1879">Landscape Proposals</td> <td data-bbox="743 1843 1007 1879">6656.06 Rev.A</td> <td data-bbox="1007 1843 1307 1879">06 August 2021</td> </tr> <tr> <td data-bbox="320 1879 743 1946">House Type B Plot 1</td> <td data-bbox="743 1879 1007 1946">20-089-P09 Rev.A</td> <td data-bbox="1007 1879 1307 1946">28 September 2021</td> </tr> <tr> <td data-bbox="320 1946 743 2020">House Type B Plot 2</td> <td data-bbox="743 1946 1007 2020">20-089-P11 Rev.A</td> <td data-bbox="1007 1946 1307 2020">28 September 2021</td> </tr> </tbody> </table> | Title | Drawing Reference | Received date | Location Plan | 20/089/L05 | 06 August 2021 | Proposed Site Plan | 20/089/P24 | 06 August 2021 | Landscape Proposals | 6656.06 Rev.A | 06 August 2021 | House Type B Plot 1 | 20-089-P09 Rev.A | 28 September 2021 | House Type B Plot 2 | 20-089-P11 Rev.A | 28 September 2021 |
| Title | Drawing Reference | Received date | | | | | | | | | | | | | | | | | |
| Location Plan | 20/089/L05 | 06 August 2021 | | | | | | | | | | | | | | | | | |
| Proposed Site Plan | 20/089/P24 | 06 August 2021 | | | | | | | | | | | | | | | | | |
| Landscape Proposals | 6656.06 Rev.A | 06 August 2021 | | | | | | | | | | | | | | | | | |
| House Type B Plot 1 | 20-089-P09 Rev.A | 28 September 2021 | | | | | | | | | | | | | | | | | |
| House Type B Plot 2 | 20-089-P11 Rev.A | 28 September 2021 | | | | | | | | | | | | | | | | | |

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|----|--|---------------|-----------------|
| | House Type A Plot 3 | 20/089/P08 | 06 August 2021 |
| | House Type C Plot 4 | 20/089/P10 | 06 August 2021 |
| | House Type C Plot 5 | 20/089/P12 | 06 August 2021 |
| | Double Garage | 20/089/G01 | 06 August 2021 |
| | Tree Protection Plan | 6656.07 Rev.A | 04 October 2021 |
| | <i>Reason: For the avoidance of doubt and in the interests of proper planning.</i> | | |
| 3. | <p>Prior to the commencement of development details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:</p> <ul style="list-style-type: none"> (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). (ii) A restricted rate of discharge of surface water agreed with the local planning authority. (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD; (iv) Incorporate mitigation measures to manage the risk of sewer surcharge; and (v) Foul and surface water shall drain on separate systems within the site. <p>The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and no surface water shall discharge to the public sewer either directly or indirectly.</p> <p>Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.</p> <p><i>Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.</i></p> | | |
| 4. | <p>Prior to the erection of the superstructure of the dwellings hereby approved samples of all external facing and roofing materials (notwithstanding any details shown on previously submitted plan(s) and specification) shall be 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><i>Reason: To ensure that the materials used are visually appropriate to the locality.</i></p> | | |
| 5. | <p>Prior to the erection of the superstructure of the dwellings hereby approved, full details of the alignment, height and appearance of all fences and walls and gates to be erected (notwithstanding any such detail shown on previously submitted plan(s)) shall have been submitted to and approved in writing by the Local Planning Authority. The dwellings shall not be occupied until all fences and walls shown in the approved details to bound its plot have been erected in conformity with the approved details.</p> | | |

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| | <p>Other fences and walls shown in the approved details shall have been erected in conformity with the approved details prior to substantial completion of the development.</p> <p><i>Reason: To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents.</i></p> |
| 6. | <p>No works to trees or hedgerows shall occur or building works commence 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><i>Reason: Nesting birds are a protected species.</i></p> |
| 7. | <p>Prior to any earthworks being carried out a method statement detailing eradication and/or control and/or avoidance measures for wall cotoneaster and monbretia shall be supplied to and agreed in writing by the Local Planning Authority. The agreed method statement shall be adhered to thereafter and implemented in full unless otherwise agreed in writing by the Local Planning Authority.</p> <p><i>Reason: Due to the presence of invasive plant species.</i></p> |
| 8. | <p>All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the earlier, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species..</p> <p><i>Reason: In the interest of the appearance of the locality.</i></p> |
| 9. | <p>The development hereby approved shall be carried out in accordance with the details contained in the approved Tree Protection Plan (Ref. 6656.07 Rev.A) and Arboricultural Impact Assessment and Method Statement (ref. MG/6656/AIA&AMS/REVA/OCT21) received 04 October 2021. All remaining trees must be fully safeguarded in accordance with BS5837.2012 for the duration of the site works unless agreed in writing with the Local Planning Authority.</p> <p><i>Reason: To safeguard the trees to be retained.</i></p> |
| 10. | <p>The dwellings hereby approved are required to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations.</p> <p><i>Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reduction as part of new residential schemes in the interests of minimising the environmental impact of the development.</i></p> |

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| 11. | <p>Prior to the erection of the superstructures of the dwellings hereby approved details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that each dwelling will meet the required Dwelling Emission Rate. The development thereafter shall be completed in accordance with the approved details.</p> <p><i>Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development. This needs to be provided prior to the commencement so it can be assured that the design meets the required dwelling emission rate.</i></p> |
| 12. | <p>The layout of the development shall include provisions to enable vehicles to enter and leave the highway in forward gear and such provisions shall be laid out in accordance with the approved plan and the vehicular turning space shall be laid out and be available for use before any development commences and a suitable turning area is to be maintained thereafter.</p> <p><i>Reasons: Vehicles reversing to and from the highway are a hazard to other road users, for residents and construction vehicles.</i></p> |
| 13. | <p>The new estate road for the approved development shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base-course level up to the entrance of the site compound before any development takes place within the site and shall be further extended before any development commences fronting the new access road.</p> <p><i>Reasons: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.</i></p> |
| 14. | <p>No part of the development shall be commenced until the visibility splays measuring 2.4 metres by 102 metres in both directions are provided, measured along the centre line of the proposed new road from the continuation of the nearer edge of the existing carriageway of The Straits. The land within these splays shall be maintained thereafter, free from obstructions such as walls, fences, trees, hedges, shrubs, ground growth or other structures within the splays in excess of 1.0 metre in height above the height at the centre line of the adjacent carriageway.</p> <p><i>Reasons: To ensure adequate visibility at the street junction or site access in the interest of highway safety in accordance with Quality of Development Policy and Transport Policy in the Local Plan.</i></p> |
| 15. | <p>No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Local Highway Authority as part of a section 278 agreement, under the Highways Act</p> |

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| | <p>1980.</p> <p><i>Reasons: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site and to enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users.</i></p> |
| <p>16.</p> | <p>No part of the development hereby approved shall be occupied until the approved scheme for the construction of the site access and the off-site works of highway improvement has been constructed and completed in accordance with the approved scheme details, without prior agreement from the Local Planning Authority.</p> <p><i>Reasons: In order that the traffic generated by the new development does not exacerbate unsatisfactory highway conditions in advance of the first occupancy or trading.</i></p> |
| <p>17.</p> | <p>Prior to the commencement of development a Traffic Management Plan (TMA) shall be submitted to and approved in writing by the Local Planning Authority (in conjunction with the highway authority). The TMA shall include and specify the provisions to be made for the following:-</p> <ul style="list-style-type: none"> • The parking of vehicles of site operatives and visitors; • Loading and unloading of plant and materials used in the construction of the development; • Storage of such plant and materials; • Wheel washing facilities; • Hours of operation (including deliveries) during construction • Periods when plant and materials trips should not be made to and from the site (mainly peak hours but the developer to identify times when trips of this nature should not be made) • Routes to be used by vehicles carrying plant and materials to and from the site; • Measures to ensure that construction and delivery vehicles do not impede access to adjoining properties. <p><i>Reasons: to protect existing road users and to maintain the operation and safety of the local highway network and to minimise the impact of the construction works on the local highway network.</i></p> |
| <p>18.</p> | <p>Notwithstanding the details shown on the submitted plans, the proposed driveway/hardsurfacing to the front of the property shall be constructed using permeable materials on a permeable base, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the boundaries of the property (rather than to the highway), unless otherwise agreed to in writing by the Local Planning Authority.</p> <p><i>Reason: In the interests of highway safety and to prevent flooding.</i></p> |
| <p>19.</p> | <p>The development hereby approved shall be carried out in full accordance with the approved remediation works as outlined in section 14 of the Geoenvironmental Appraisal report (ref.30256/1) dated April 2021 and submitted 06 August 2021.</p> |

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| | <p>Prior to the occupation of any of the dwellings hereby approved remediation and validation reports shall be submitted to the Local Planning Authority for approval.</p> <p>Should, during the course of the development, any contaminated material other than that referred to in the investigation and risk assessment report and identified for treatment in the remediation proposals be discovered, then the development should cease until such time as further remediation proposals have been submitted to and approved in writing by the Local Planning Authority.</p> <p><i>Reason: Please note it is the applicant's responsibility to properly address any land contamination issues, to ensure the site is suitable for the proposed end-use, in accordance with Paragraph 121 of the National Planning Policy Framework (DCLG, 2012).</i></p> |
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APPLICATION REPORT – 21/01389/OUTMAJ

Validation Date: 14 January 2021

Ward: Croston, Mawdesley And Euxton South

Type of Application: Major Outline Planning

Proposal: Outline application for the construction of sports pitches and multi use games areas (with all matters reserved).

Location: Croston Sports Club Westhead Road Croston Leyland PR26 9RR

Case Officer: Mr Iain Crossland

Applicant: Croston Together

Agent: Mr Richard Bramley, Bramley - Pate + Partners

Consultation expiry: 11 June 2021

Decision due by: 08 October 2021

RECOMMENDATION

1. It is recommended that outline planning permission is granted subject to conditions.

SITE DESCRIPTION

2. The application site comprises grassed pasture land located in the settlement area of Croston within a central area of the village. There is residential development to the north, south and east, with existing sports pitches and supporting facilities to the west. The character of the area is generally of an urban setting, although the village is surrounded by agricultural land and is distinctly separate from other settlements, which are some distance away. The site itself is relatively bare and featureless other than some trees and hedges to the periphery of the site.

DESCRIPTION OF PROPOSED DEVELOPMENT

3. This application seeks outline planning permission for the construction of sports pitches and multi use games areas with all matters reserved. An indicative site plan has been submitted, which identifies four junior football pitches and four multi use games areas within the main body of the site, a car parking area to the south and a bowling green in the south east corner, with landscaping to the periphery, footpaths and an attenuation pond to the north. Such a layout and quantum of development is, however, only indicative at this stage.
4. It is noted that a separate outline planning application has been submitted for the erection of a community centre and changing facilities with all matters reserved on the same site.

REPRESENTATIONS

5. 14no. representations in support have been received.
6. 5no. representations have been received citing the following grounds of objection:
 - Impact on highway safety
 - Impact on amenity through noise disturbance

- Impact on amenity through light pollution from any floodlighting that may be installed.
- Impact on privacy of existing residents.
- Support for the principle of development but concerns over the details.
- Concerns over the provision of a 4G floodlit pitch.
- A 4G floodlit pitch is not necessary.
- Is there a need for these facilities in Croston.
- Would prefer to see other sports represented other than football.

7. Cllr Paul Sloan has submitted a letter of support stating:

I am emailing to voice my support for the above applications. The project which these applications relate to, Project Space, promise to bring wonderful facilities and opportunities to the village of Croston and the surrounding areas. The combination of the community centre in the project will encourage wider participation in sports from the community, encouraging old and young alike.

The project will bring much needed facilities (e.g. 7v7 football pitches), a shortfall of which has been highlighted in local plans, to the borough. The project has a strong emphasis on the physical and mental well-being of members of the community and I believe this project will do much for the overall health of the area.

CONSULTATIONS

8. Croston Parish Council: Have confirmed that they wish to offer its support for this application.
9. Greater Manchester Ecology Unit: Recommend conditions.
10. Waste & Contaminated Land: Have confirmed that they have no comments to make.
11. Lancashire Highway Services: Have no objection.
12. Lead Local Flood Authority: Have no objection subject to conditions.
13. Sport England: Have offered its support in principle for this this application subject to conditions.
14. United Utilities: Have no objection subject to conditions.
15. Environment Agency: Have no objection.

PLANNING CONSIDERATIONS

Principle of the Development

16. The National Planning Policy Framework (the Framework) states that applications should be considered in the context of the presumption in favour of sustainable development. This means that development proposals that accord with the development plan should be approved without delay.
17. Of particular relevance to the proposed development Paragraph 98 of Framework states “Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities[...]”.
18. Policy 24 of The Central Lancashire Core Strategy, which covers sport and recreation, seeks 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.
19. The application site is located in the settlement area of Croston, and borders the Croston Conservation Area to the south east corner of the site. The Chorley Local Plan 2012 - 2026

states that within the settlement areas excluded from the Green Belt, and identified on the Policies Map, there is a presumption in favour of appropriate sustainable development.

20. The site is allocated for New Open Space, Sport and Recreational Facilities under policy HW1 of the Chorley Local Plan 2012 – 2026. This states that proposals for the provision of new open space, sport and recreational facilities or extensions to existing facilities will be permitted if all criteria of the policy are met. These are set out and addressed as follows:
21. *The development will not have an adverse impact on the local environment or visual character of the landscape;*
The site is well defined and contained between residential developments to the north and east, Westhead Road to the south, beyond which are dwellings and existing sports pitches to the west. The site is predominantly managed grassland with very few features other than some hedgerows and trees to the periphery, and is otherwise somewhat featureless. The site appears as a rather anomalous space within the centre of the village, where one might expect to find recreational land rather than agricultural pasture. The development of the land for a sport and recreational purpose would not, therefore, have any adverse impact on the visual character of the landscape. As the application is in outline only at this point it is not possible to assess the impact of any structures or features that might be proposed, however, it is considered that sports pitches and recreation facilities could be developed on the land without any adverse impact on the local environment or visual character of the landscape;.
22. *The development will not result in the loss of the best and most versatile agricultural land (Grades 1, 2 and 3);*
The soil type in the area is Grade 3 agricultural land but more detailed information as to whether it is 'best and most versatile' (i.e. whether it is Grade 3a or 3b) is not available, however, its isolation from other parcels of agricultural land and position within the centre of the village render the land to be of limited agricultural value.
23. *The development will not cause harm to a site of nature conservation value;*
A number of surveys have been provided by the applicant, which have been assessed by Greater Manchester Ecology Unit, who confirm that the predominant habitat on the site is species poor modified grassland with limited ecological value. On the boundaries of the site more ecologically interesting habitats are present including hedgerows, ditches and a stream. Other than nesting birds, however, no protected species were considered likely to occur on the site and be impacted by the proposals. A more detailed assessment is carried out below.
24. *The development will not harm the amenities of local residents;*
The proposal is for the redevelopment of the existing agricultural land to provide sports pitches and multi use games areas the details of which are not known at this stage. The development of such facilities would improve the quality of and access to sports provision in the area adding to the amenities available to local people. The impact of the development on the residential amenity of neighbouring occupiers is assessed below.
25. *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.*
The site is within walking/cycling distance of residents of Croston village and the pedestrian and cycle links are good. There is public transport serving the village with a bus service and railway station to the northern end of Railway Road. As such the site is accessible by a choice of means of transport other than the private car. In terms of the impact on the local highway network it is not possible to carry out a full assessment of this impact without full details of the proposed development having first been provided.
26. Overall, it is considered that this proposal would improve access to high quality open space and opportunities for sport and physical activity through the comprehensive development of the land in line with the Framework, policy 24 of the Central Lancashire Core Strategy and policy HW1 of the Chorley Local Plan 2012 – 2026 and is acceptable in principle.

Design and impact on the character of the area

27. Policy BNE1 of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided the proposal does not have a significantly detrimental impact on the surrounding area by virtue of its density, siting, layout, building to plot ratio, height, scale and massing, design, orientation and use of materials; and that the layout, design and landscaping of all elements of the proposal, including any internal roads, car parking, footpaths and open spaces, are of a high quality and respect the character of the site and local area.
28. The application site is well contained by residential development to the north and east with existing sports fields to the west. There is a highway to south at Westhead Road that the site would front onto and which provides the main public vantage point. The site currently comprises a grassland pasture without any particular features or character other than to the periphery. The character of the site would remain that of open land, and although the development of the site for playing pitches is likely to result in the need to introduce buildings and structures, the application is in outline only and, therefore, no such details are known at this stage. The way in which the site may be developed and landscaped should be carefully considered in relation to the appearance when viewed from Westhead Road in particular, which would require an appropriate level of detail at reserved matters stage. It is considered that the development of the site to provide playing pitches would not be harmful to the character of the area subject to the consideration of full details at reserved matters stage.
29. The development is, therefore, considered to be in accordance with Policy BNE1 of the Chorley Local Plan 2012 - 2026.

Impact on designated heritage asset

30. Policy BNE8 of the Chorley Local Plan 2012 – 2026 seeks to protect and enhance designated Heritage Assets. The application site borders the Croston Conservation Area at the south east corner. Croston Conservation Area is a designated heritage asset and it is necessary to consider whether or not the character or appearance of this conservation area would be harmed by the proposed development.
31. The application site itself is open grassland, with a hedgerow running along the site frontage with Westhead Road. The proposed development would by its very nature retain a largely open area, although it is noted that an access would need to be constructed that would reduce the extent of the hedge along the frontage. It is considered that a carefully designed and laid out development could be provided at the application site, which would continue to preserve the appearance and character of the conservation area and that of nearby listed buildings, subject to appropriate landscape and access details.
32. As such it is considered that an application in outline only can be determined in this instance, given the position on the border of the conservation area. It is considered that the proposed development would have no material impact on either the appearance or setting of the Croston Conservation Area or the significance of this designated heritage asset at this stage, and is, therefore, considered to be in conformity with S.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, policy 16 of the Core Strategy and policy BNE8 of the Adopted Chorley Local Plan 2012 - 2026.

Impact on residential amenity

33. Policy BNE1 of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that, where relevant to the development the proposal would not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or by creating an overbearing impact; and that the proposal would not cause an unacceptable degree of noise disturbance to surrounding land uses.
34. The proposed development of the site to provide sports pitches and multi-use games areas would increase the intensity of the use of the land over and above that of agriculture. The

development of the site for such use would result in noise from players whilst pitches are in use. It is noted that the multi use games areas are likely to receive more intensive use than the grass pitches and the extent to which these can be used would depend on whether floodlighting was to be introduced. It is not known at this stage whether floodlighting would be introduced, however, if it were to be proposed at any stage the Local Planning Authority would have the opportunity to consider the impacts of such structures on light pollution and the ability to consider the imposition of hours of use upon such features.

35. In consideration of the use of the land as proposed and on the basis of limited detail at this stage it is not considered that the use of playing pitches or multi use games areas in and of themselves would prevent any undue neighbour amenity impacts through noise. It is common for sports playing fields and facilities to be located amongst residential development and is a complementary land use. The positioning of the multiuse games areas would require careful consideration at any reserved matters stage in relation to minimising the impact of noise and light on residential occupiers, given their more intensive use. The use of appropriate boundary treatment and landscaping would also require careful consideration in terms of protecting residential privacy and in relation to site security. Overall, however it is not considered that there would be any unacceptable impact on residential amenity through the use of the land for playing pitches and multi use games areas.
36. Aside from the provision of the sports facilities, on site parking and vehicular access would also be required. The movement of vehicles has the potential to disturb residential amenity and, therefore, the arrangement of access and parking requires careful consideration in order to avoid any adverse impact.
37. The development is, therefore, considered to be in accordance with policy BNE1 and policy HW1 of the Chorley Local Plan 2012 - 2026

Highway safety

38. The proposed development would result in the construction of sports pitches and multi use games areas, although no details of how this would take place are available at this stage, and no details of access and parking are applied for within this application, which is with all matters reserved. The main highway safety issues would be the site access, which is anticipated to be from Westhead Road, the level of car parking and potential for overspill car parking onto A581 Westhead Road or other adjacent roads. Where the site has a known parking issue for availability and access, visitors may look at parking off site as an alternative. It is accepted that this may only happen at certain times but once a car is parked the driver will not return to move the car when car parking spaces are made available within the site. As such an adequate provision of permanent, and possibly overspill car parking, would be required at the detailed matters stage.
39. LCC Highways have been consulted in relation to the impact on highway safety and have confirmed that they do not have any objections regarding the proposed outline application. The proposal is with all matters reserved and LCC Highways are satisfied that an appropriate means of access can be provided. At reserved matters stage the access, layout and scale would require consideration in detail.

Ecology

40. Policy BNE9 of the Chorley Local Plan 2012 – 2026 stipulates that Biodiversity and Ecological Network resources will be protected, conserved, restored and enhanced; and that priority will be given to, among other things, protecting, safeguarding and enhancing habitats for European, nationally and locally important species.
41. The application is accompanied by an ecology assessment of the site. This has been reviewed by the Council's ecology advisors (Greater Manchester Ecology Unit) who advise that the predominant habitat on the site is species poor modified grassland with limited ecological value. On the boundaries of the site more ecologically interesting habitats are present including hedgerow, ditches and a stream.

42. Other than nesting birds no protected species were considered likely to occur on the site and be impacted by the proposals.
43. A section of hedgerow at the southern boundary would need to be removed to facilitate the proposal. This has been identified as a priority habitat and, therefore, compensation for its loss should be provided, and hedgerow replanting using locally native species, in keeping with the existing hedgerow will be required. Protection of the retained hedgerow on the site should also be secured, where relevant.
44. There is potential for nesting birds to be present within the hedgerow on the site and some (although lower potential) for presence in the grassland/field. The nests of all wild birds are protected under the Wildlife and Countryside Act, 1981 (as amended). Work to remove the hedgerow and works to the field, should be timed to avoid the main bird nesting season (March – August inclusive) unless it can otherwise be demonstrated that no active bird nests are present.
45. The Framework recommends that gains for biodiversity are sought through the planning system. The indicative site plan indicates the creation of an attenuation pond and also tree and shrub planting on the boundaries of the site. In principle this would be a welcome inclusion in the scheme and should be designed to deliver maximum benefits for the wildlife. Further details to demonstrate biodiversity gain should be demonstrated through the detailed design stage.
46. Overall it is considered that the site could be developed for sports pitches and multi use games areas in line with policy BNE9 of the Chorley Local Plan 2012 – 2026.

Drainage

47. The application site comprises pasture grassland and is undeveloped. Most of the site is included in Flood Zone 2 on the Environment Agency Flood Map indicating a moderate risk of flooding, with an area to the north included in Flood Zone 3 'liable to flooding' but having the benefit of flood defences. A small area along the southern boundary to Westhead Road is in Flood Zone 1 – not liable to flooding. This part of the site is some 7.8m above O.S. datum and the site slopes very gently to the northern boundary – the watercourse.
48. The proposed development would introduce porous surfaces, grass, gravel etc. and, therefore, the likelihood of surface water run off of rainwater from the site increasing from existing levels is considered to be minimal. It is indicated at this stage that surface water run-off from the new playing fields would be run through an attenuation pond on the northern side of the site, which would slow down the flow of rainwater into the northern boundary watercourse to approximately 5 litres/second and also to collect silt where it could be removed before it enters the watercourse. Environment Agency access to this watercourse would be retained as no development is proposed within an 8m zone of the watercourse bank top.
49. Although most of the site is including Flood Zone 2 the nature of the proposed use, playing fields and surfaces, are by their very nature not greatly affected by flooding. The Environment Agency have considered the proposal and are satisfied that the development would be safe without exacerbating flood risk elsewhere if the proposed flood risk mitigation measures indicated are implemented.

CONCLUSION

50. The proposed development would provide new sports facilities on the site to the benefit of the local community. It would not impact unacceptably on the overall appearance and character of the area, or the significance of the conservation area and there would be no harmful impact on neighbour amenity. Nor would there be any harmful impact on highway safety, ecology or surface water drainage that cannot be addressed through appropriate conditions. On this basis it is recommended that outline planning permission be granted subject to conditions.

Suggested conditions

51. To follow.

RELEVANT HISTORY OF THE SITE

Ref: 20/01390/OUT

Decision: PCO

Decision Date: Pending

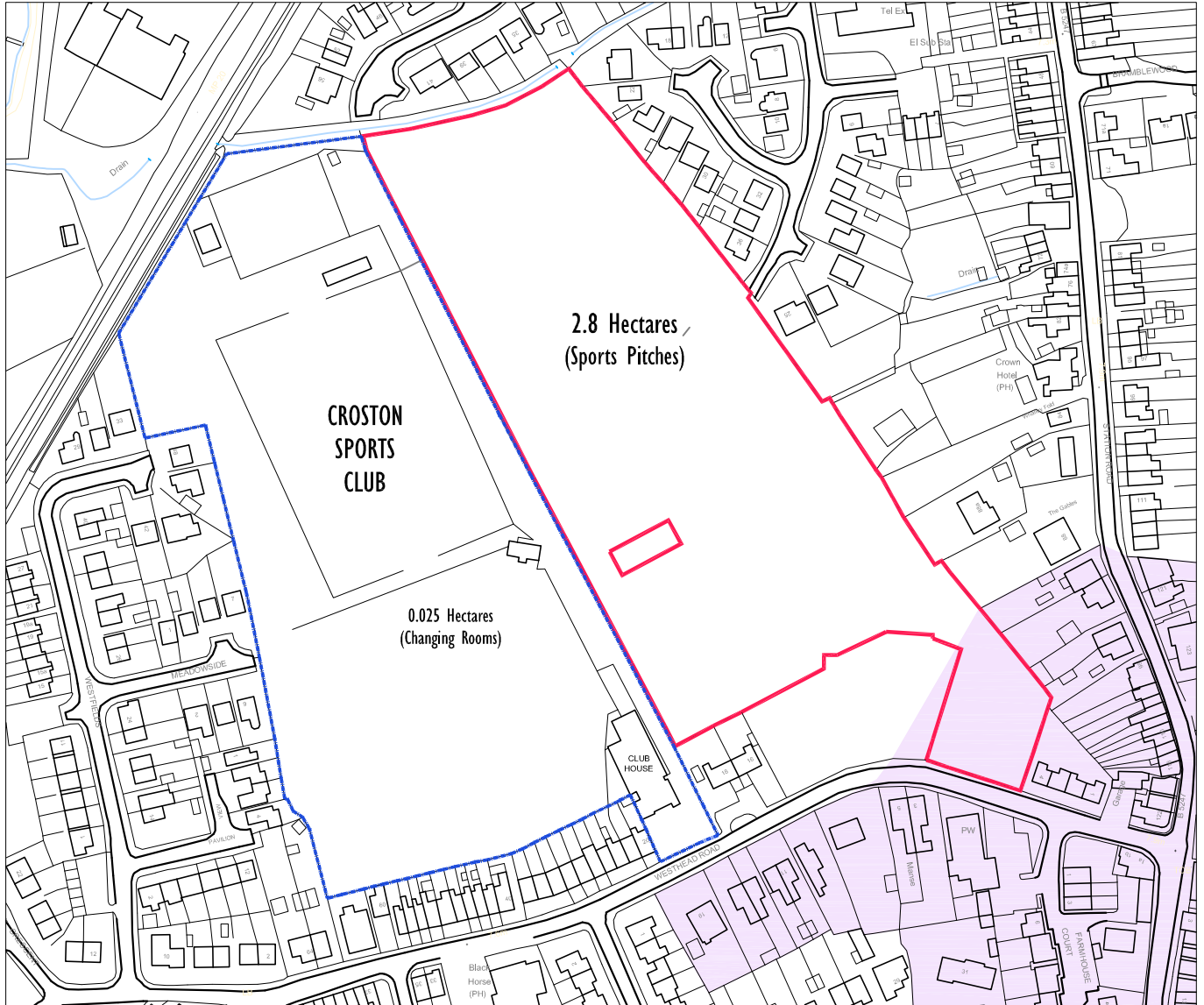
Description: Outline application for the erection of a building comprising community facilities and a building to provide changing facilities with associated car parking and landscaping (all matters reserved)

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.

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PROPOSED EXTENSION TO SPORTS PITCHES AND COMMUNITY FACILITIES

FOR CROSTON TOGETHER
on behalf of Croston Sports Club
and Croston Community Centre



SITE LOCATION PLAN

Scale 1:2500@A4



Red Application Boundary - 2.8 Hectares (Application A - Sports Pitches)

Blue Boundary - 3.29 Hectares (Existing Croston Sports Club Site)



Shaded area denotes extent of Croston Conservation Area

BRAMLEY - PATE + PARTNERS

Chartered Architects - Telephone (01772) 335357

| | | |
|---|-----------|---------------|
| Proposed Extension to Sports Pitches and Community Facilities | | 15 12 2020 |
| Land off Westhead Road, Croston | | 1237A |
| For Croston Together | 1:2500@A4 | 1237A-PL-001A |

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Planning Committee Meeting

05 October 2021



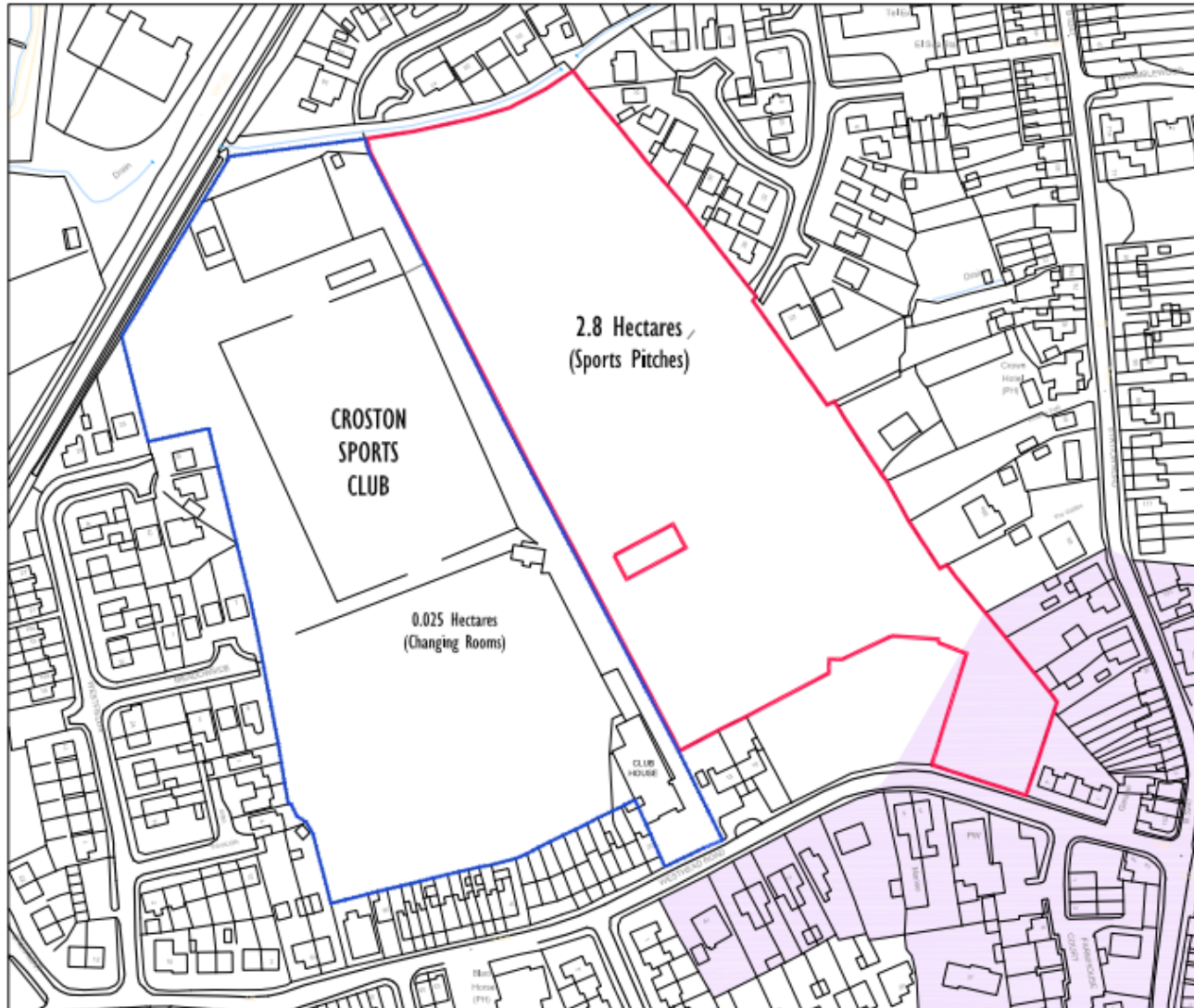
Item 3g

21/01389/OUTMAJ

Croston Sports Club, Westhead Road, Croston

Outline application for the construction of sports pitches and multi use games areas (with all matters reserved)

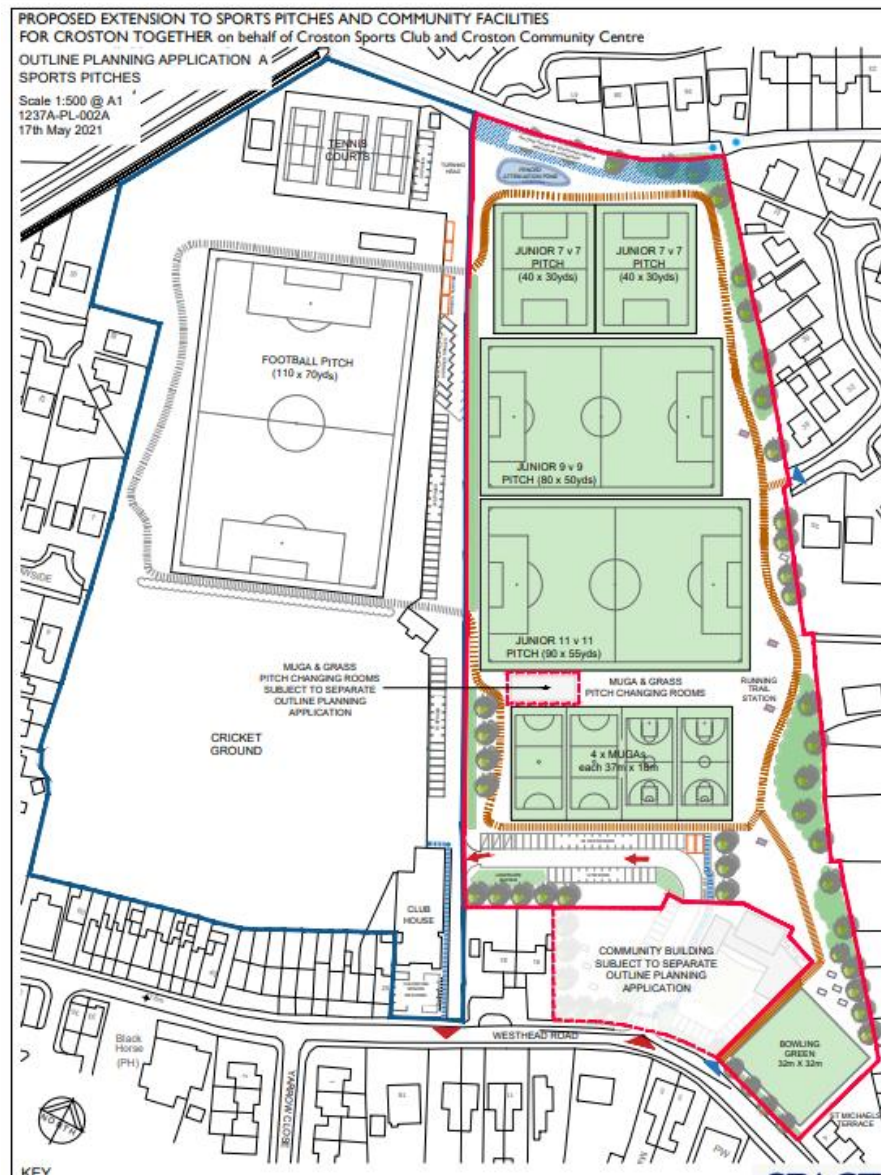
Location Plan



Aerial photo



Indicative only site plan



Site photo



Site photo



Site photo from Westhead Rd



Site photo from Westhead Rd



Access to adjacent sports club



ITEM 3g - 21/01389/OUTMAJ – Croston Sports Club, Westhead Road, Croston

The recommendation remains as per the original report

The following conditions are recommended:

| No. | Condition | | | | | | |
|--------------------|--|---------------|-----------|---------------|--------------------|---------------|-------------|
| 1. | <p>An application for approval of the reserved matters, namely the access, appearance, layout, scale and landscaping of the site, must be made to the Council before the expiration of three years from the date of this permission and the development hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved.</p> <p><i>Reason: This condition is required to be imposed by the provisions of Article 3 (1) of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</i></p> | | | | | | |
| 2. | <p>The development hereby permitted for one dwelling shall be carried out in accordance with the following approved plans:</p> <table border="1" data-bbox="268 904 1300 981"> <thead> <tr> <th data-bbox="276 913 347 943">Title</th> <th data-bbox="724 913 871 943">Reference</th> <th data-bbox="1046 913 1251 943">Received date</th> </tr> </thead> <tbody> <tr> <td data-bbox="276 949 523 978">Site Location Plan</td> <td data-bbox="724 949 938 978">1237A-PL-001A</td> <td data-bbox="1046 949 1219 978">20 May 2021</td> </tr> </tbody> </table> <p><i>Reason: For the avoidance of doubt and in the interests of proper planning.</i></p> | Title | Reference | Received date | Site Location Plan | 1237A-PL-001A | 20 May 2021 |
| Title | Reference | Received date | | | | | |
| Site Location Plan | 1237A-PL-001A | 20 May 2021 | | | | | |
| 3. | <p>Prior to the commencement of development or with any reserved matter application the following documents shall have been submitted to and approved in writing by the Local Planning Authority in consultation with Sport England:</p> <p>(i) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field which identifies constraints which could adversely affect playing field quality; and</p> <p>(ii) Where the results of the assessment to be carried out pursuant to (i) above identify constraints which could adversely affect playing field quality, a detailed scheme to address any such constraints. The scheme shall include a written specification of the proposed soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.</p> <p>The approved scheme shall thereafter be carried out in full and in accordance with the approved programme of implementation. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.</p> <p><i>Reason: To ensure that the playing field is prepared to an adequate standard and is fit for purpose.</i></p> | | | | | | |
| 4. | <p>Prior to the commencement of development or with any reserved matter application a schedule of playing field maintenance, including a programme for implementation for a minimum period of [five] years starting from the commencement of use of the development, shall have been submitted to and approved in writing by the Local Planning Authority in consultation with Sport England. Following the commencement of use of the development the</p> | | | | | | |

| | |
|-----------|--|
| | <p>approved schedule shall be complied with in full.</p> <p>Reason: To ensure that the playing field is first established as a functional playing field to an adequate standard and is fit for purpose.</p> |
| <p>5.</p> | <p>Prior to the commencement of development or with any reserved matter application a scheme for the management and maintenance of playing field drainage, including a management and maintenance implementation programme, shall have been submitted to and approved in writing by the Local Planning Authority in with Sport England. The playing fields shall thereafter be managed and maintained in accordance with the approved scheme.</p> <p>Reason: To ensure the quality of pitches is satisfactory and that they are available for use before development (or agreed timescale).</p> |
| <p>6.</p> | <p>Prior to the first use of the development hereby permitted a community use agreement prepared in consultation with Sport England shall have been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement provided to the Local Planning Authority. The agreement shall apply to any sports pitches and multi use games areas and shall include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.</p> <p>Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport.</p> |
| <p>7.</p> | <p>Prior to the first use of the development hereby approved full details of the design and specification of ball stop mitigation, including details of management and maintenance responsibilities shall have been submitted to and approved in writing by the Local Planning Authority in consultation with Sport England. The approved details shall be installed in full before the development is first occupied and thereafter be managed and maintained in accordance with the approved details.</p> <p>Reason: To provide protection for the occupants of the development and their property from potential ball strike from the adjacent playing field or sports facility, to reduce conflict between neighbours and therefore safeguard sporting use of the adjacent sports facilities.</p> |
| <p>8.</p> | <p>The development permitted by this planning permission shall be carried out in accordance with the principles set out within the flood risk assessment (May 2021, Revision A, Bramley-Pate + Partners). The measures shall be fully implemented prior to first occupation of any dwelling and in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority in consultation with the lead local flood authority.</p> <p>Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 166 and 168 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for</p> |

| | |
|-----|--|
| | Sustainable Drainage Systems. |
| 9. | <p>No development shall commence in any phase until a detailed, final surface water sustainable drainage strategy for the site has been submitted to, and approved in writing by, the local planning authority.</p> <p>The detailed sustainable drainage strategy shall be based upon the site-specific flood risk assessment and indicative sustainable drainage strategy submitted and sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems and no surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly.</p> <p>Those details shall include, as a minimum:</p> <ul style="list-style-type: none"> a) Sustainable drainage calculations for peak flow control and volume control (1 in 1, 1 in 30 and 1 in 100 + 40% climate change), with allowance for urban creep. b) Final sustainable drainage plans appropriately labelled to include, as a minimum: <ul style="list-style-type: none"> i. Plan identifying areas contributing to the drainage network, including surface water flows from outside the curtilage as necessary; ii. Sustainable drainage system layout showing all pipe and structure references, dimensions, design levels; iii. Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate; iv. Flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems; v. Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of each plot to confirm minimum 150mm+ difference for FFL; vi. Details of proposals to collect and mitigate surface water runoff from the development boundary; vii. Measures taken to manage the quality of the surface water runoff to prevent pollution, protects groundwater and surface waters, and delivers suitably clean water to sustainable drainage components; c) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates and groundwater levels in accordance with industry guidance. <p>The sustainable drainage strategy shall be implemented in accordance with the approved details.</p> <p>Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 166 and 168 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems.</p> |
| 10. | <p>No development shall commence until details of how surface water and pollution prevention will be managed during each construction phase have been submitted to and approved in writing by the local planning authority.</p> <p>Those details shall include for each phase, as a minimum:</p> <ul style="list-style-type: none"> a) Measures taken to ensure surface water flows are retained on-site during construction phase(s) and, if surface water flows are to be discharged they are done so at a restricted rate to be agreed with the Lancashire County Council LLFA. |

| | |
|------------|---|
| | <p>b) Measures taken to prevent siltation and pollutants from the site into any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance.</p> <p>The development shall be constructed in accordance with the approved details.</p> <p>Reasons:</p> <ol style="list-style-type: none"> 1. To ensure the development is served by satisfactory arrangements for the disposal of surface water during each construction phase(s) so it does not pose an undue flood risk on site or elsewhere; 2. To ensure that any pollution arising from the development as a result of the construction works does not adversely impact on existing or proposed ecological or geomorphic condition of water bodies. |
| <p>11.</p> | <p>No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report and Operation and Maintenance Plan for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority.</p> <p>The Verification Report must demonstrate that the sustainable drainage system has been constructed as per the agreed scheme (or detail any minor variations), and contain information and evidence (including photographs) of details and locations (including national grid reference) of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an final 'operation and maintenance manual' for the sustainable drainage scheme as constructed.</p> <p>Details of appropriate operational, maintenance and access requirements for each sustainable drainage component are to be provided, with reference to published guidance, through an appropriate Operation and Maintenance Plan for the lifetime of the development as constructed. This shall include arrangements for adoption by an appropriate public body or statutory undertaker, and/or management and maintenance by a Management Company and any means of access for maintenance and easements, where applicable. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.</p> <p>Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of Paragraph 168 of the National Planning Policy Framework.</p> |

APPLICATION REPORT – 21/00969/FUL

Validation Date: 9 August 2021

Ward: Clayton West And Cuerden

Type of Application: Full Planning

Proposal: Change of use from a dwellinghouse (Use Class C3) to a children's home (Use Class C2)

Location: 84 Dallington Avenue Clayton-Le-Woods Leyland PR25 5AG

Case Officer: Mrs Hannah Roper

Applicant: Fitri Brock, Helm Care Services

Agent: Mr Joe Smith, ELG PLanning

Consultation expiry: 3 September 2021

Decision due by: 6 October 2021 (Extension of time agreed)

RECOMMENDATION

1. It is recommended that planning permission is refused for the following reason:

The proposed development would result in increased demand for on street parking and the associated comings and goings of cars generated by staff and visitors to the care home would result in additional noise, disturbance and increased levels of general activity, particularly at times when residents in the vicinity could reasonably expect the quiet enjoyment of their homes. The proposed development is therefore contrary to policy BNE1 of the Chorley Local Plan 2012 – 2026.

SITE DESCRIPTION

2. The application relates to a modern, detached dwellinghouse located on Dallington Avenue, Clayton-le-Woods, within a residential estate. The property has a driveway to the side elevation and a garage to the side/rear which is a double garage shared with no.86. No boundary treatment exists between the two drives.
3. The property is surrounded properties of a similar age and design and is located opposite a grassed area adjacent to no.22.

DESCRIPTION OF PROPOSED DEVELOPMENT

4. The application seeks planning permission to change the use of the property from a residential dwelling to a children's care home.
5. The Planning Statement that has been submitted to support the application states that the facility would accommodate a maximum of 3 children aged 8-18 who would be cared for on a rota basis rather than by live in carers. Three double bedrooms on the first floor would accommodate the children and two waking staff would be on duty overnight.

6. The applicant is a company that specialises in the care and rehabilitation of children with emotional and behavioural difficulties and as a result exact staff numbers would be needs led dependent on the individual care plans of the children residing there at any time and extra staff would cover appointments and leisure activities.

7. The applicants consider that the property would be occupied in the same manner as a traditional dwellinghouse occupied by a family with three children.

REPRESENTATIONS

8. 17no. letters have been received citing the following grounds of objection:

- Goes against lease in terms of running a business and noise
- Fire drills planned at all times of day and night
- Application forms do not list correct details
- Existing anti-social issues will be made worse and will impact on the children
- Only interested in profit and not care
- Parking is already problematic, and visibility will be impaired
- Already a daily police presence in the locality
- Reduction in property values
- Visitors to property already block parking
- Facilities insufficient for what is proposed
- Not OFSTED registered as claimed

9. The applicant has put forward the following in support of the proposal:

- There will be no material change of use and actually do not consider that planning permission should be required
- The property would be occupied in the same manner as a traditional house
- The social objective of the facility is to integrate children into the community
- The NPPF outlines a need for variety of housing

CONSULTATIONS

10. Regulatory Services - Environmental Health – No comments have been received.

11. Lancashire County Council Highway Services – Have no objection on the grounds of highway safety and advise that highway amenity should be considered.

12. Clayton-le-Woods Parish Council – No comments have been received.

13. CIL Officers – Comment that the proposal is not CIL liable.

PLANNING CONSIDERATIONS

Impact on neighbour amenity

14. Policy BNE1 of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that, where relevant to the development the proposal would not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or by creating an overbearing impact; and that the proposal would not cause an unacceptable degree of noise disturbance to surrounding land uses.

15. The application property is located within a housing estate, with private residential dwellings directly surrounding it, including a shared drive and garage structure with the direct neighbour at no.86. Whilst the applicant has stated that the children's home would function in the same manner as a family home, the proposal does however seek planning permission for the operation of a commercial use.

16. Whilst care and nursing homes are often viewed as an acceptable part of predominantly residential areas, in this instance the use of a residential dwellinghouse, within a housing estate, would inevitably result in additional on street parking in the vicinity of the site.

17. It would also generate significant additional trips associated with the proposed children's home over and above a family home, together with increased levels of comings and goings of cars generated by staff, visitors and health care professionals. Whilst the Planning Statement itself sets out that two staff would be on site as a minimum at any time it also states that the level of staff would be in part dependent on the occupants of the children's home, indicating that staff levels could be increased where required.

18. It is likely, therefore, that that the proposed change of use would result in additional noise, disturbance and increased levels of general activity and on street parking, particularly at times when residents could reasonably expect the quiet enjoyment of their homes. This would be unacceptable and would result in a detrimental impact on amenity of residents in the surrounding locality as well detrimentally impacting on the prevailing character of this residential area. The resultant harm that would be caused by the proposal cannot be overcome through the imposition of conditions.

Highway safety

19. Policy ST4 of the Chorley Local Plan 2012-2026 and its associated appendix sets out the council's parking standards based on bedroom numbers of a property.

20. The proposed use of the building as a children's care home would result in a requirement for one car parking space on the site in line with the adopted parking standards set out in Appendix A of the Chorley Local Plan 2012 – 2026.

21. The property has a drive to the side elevation and a detached garage. Sufficient parking can, therefore, be accommodated in accordance with the council's parking standards. LCC Highway Services have been consulted on the proposal and have raised no concerns in relation to highway safety, however they had requested that amenity be taken into consideration.

CONCLUSION

22. Whilst the proposed development may be acceptable in highway safety terms it is considered that the proposed children's care home would result in increased demand for on street parking and the associated comings and goings of cars would harm the level of residential amenity currently enjoyed by the residents of nearby residential dwellings. It is, therefore, recommended that the application is refused.

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.

RELEVANT HISTORY OF THE SITE

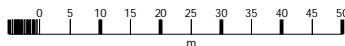
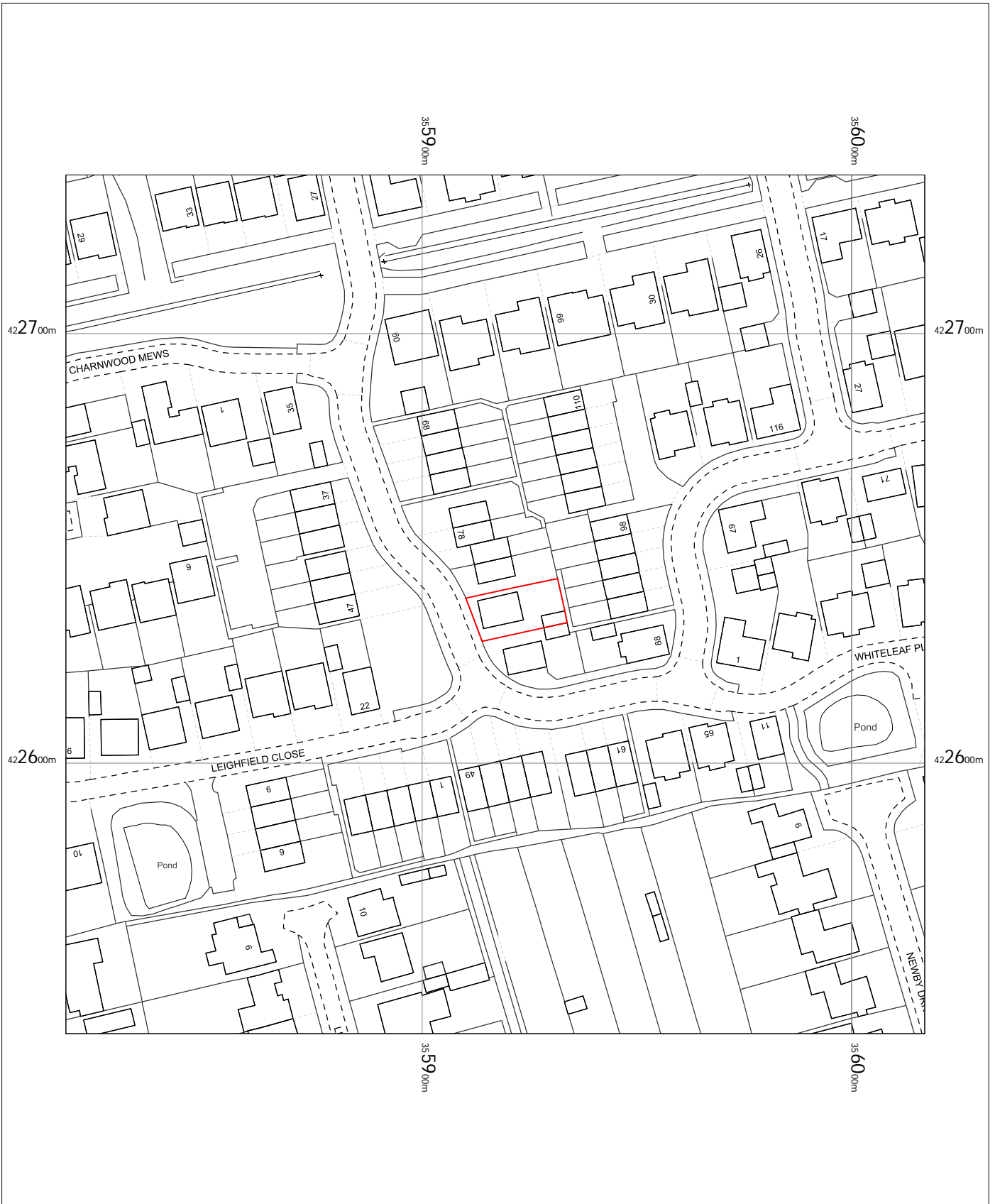
Ref: 21/00555/CLPUD

Decision: REFPUD

Decision Date: 15 July 2021

Description: Application for a certificate of lawfulness for a proposed use as a dwellinghouse (C3b) for the occupation of up to 3 young persons (aged 8-18 years)

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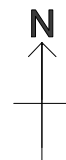


84 Dallington Avenue,
 Leyland,
 Clayton-Le-Woods,
 Lancashire
 PR25 5AG

OS MasterMap 1250/2500/10000 scale
 Friday, April 9, 2021, ID: MPMBW-00952973
 www.blackwellmapping.co.uk

1:1250 scale print at A4, Centre: 355917 E, 422637 N

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Planning Committee Meeting

5 October 2021



Item 3h

20/00969/FUL

84 Dallington Avenue, Clayton-Le-Woods

Change of use from a dwellinghouse (Use Class C3) to a childrens home (Use Class C2)

Location plan



Aerial Imagery



Photo of Property



Streetscene



ITEM 3h- 21/00969/FUL – 84 Dallington Avenue, Clayton-Le-Woods

The recommendation remains as per the original report.

The applicant has responded as follows in relation to the public objections:

- The 17 objections quoted in the report is misleading
- Highways have not objected to the proposal
- The terms of the lease are not a material planning consideration
- The expertise of the directors stated is both factually incorrect and again not a material planning consideration
- Risk is not a material planning consideration however it should be noted that the home will not accept children who are currently in the criminal justice system or who pose an active risk to others
- Fire drills will take place at dusk not during the night and therefore will not pose any amenity issues

The applicant has submitted the following in support for the application:

- LCC highways have clearly considered all of the issues and a professional highways officer has concluded that the development would be entirely acceptable and have indicated support on that basis. Whilst LCC Highways have suggested that consideration should be given to amenity, the suggested reason for refusal is based on assumptions only and has no substantive evidence to support the reason for refusal.
- The proposed use is clearly limited in scale and requires minimal staffing to be present.
- The levels of activity and numbers of cars would be no different than you might expect with a family house, or indeed what might occur in other existing properties across this residential estate. The current property is a 4 bedroomed detached house, and in theory could have at least 4-5 cars parking here assuming 4-5 people live here as a family. According to the applicant, 5 cars are often present at the site, which could all arrive and leave the property at various points of the day for work, school, leisure and other activities.
- For the proposed use there will be a maximum of 2-3 staff at any one time on site to care for the children, operated in rota shifts. This would be a maximum of 2-3 cars present at the site which is significantly less than the property being occupied by a family of 4-5 people each owning cars. The drive way is shared with the neighbouring property but it is very clear that staff would only be allowed to use the left hand section of the drive associated with 84 Dallington Avenue.
- The drive way associated with this property can accommodate up to 3 cars, so even if 2-3 members of staff were present at the site in individual cars, they can park safely on the driveway without any impact upon amenity. In unlikely events of more than 3 staff being present, on street parking would need to be utilised, however, this would be infrequent and indeed happens already across the estate in standard residential properties.
- Staff may car share or use public transport/walk/cycle to the property to work, given the sustainable location of the development. As such, considered that the proposed

use could have less impact in this sense and could even be considered a improvement upon the existing situation in terms of highways.

- The committee report also suggests that “It would also generate significant additional trips associated with the proposed children’s home over and above a family home, together with increased levels of comings and goings of cars generated by staff, visitors and health care professionals”, however this is completely speculative and there is no evidence to support that this would be the case, and is contrary to the LCC highways officer response.
- It is inferred that staff movements could impact on the amenity of neighbouring residents during quiet time. However, staff changeovers would not be happening unreasonably late at night or early in the morning, they would be around 20.00 – 08.00 and, given limited numbers of staff present at site, it is clearly not going to cause undue disturbance. Occupants of a family dwelling doing shift work could well generate activity late at night / early morning so there really is no material difference with a C3 dwelling. As such, there would be no unacceptable impact on amenity to sustain a reason for refusal.
- It is also important to reiterate the clear benefits of this scheme in terms of addressing the need for children’s homes provision which is a significant social benefit that will effectively allow the opportunity for disadvantaged children to grow, live and integrate with the community whilst receiving the level of care they require, and would therefore strongly accord with the social objective of the NPPF.
- The proposal would result in the creation of jobs in the area, which is a further economic benefit.



| Report of | Meeting | Date |
|------------------------|--------------------|----------------|
| Director of Governance | Planning Committee | 5 October 2021 |

| | |
|------------------------------|--|
| Is this report confidential? | Yes/Partly/No Delete as applicable. If confidential please give a short explanation as to why |
|------------------------------|--|

| | |
|-----------------------|---|
| Is this decision key? | Yes/No Delete as applicable and bold the reason below if key |
|-----------------------|---|

| | |
|---|---|
| Savings or expenditure amounting to greater than £100,000 | Significant impact on 2 or more council wards |
|---|---|

Confirmation without modification of the Chorley Borough Council Tree Preservation Order No. 3 (Coppull) 2021

Purpose of the Report

1. To seek member approval to the confirmation without modification of the Chorley Borough Council Tree Preservation Order No. 3 (Coppull) 2021 as an unopposed order.

Reasons for recommendations

2. No objection has been received to the making of the order. If the order is confirmed then permanent legal protection will be given to the tree.

Other options considered and rejected

3. Not to confirm the order. However this would mean that the TPO would become unenforceable six months from the date of its making and the protection afforded by the order would be undermined. Without the deterrence of prosecution the amenity provided by the tree would be at risk of being lost permanently if it were cut down or damaged.

Corporate priorities

4. The report relates to the following corporate priorities: (please bold all those applicable):

| | | | |
|--|--|------------------------|--|
| Involving residents in improving their local area and equality of access for all | | A strong local economy | |
|--|--|------------------------|--|

| | | |
|-------------------------------------|---|---|
| Clean, safe and healthy communities | An ambitious council that does more to meet the needs of residents and the local area | X |
|-------------------------------------|---|---|

Background to the report

- 5. The Order was made because on the assessment of the Council’s Tree Officer the Ash tree makes a valuable contribution to the visual amenity of the area, being prominently situated and clearly visible to the public and because its removal would have a significant impact on the environment and its enjoyment by the public.

The making of the Order

- 6. The Order was made on 30 April 2021 and is attached to this report as Appendix A. The Order was served along with the statutory notice prescribed in Regulations on all those with a registered interest in the land on which the tree is situated on 30 April 2021.
- 7. No objection has been received in response to the making of the above Order.
- 8. It is therefore now open to the Council to confirm the above Order as unopposed. The effect of formally confirming the Order will be to give permanent legal force to the Order, as opposed to provisional force, thereby making it an offence on a permanent basis to fell or otherwise lop, prune etc., the tree covered by the Order without first having obtained lawful permission from the Council.

Climate change and air quality

- 9. The work noted in this report does not significantly impact the climate change and sustainability targets of the Council’s Green Agenda although the amenity from the tree is of benefit to the community.

Comments of the Statutory Finance Officer

- 10. If the tree were to be lopped or pruned or chopped in breach of the order the Council would incur staff costs in any criminal investigation and prosecution. Staff costs in the Planning Department are also involved when dealing with applications for consent to work to protected trees.

Comments of the Monitoring Officer

- 11. The legal effect of the order and the consequences of the breach are addressed within the body of the report.

There are no background papers to this report.

Appendices

Appendix A

| Report Author: | Email: | Telephone: | Date: |
|---|--|-----------------|------------------------|
| Alex Jackson (Legal Services Team Leader) | Alex.jackson@chorley.gov.uk | 01257 515166 | 3 September 2021 |

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Tree Preservation Order

Town and Country Planning Act 1990

The Chorley Borough Council Tree Preservation Order No.3 (Coppull) 2021

Chorley Borough Council in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order -

Citation

This Order may be cited as Chorley Borough Council Tree Preservation Order No.3 (Coppull) 2021

Interpretation

- 1. (1) In this Order "the authority" means Chorley Borough Council.
- (2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

- 2. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
- (2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall —
 - (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
 - (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.


Application to trees to be planted pursuant to a condition

- 3. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

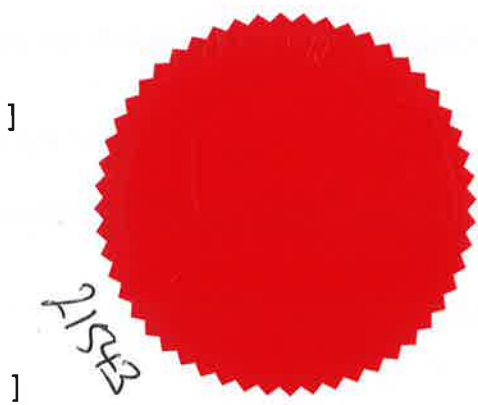
Dated this 30th day of April 2021

The Common Seal of Chorley Borough Council

was affixed to this Order in the presence of:]



 Authorised Signatory



CONFIRMATION OF ORDER

This Order was confirmed by Chorley Borough Council without modification on the [] day of []

OR

This Order was confirmed by Chorley Borough Council, subject to the modifications indicated by [], on the [] day of []

Signed on behalf of the Chorley Borough Council

.....

Authorised by the Council to sign in that behalf

DECISION NOT TO CONFIRM ORDER

A decision not to confirm this Order was taken by Chorley Borough Council on the [] day of []

Signed on behalf of the Chorley Borough Council

.....

Authorised by the Council to sign in that behalf

VARIATION OF ORDER

This Order was varied by the Chorley Borough Council on the [] day of [] by a variation order under reference number [] a copy of which is attached.

Signed on behalf of the Chorley Borough Council

.....

Authorised by the Council to sign in that behalf

REVOCATION OF ORDER

[This Order was revoked by Chorley Borough Council on the [] day of []

Signed on behalf of the Chorley Borough Council

.....

Authorised by the Council to sign in that behalf

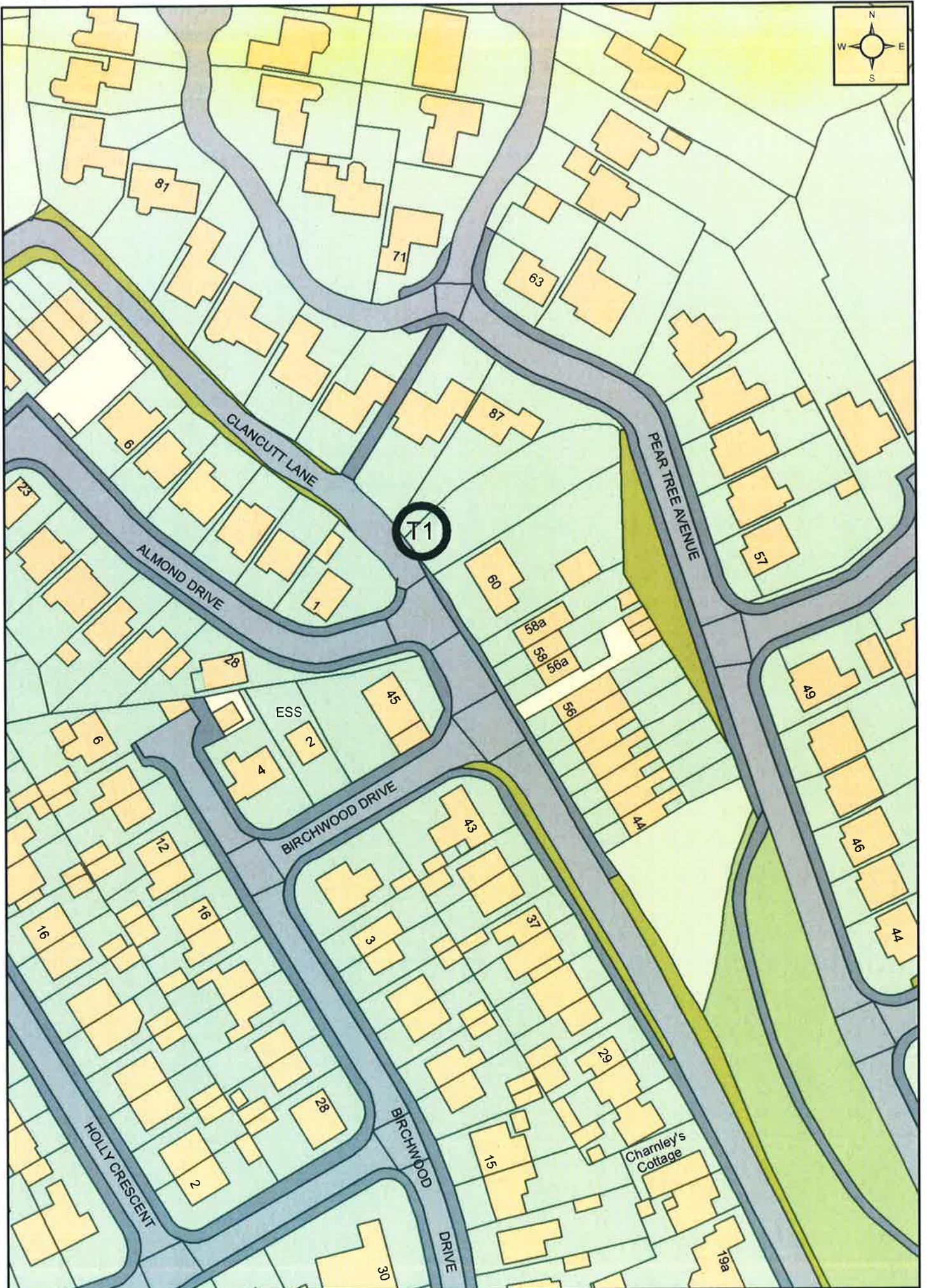
SCHEDULE

Specification of trees

Trees specified individually

(encircled in black on the map)

| <i>Reference on map</i> | <i>Description</i> | <i>Situation</i> |
|-------------------------|--------------------|---|
| T1 | Ash | On land adjacent to 60 Clancutt Lane Coppull Chorley near the boundary with 87 Pear Tree Lane Coppull |





| Report of | Meeting | Date |
|------------------------|--------------------|----------------|
| Director of Governance | Planning Committee | 5 October 2021 |

| | |
|------------------------------|--|
| Is this report confidential? | Yes/Partly/No Delete as applicable. If confidential please give a short explanation as to why |
|------------------------------|--|

| | |
|-----------------------|---|
| Is this decision key? | Yes/No Delete as applicable and bold the reason below if key |
|-----------------------|---|

| | |
|---|---|
| Savings or expenditure amounting to greater than £100,000 | Significant impact on 2 or more council wards |
|---|---|

Confirmation without modification of the Chorley Borough Council Tree Preservation Order No. 5 (Clayton-le-Woods) 2021

Purpose of the Report

1. To seek member approval to the confirmation without modification of the Chorley Borough Council Tree Preservation Order No. 5 (Clayton-le-Woods) 2021 as an unopposed order.

Reasons for recommendations

2. No objection has been received to the making of the order. If the order is confirmed then permanent legal protection will be given to the trees.

Other options considered and rejected

3. Not to confirm the order. However this would mean that the TPO would become unenforceable six months from the date of its making and the protection afforded by the order would be undermined. Without the deterrence of prosecution the amenity provided by the trees would be at risk of being lost permanently if they were cut down or damaged.

Corporate priorities

4. The report relates to the following corporate priorities: (please bold all those applicable):

| | | | |
|--|--|------------------------|--|
| Involving residents in improving their local | | A strong local economy | |
|--|--|------------------------|--|

| | | | |
|-------------------------------------|--|---|---|
| area and equality of access for all | | | |
| Clean, safe and healthy communities | | An ambitious council that does more to meet the needs of residents and the local area | X |

Background to the report

- 5. The Order was made because on the assessment of the Council’s Tree Officer the oak trees make a valuable contribution to the visual amenity of the area, being prominently situated and clearly visible to the public and because their removal would have a significant impact on the environment and its enjoyment by the public.

The making of the Order

- 6. The Order was made on 24 May 2021 and is attached to this report as Appendix A. The Order was served along with the statutory notice prescribed in Regulations on all those with a registered interest in the land on which the trees are situated on 24 May 2021.
- 7. No objection has been received in response to the making of the above Order.
- 8. It is therefore now open to the Council to confirm the above Order as unopposed. The effect of formally confirming the Order will be to give permanent legal force to the Order, as opposed to provisional force, thereby making it an offence on a permanent basis to fell or otherwise lop, prune etc., the trees covered by the Order without first having obtained lawful permission from the Council.

Climate change and air quality

- 9. The work noted in this report does not significantly impact the climate change and sustainability targets of the Council’s Green Agenda although the amenity from the trees is of benefit to the community.

Comments of the Statutory Finance Officer

- 10. If the trees were to be lopped or pruned or chopped in breach of the order the Council would incur staff costs in any criminal investigation and prosecution. Staff costs in the Planning Department are also involved when dealing with applications for consent to work to protected trees.

Comments of the Monitoring Officer

- 11. The legal effect of the order and the consequences of the breach are addressed within the body of the report.

There are no background papers to this report.

Appendices

Appendix A

| Report Author: | Email: | Telephone: | Date: |
|---|--|-----------------|------------------------|
| Alex Jackson (Legal Services Team Leader) | Alex.jackson@chorley.gov.uk | 01257 515166 | 3 September 2021 |

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Tree Preservation Order

Town and Country Planning Act 1990

The Chorley Borough Council Tree Preservation Order No.5 (Clayton-le-Woods) 2021

Chorley Borough Council in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order -

Citation

This Order may be cited as Chorley Borough Council Tree Preservation Order No.5 (Clayton-le-Woods) 2021

Interpretation

- 1. (1) In this Order "the authority" means Chorley Borough Council.
- (2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

- 2. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
- (2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall —
 - (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
 - (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

- 3. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 24 day of May 2021

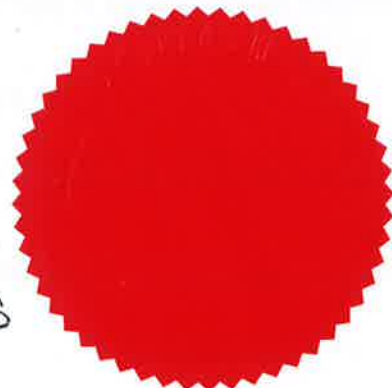
The Common Seal of Chorley Borough Council

was affixed to this Order in the presence of]



.....
Authorised Signatory

21/5/21



CONFIRMATION OF ORDER

This Order was confirmed by Chorley Borough Council without modification on the [] day of []

OR

This Order was confirmed by Chorley Borough Council, subject to the modifications indicated by [], on the [] day of []

Signed on behalf of the Chorley Borough Council

.....

Authorised by the Council to sign in that behalf

DECISION NOT TO CONFIRM ORDER

A decision not to confirm this Order was taken by Chorley Borough Council on the [] day of []

Signed on behalf of the Chorley Borough Council

.....

Authorised by the Council to sign in that behalf

VARIATION OF ORDER

This Order was varied by the Chorley Borough Council on the [] day of [] by a variation order under reference number [] a copy of which is attached.

Signed on behalf of the Chorley Borough Council

.....

Authorised by the Council to sign in that behalf

REVOCATION OF ORDER

[This Order was revoked by Chorley Borough Council on the [] day of []

Signed on behalf of the Chorley Borough Council

.....

Authorised by the Council to sign in that behalf

SCHEDULE

Specification of trees

Trees specified individually

(encircled in black on the map)

| <i>Reference on map</i> | <i>Description</i> | <i>Situation</i> |
|-------------------------|--------------------|---|
| T1 | Oak | On land to the north of 125 Kiln Croft Clayton-le-Woods Chorley PR6 7UB |
| T2 | Oak | On land to the south of 20 Kiln Croft Clayton-le-Woods Chorley PR6 7UD |



| Report of | Meeting | Date |
|------------------------|--------------------|----------------|
| Director of Governance | Planning Committee | 5 October 2021 |

| | |
|---|--|
| Is this report confidential? | Yes /Partly/No Delete as applicable. If confidential please give a short explanation as to why |
| Is this decision key? | Yes /No Delete as applicable and bold the reason below if key |
| Savings or expenditure amounting to greater than £100,000 | Significant impact on 2 or more council wards |

Confirmation without modification of the Chorley Borough Council Tree Preservation Order No. 6 (Charnock Richard) 2021

Purpose of the Report

1. To seek member approval to the confirmation without modification of the Chorley Borough Council Tree Preservation Order No. 6 (Charnock Richard) 2021 as an unopposed order.

Reasons for recommendations

2. No objection has been received to the making of the order. If the order is confirmed then permanent legal protection will be given to the trees.

Other options considered and rejected

3. Not to confirm the order. However this would mean that the TPO would become unenforceable six months from the date of its making and the protection afforded by the order would be undermined. Without the deterrence of prosecution the amenity provided by the trees would be at risk of being lost permanently if they were cut down or damaged.

Corporate priorities

4. The report relates to the following corporate priorities: (please bold all those applicable):

| | | | |
|--|--|------------------------|--|
| Involving residents in improving their local | | A strong local economy | |
|--|--|------------------------|--|

| | | | |
|-------------------------------------|--|---|---|
| area and equality of access for all | | | |
| Clean, safe and healthy communities | | An ambitious council that does more to meet the needs of residents and the local area | X |

Background to the report

- 5. The Order was made because on the assessment of the Council’s Tree Officer the trees makes a valuable contribution to the visual amenity of the area, being prominently situated and clearly visible to the public and because their removal would have a significant impact on the environment and its enjoyment by the public.

The making of the Order

- 6. The Order was made on 10 June 2021 and is attached to this report as Appendix A. The Order was served along with the statutory notice prescribed in Regulations on all those with a registered interest in or occupation of the land on which the trees are situated on 10 June 2021, as well as being served on adjacent landowners.
- 7. No objection has been received in response to the making of the above Order.
- 8. It is therefore now open to the Council to confirm the above Order as unopposed. The effect of formally confirming the Order will be to give permanent legal force to the Order, as opposed to provisional force, thereby making it an offence on a permanent basis to fell or otherwise lop, prune etc., the trees covered by the Order without first having obtained lawful permission from the Council.

Climate change and air quality

- 9. The work noted in this report does not significantly impact the climate change and sustainability targets of the Council’s Green Agenda although the amenity from the trees is of benefit to the community.

Comments of the Statutory Finance Officer

- 10. If the trees were to be lopped or pruned or chopped in breach of the order the Council would incur staff costs in any criminal investigation and prosecution. Staff costs in the Planning Department are also involved when dealing with applications for consent to work to protected trees.

Comments of the Monitoring Officer

- 11. The legal effect of the order and the consequences of the breach are addressed within the body of the report.

There are no background papers to this report.

Appendices

Appendix A

| Report Author: | Email: | Telephone: | Date: |
|---|--|-----------------|-------------------------|
| Alex Jackson (Legal Services Team Leader) | Alex.jackson@chorley.gov.uk | 01257 515166 | 21 September 2021 |

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Tree Preservation Order

Town and Country Planning Act 1990

The Chorley Borough Council Tree Preservation Order No.6 (Charnock Richard) 2021

Chorley Borough Council in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order -

Citation

This Order may be cited as the Chorley Borough Council Tree Preservation Order No.6 (Charnock Richard) 2021.

Interpretation

- 1. (1) In this Order "the authority" means Chorley Borough Council.
- (2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

- 2. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
- (2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall —
 - (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
 - (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

- 3. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 10 day of June 2021

The Common Seal of Chorley Borough Council

was affixed to this Order in the presence of:]


]
 Authorised Signatory



CONFIRMATION OF ORDER

This Order was confirmed by Chorley Borough Council without modification on the [] day of []

OR

This Order was confirmed by Chorley Borough Council, subject to the modifications indicated by [], on the [] day of []

Signed on behalf of the Chorley Borough Council

.....

Authorised by the Council to sign in that behalf

DECISION NOT TO CONFIRM ORDER

A decision not to confirm this Order was taken by Chorley Borough Council on the [] day of []

Signed on behalf of the Chorley Borough Council

.....

Authorised by the Council to sign in that behalf

VARIATION OF ORDER

This Order was varied by the Chorley Borough Council on the [] day of [] by a variation order under reference number [] a copy of which is attached.

Signed on behalf of the Chorley Borough Council

.....

Authorised by the Council to sign in that behalf

REVOCATION OF ORDER

[This Order was revoked by Chorley Borough Council on the [] day of []

Signed on behalf of the Chorley Borough Council

.....

Authorised by the Council to sign in that behalf

SCHEDULE

Specification of trees

Groups of trees

(within a broken black line on the map)

| <i>Reference on map</i> | <i>Description (including number of trees of each species in the group)</i> | <i>Situation</i> |
|-------------------------|---|--|
| G1 | Linear group comprising of 15 Hawthorn, 4 Sycamore and 4 Ash | Strip of land to the west of footpath 9-8-FP 18 at the rear of 5, 6, 7 and 8 Buttermere Gardens, Charnock Richard, Chorley |





| Report of | Meeting | Date |
|-----------------------------------|--------------------|----------------|
| Director Planning and Development | Planning Committee | 5 October 2021 |

PLANNING APPEALS AND DECISIONS RECEIVED BETWEEN 27 AUGUST 2021 AND 27 SEPTEMBER 2021

PLANNING APPEALS LODGED AND VALIDATED

None

PLANNING APPEAL DECISIONS

Local Planning Authority Reference: 21/00147/FULHH - Inspectorate Reference: APP/D2320/W/21/3278198

Appeal by Mr Geoffrey Dalytse against the delegated decision to refuse full planning permission for a play area platform with playhouse and safety balustrade (retrospective).

37 Duxbury Gardens, Chorley, PR7 3JZ.

Appeal allowed 16 September 2021.

Local Planning Authority Reference: 21/00134/FULHH - Inspectorate Reference: APP/D2320/D/21/3275270

Appeal by Mr Andrew Ball against the delegated decision to refuse planning permission for the erection of an outbuilding in rear garden to provide ancillary residential accommodation.

Montbretia, Ridley Lane, Mawdesley, Ormskirk, L40 2RE.

Appeal dismissed 1 September 2021.

PLANNING APPEALS WITHDRAWN

None

ENFORCEMENT APPEALS LODGED

Local Planning Authority Reference: EN704 - Inspectorate Reference: APP/D2320/C/21/3283570

Appeals by Mr Michael Wiles and Mrs Sarah Wiles against an Enforcement Notice served in respect of the unauthorised development of an extension of an existing lawful outbuilding.

1 Sutton Fold, Adlington, Chorley, Lancashire, PR6 9PB.

Inspectorate letter confirming appeal valid received 24 September 2021.

ENFORCEMENT APPEAL DECISIONS

None

ENFORCEMENT APPEALS WITHDRAWN

None

| Report Author | Ext | Date | Doc ID |
|----------------------|------------|-------------------|---------------|
| Adele Hayes | 5228 | 27 September 2021 | *** |