

## Planning Committee

Tuesday, 9th November 2021, 6.30 pm

Council Chamber, Town Hall, Chorley and YouTube

I am now able to enclose, for consideration at the above meeting of the Planning Committee, the following reports that were unavailable when the agenda was published.

### Agenda No    Item

#### 3        **Planning applications to be determined**

The Director (Planning and Development) has three 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>

- |   |                 |
|---|-----------------|
| <b>a)    21/00281/FULHH - 12 Langton Close, Eccleston, Chorley, PR7 5UU</b>       | (Pages 9 - 18)  |
| <b>b)    21/01052/FUL - The Post Office, The Straits, Hoghton</b>                 | (Pages 19 - 28) |
| <b>c)    21/01020/LBC - Astley Hall, Astley Park, Park Road, Chorley, PR7 1NP</b> | (Pages 29 - 38) |

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|--|-----------------|
| <b>4        Chorley Borough Council Tree Preservation Order No.4 (Clayton Le Woods) 2021</b> | (Pages 39 - 44) |
|--|-----------------|

Gary Hall  
Chief Executive

Electronic agendas sent to Members of the Planning Committee

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**APPLICATION REPORT – 21/00281/FULHH**

**Validation Date: 9 March 2021**

**Ward: Ecclestone, Heskin And Charnock Richard**

**Type of Application: Householder Application**

**Proposal: Alterations to existing detached garage including increasing height of walls, raising of ridge height, extension to front and conversion to habitable accommodation, single storey front extension, single storey rear extension with balcony above, and associated external alterations**

**Location: 12 Langton Close Ecclestone Chorley PR7 5UU**

**Case Officer: Eleanor McCleary**

**Applicant: Mrs Adele Headley**

**Agent: Mr Douglas Philip Bertram, D.P.Bertram.Building & Planning Solutions**

**Consultation expiry: 25 June 2021**

**Decision due by: 4 May 2021 (Extension of time requested)**

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**UPDATE**

1. The recommendation remains to approve the application.
2. Members will recall that consideration of the application was deferred at the reconvened Planning Committee on 17 August 2021 to give members the opportunity to visit the site.
3. At Planning Committee on 7 September 2021 determination of the application was again deferred in order to give the applicants the opportunity to reconsider the proposal.
4. The applicants have confirmed that they wish the application to be determined on the basis of the plans amended plans that had been previously submitted. The original committee report follows on below.
5. Condition no.4 has been amended as follows:

Before the balcony hereby approved is first brought into use the 1.5m high obscurely glazed privacy screen as shown on plan reference DPB/DEH/20/20 shall be installed on the south facing elevation of the balcony, and 1.10m high obscurely glazed privacy screens as shown on plan reference DPB/DEH/20/20 shall be installed to the west and north facing elevations. The obscurely glazed privacy screens shall be to at least Level 5 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing by the local planning authority and it shall be retained at all times thereafter.

Reason: In the interests of the privacy of occupiers of neighbouring properties.

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**ORIGINAL COMMITTEE REPORT****RECOMMENDATION**

1. It is recommended that planning permission is granted subject to conditions.
2. Members are asked to note that Councillor Alan Whittaker have requested that the application is heard at Committee.

**SITE DESCRIPTION**

3. The application site is located within the settlement of Ecclestone. The existing property is a detached dwellinghouse with a detached garage and is located at the head of a cul-de-sac. There is a garden to the rear, beyond which there is open land.

**DESCRIPTION OF PROPOSED DEVELOPMENT**

4. Planning permission is sought for:
  - alterations to the existing detached garage including increasing the height of the walls, raising of the ridge height, extension to the front and conversion to habitable accommodation;
  - a single storey front extension;
  - a single storey rear extension with balcony above; and
  - associated external alterations

**REPRESENTATIONS**

5. Representations have been received from 3no. neighbours citing the following grounds of objection:
  - Adverse effect on the visual amenity of a neighbouring property through overlooking, loss of privacy, shadowing and reduction of daylight to certain rooms at the rear.
  - Impact on amenity of neighbouring properties in terms of overshadowing and loss of light.
  - Description is misleading – described as rear single storey extension but it is clear that to achieve the proposed dimensions on the first floor balcony, the first floor will also have to be extended to the same degree as the ground floor extension, thus making this a two storey extension as opposed to a single storey extension detailed.
  - Adverse effect on the residential amenity of neighbours due to the impact on highway safety and the convenience of road users in what is a small, congested cul-de-sac. This will also have an impact on means of access and available car parking, which will be especially evident when additional vehicles visit the premises.
  - Time frame for works proposed – work would greatly affect ability to sleep during the day (shift worker) due to the noise of the work taking place close to a neighbour's bedroom.
  - 1no. neighbour has requested that if officers are mindful to approve, they would appreciate the opportunity to address the committee and voice their concerns in relation to the proposed alterations prior to any decisions being finalised.
  - 1no. neighbour is not opposed to the planned alterations to the existing garage as they feel that the impact on surrounding neighbours including themselves will be to a much lesser extent.

6. Following representations made, amended plans were submitted which extended the length of the balcony screening, and provided additional measurements on plan. Further representations were received from 2no. neighbours:
- Amended plans indicate that the total length of the dining room wall is 3950cm on the existing footprint of the property which is also the same for the balcony which is shown as 120cm. The new plan clearly shows a larger balcony, but the measurements are not shown indicating how much longer the downstairs wall will be when it is extended. If, as anticipated, the walls and balcony extend further the same objections remain because, it is felt that this part of the proposed works will have a detrimental impact on natural light to both upstairs and downstairs of their home and will effect enjoyment of their property
  - Concern raised regarding conversion of, and extension to, the garage and impact it could have on access to neighbouring driveways.
  - Safety of children playing due to additional vehicle movements and house being adjacent to a children's play area.

### CONSULTATIONS

7. Canal & River Trust – Have stated that this application falls outside the notified area for its application scale.
8. Chorley Council Waste & Contaminated Land Officer – Have confirmed that they have no comments.
9. Eccleston Parish Council – Have commented that concerns have been raised by a neighbour regarding potential overlooking of rear rooms.

### PLANNING CONSIDERATIONS

#### Design and impact on the dwelling and streetscene

10. *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 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.*
11. *Policy HS5 of the Chorley Local Plan 2012 – 2026 stipulates that the proposed extension respects the existing house and the surrounding buildings in terms of scale, size, design and facing materials, without innovative and original design features being stifled.*
12. *The Householder Design Guidance SPD requires that extensions are subservient to the existing dwelling and respect the scale, character, proportions of the existing dwelling and surrounding area. In particular the SPD states that the installation of balconies and terraces are almost always problematic and, in many cases, unacceptable. Incorporation of some form of privacy screen could be used with great care, and ideally should be designed into the fabric of an extension rather than be added as an afterthought. In addition, the SPD states that front extensions may be acceptable in streets where there is no distinct building line or form, in a street with a wide variety of architectural styles.*
13. The existing detached garage would be extended to the front, and the walls and ridge height raised before conversion to habitable accommodation. The proposed alterations would be suitably domestic in appearance and whilst the existing garage door would be removed and a door and windows introduced to the front elevation, the resultant structure would still retain an appropriate degree of subservience to the existing dwelling.
14. The proposed extension to the front would result in the existing garage being located further forward, however it would still retain a reasonable set back from the public highway and front

elevation of the dwellinghouse, and would not, therefore, appear overly prominent in the streetscene.

15. The proposed single storey front and rear extensions would respect the existing property and the surrounding buildings in terms of the scale, size, design and facing materials. Views of the proposed rear extension would be largely obscured from public vantage points.

#### Impact on the amenity of neighbouring occupiers

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, the development would not cause harm to any neighbouring property by virtue of overlooking, overshadowing or by creating overbearing impacts.*
17. *Policy HS5 of the Chorley Local Plan 2012 – 2026 states that there should be no unacceptable adverse effect on the amenity of neighbouring properties through overlooking, loss of privacy or reduction of daylight.*
18. *The Householder Design Guidance SPD seeks to ensure that property extensions have a satisfactory relationship with existing neighbouring buildings, do not have overbearing impacts on adjacent properties and amenity areas and do not lead to the excessive loss of daylight or overshadowing of habitable rooms and amenity spaces of adjacent properties. Furthermore, it asserts that extensions should be located, and windows orientated, to prevent direct overlooking of habitable rooms or private amenity space that belongs to nearby properties. In particular the SPD states that first floor and two storey extensions should not project beyond a '45-degree' guideline drawn on plan from the near edge of the closest ground floor habitable room window in an adjoining/affected property and single storey extension should not project further than 3m beyond the same line. The SPD also states that balconies or terraces which lead to an unacceptable level of overlooking or are visually intrusive are unacceptable.*
19. Objections have been received from the occupiers of adjacent properties, no.11 Langton Close, and no.12A Langton Close. Both these neighbouring occupiers are concerned that the proposed development would result in an adverse impact on their amenity through overlooking, loss of privacy, shadowing and reduction of daylight.
20. The orientation of the application property is such that the proposed single storey rear extension with balcony above would be built to its western facing rear elevation, adjacent to the boundary with no.11 Langton Close, which is located to the south. This neighbouring property has a single storey rear extension (planning permission ref 15/00136/FUL) which projects from its west facing rear elevation, and which is built in proximity to its northern boundary that is shared with the application property. The neighbouring occupier is concerned that the proposal would have an adverse impact on light to the rear windows which are in proximity to the proposed extension.
21. In order to protect the amenity of neighbouring occupiers, Chorley Council's Householder Design Guidance Supplementary Planning Document (SPD) states that first floor and two storey rear extensions should not project beyond a 45 degree line drawn from the near edge of the closest ground floor rear facing window to a habitable room in a neighbouring dwelling. Given that the proposed single storey rear extension would contain a balcony at first floor it is considered appropriate to apply the guideline for first floor and two storey rear extensions.
22. The proposed extension would not project beyond a 45 degree line drawn from the near edge of the closest ground floor rear facing window in a habitable room in no.11 Langton Close. Measurement has been taken from the rear facing windows in the single storey rear extension at this property. The Council uses the '45-degree' guideline to assess the impact of proposed extensions with the purpose of maintaining satisfactory relationships between existing buildings and proposed extensions, avoiding overbearing impacts on adjacent properties and amenity areas, and preventing excessive loss of daylight or overshadowing

of habitable rooms and amenity spaces of adjacent properties. Whilst it is acknowledged that there would be some loss of ambient light to the first floor windows, it is considered, on balance, that the orientation of the extension in relation to the neighbouring property would mean that the resultant overshadowing would not be so significant as to warrant refusal of the application.

23. Privacy would be maintained by the proposed 1.5m high privacy screen and 0.3m wall to the balcony, and with the extension containing a blank side elevation facing onto the common boundary, it is considered that there would be no unacceptable adverse impact on the amenity of the neighbouring occupier at no.11 Langton Close. A suitably worded condition is recommended.
24. The existing detached garage would be altered and extended to provide habitable accommodation following its conversion. The existing detached garage is located to the south of nos. 12A and 12B Langton Close. Whilst it is acknowledged that the proposed alterations to the garage would introduce a greater degree of massing to the boundary with these neighbouring properties, the existing separation distance would remain and, due to the orientation on site, the proposed development would not directly face onto the front elevation of these neighbouring properties. It is considered, therefore, that there would be no unacceptable adverse impact from overshadowing of the front of these neighbouring dwellinghouses. Furthermore, whilst a rooflight is proposed to the side elevation facing onto nos. 12A and 12B Langton Close, it is not considered that this would adversely impact amenity by virtue of overlooking. In addition, a door and 2no. windows would be introduced to the front elevation, and a patio door would be installed to the rear. The front facing door and windows would not directly overlook any neighbouring property, and with open land to the rear, it is considered that the resultant relationships would be acceptable.
25. The single storey front extension would replace an existing porch, and a small, high level, window would be installed in the front elevation. Given that the proposed single storey front extension would have an acceptable relationship with neighbouring properties.
26. With no neighbouring properties located directly to the rear and with a separation distance of more than 7m, it is considered that the proposal would accord with policy.

#### Highway safety

27. *Policy HS5 of the Chorley Local Plan 2012 – 2026 states that permission will be granted provided that the proposal does not have an unacceptable adverse effect on highway safety and policy ST4 of the Chorley Local Plan 2012-2026 and its associated appendix sets out parking standards based on bedroom numbers of a property.*
28. *The Householder Design Guidance SPD states that off-street parking should be provided at a ratio of 2 spaces for a two or three bed dwelling, and 3 spaces for a larger property, including garages.*
29. Following conversion of, and extension to, the existing detached garage it would serve as habitable accommodation. Objections have been received from the occupiers of 2no. neighbouring properties who are concerned that the proposed development would have an adverse impact on highway safety and parking.
30. Whilst the proposed development would result in the loss of 2no. garage parking spaces, the proposed parking layout demonstrates that in-curtilage parking would be provided for 3no. vehicles. This is in accordance with policy.
31. Whilst the safety of children playing is of concern, it is noted that the proposed development is located at the head of a cul-de-sac where there is limited passing traffic, and it is expected there would be low traffic speeds.

Other issues

32. Concerns about the parking of construction vehicles and construction hours are noted but given the size and scale of the proposed development it is not considered necessary to require a construction management plan in this instance.

**CONCLUSION**

33. The proposed development would not have an unacceptable adverse impact on the character and appearance of the existing dwelling or the surrounding area, nor would it cause any significant harm to the amenity of neighbouring residents or highway safety. It is, therefore, considered that the development accords with policy HS5 of the Chorley Local Plan 2012 – 2026 and the Householder Design Guidance SPD. Consequently, it is recommended that the application is approved.

**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:** 93/00114/FUL                      **Decision:** PERFPP                      **Decision Date:** 10 July 1998  
**Description:** Erection of 22 dwellings with associated engineering works

Suggested conditions

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

<b>Title</b>	<b>Plan Ref</b>	<b>Received On</b>
Location Plan	N/A	9 March 2021
Site Plan	N/A	9 March 2021
Proposed Layout of Parking Areas	DPB/DEH/20/07	16 April 2021
Proposed Elevations	DPB/DEH/20/05 C	10 May 2021
Existing & Proposed Footprint of Property	DPB/DEH/20/16	10 May 2021
Proposed Elevations	DPB/EH/20/04	9 March 2021
Proposed Ground Floor Layout	DPB/EH/20/06 A	16 April 2021

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

2. All external facing materials of the development hereby permitted shall match in colour, form and texture to those specified on the application form received 9 March 2021 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 visual amenity of the area in general and the existing building in particular.*

3. 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.*



4. Before the balcony hereby approved is brought into use the 1.5m high obscurely glazed privacy screens as shown on plan reference DPB/DEH/20/05 C shall be installed on the south and west facing elevations of the balcony. The obscurely glazed privacy screens shall be to at least Level 5 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing by the local planning authority and it shall be retained at all times thereafter.

*Reason: In the interests of the privacy of occupiers of neighbouring property.*

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12, Langton Close, Eccleston, Lancashire, PR7 5UU



Site Plan shows area bounded by: 352576.92, 416098.88 352718.35, 416240.3 (at a scale of 1:1250), OSGridRef: SD52641616. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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**APPLICATION REPORT – 21/01052/FUL**

**Validation Date: 31 August 2021**

**Ward: Clayton East, Brindle And Hoghton**

**Type of Application: Full Planning**

**Proposal: Erection of dwellinghouse**

**Location: The Post Office The Straits Hoghton Preston PR5 0DA**

**Case Officer: Mr Iain Crossland**

**Applicant: Lanley Developments Limited**

**Agent: Mr Daniel Hughes, PWA Planning**

**Consultation expiry: 1 October 2021**

**Decision due by: 12 November 2021**

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**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 landscaped area resembling a garden to the west of The Post Office, which is situated on The Straits, at the end of a terraced row facing onto the highway. The application site is bound by The Straits to the south, Quaker Brook Lane to the north, The Post Office to the east and a small parcel of what appears to be public amenity space to the west. As such it occupies a prominent position within the village. 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. The Post Office and terrace to the east are stone buildings of a simple traditional form and appearance typical of an upland village of agrarian origins.
3. It is noted that planning permission (ref. 19/00943/FUL) was granted for the erection of a detached dwelling and that this consent remains extant.

**DESCRIPTION OF PROPOSED DEVELOPMENT**

4. This application seeks full planning permission for the erection of a detached dwellinghouse. The proposed dwelling is a two storey building of traditional design style, and it is proposed that a vehicular access would be gained from Quaker Brook Lane. It is proposed that the dwelling would be faced in stone and would include a gable to the front elevation and balcony to the west elevation.
5. Some minor amendments have been made to the proposed dwelling to include stone facing to the three elevations that would be visible, window openings have been altered to provide a more vertical emphasis and a chimney has been included.

## REPRESENTATIONS

6. Representations have been received from the occupiers of 5no. addresses citing the following grounds of objection:
- Overdevelopment of a small site
  - Not in keeping with the character of the area.
  - Taller than the previously approved building and includes more modern elements
  - Impact on highway safety
  - No need for further housing in Hoghton
  - Dangerous parking practices already take place along Quaker Brook Lane
  - There would be a danger to highway safety during the construction period
  - Overlooking and loss of privacy.
  - The 1.8m screen fence shown on the plan to the west side of the plot is too high and should be replaced with wild-life friendly hedging

## CONSULTATIONS

7. Hoghton Parish Council: Have reiterated their previous observations as follows;
- A. The developments would set a precedent for further development in the area.
  - B. They are over developments.
  - C. There are highway health and safety issues resulting from another access to the busy Blackburn Old Road with increased traffic from the site and access is a short distance from Quaker Brook Lane where there are significant highway problems.
  - D. 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.
8. Greater Manchester Ecology Unit: Have no objection subject to conditions.
9. Waste & Contaminated Land: Have no objection.
10. Lancashire County Council Highway Services: Have no objection subject to conditions.
11. United Utilities: Have no objection subject to condition.
12. Lancashire County Council Historic Environment Team: Have no objection subject to a condition.

## PLANNING CONSIDERATIONS

### Principle of development

13. The National Planning Policy Framework (The Framework) states that housing 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.
14. The application site is located in the settlement area of the village of Hoghton and falls to be considered as an 'other place' when considering the location of development in relation to Policy 1 of the Core Strategy. Policy 1(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."*
15. 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, whilst the development of a single dwelling would be commensurate with the scale of the village. The proposed development would infill a small site within the settlement area of the village that is between two highways with a clear line of

development to the east side and development on opposite sides of both The Straits and Quaker Brook Lane.

16. In addition to this 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.

17. The application site has the appearance of a domestic garden and, therefore, the application is assessed on this basis. Policy HS3 of the Chorley Local Plan 2012 - 2026 deals with development within residential gardens. Policy HS3 states that development within private residential gardens on sites not allocated for housing will only be permitted for:

- (a) appropriately designed and located replacement dwellings where there is no more than one for one replacement;*
- (b) the conversion and extension of domestic buildings, and;*
- (c) infill development on gardens which is classified as the filling of a small gap in an otherwise built up street frontage which is typically a gap which could be filled by one or possibly two houses of a type in keeping with the character of the street frontage.*

*When assessing applications for garden sites, the Council will also have regard to;*

*1) Sustainability, such as access to public transport, schools, businesses and local services and facilities.*

*Proposals which significantly undermine amenity and harm the distinctive character of an area will be refused.*

18. The proposed dwelling would be positioned between The Post Office to the east and Quaker Brook Lane to the west, beyond which the line of development continues along The Straits. The application site measures approximately 20m in width, which represents a small gap. There is a very clearly identifiable built up street frontage to the east of the site along The Straits. To the west this line of development is broken only by the application site, a small area of amenity space and the highway at Quaker Brook Lane, beyond which the built up frontage is clearly identifiable. As the highway at Quaker Brook Lane forms part of a developed frontage the application site forms an obvious gap along this part of The Straits and is, therefore, considered to be an infill development in line with Policy HS3 criterion c).

19. There is no prevailing design character when considering The Straits as a whole. To the immediate east of the site the buildings are simple stone terraces of traditional design style. To the west the dwellings comprise stone cottages and red brick semi-detached houses. The dwellings located along Quaker Brook Lane are of a more varied design style with a range of more contemporary semi-detached and detached dwellings that include dormer bungalows. The proposed dwelling would be a detached property in the style of a traditional stone cottage. There would be a front gable feature and front porch, chimney stack, and other details contributing to a traditional design style including quoins, sills and lintols. The use of stone would ensure that the building provides some continuity with those nearby. It is noted that the proposed dwelling would include a small projection and balcony of more contemporary appearance to the west side of the dwelling.

20. Although the proposed dwelling does not exactly replicate the scale and appearance of those nearest dwellings, the range of properties in the locality is such that a traditional style dwelling of lesser height faced in similar materials to those adjacent would not be out of character with the street frontage when considered in its entirety.

21. Policy HS3 includes additional sustainability criteria detailed above. 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 and public houses, and the means to access other nearby amenities relatively easily.

22. Overall, it is considered that the proposed development complies with policy HS3 of the Chorley Local Plan 2012 - 2026. It is also noted that there is an extant planning permission (ref. 19/00620/FUL) for the erection of a detached dwelling on this site, which is a material consideration in the determination of this application given that the acceptability of the principle of development that has already been established.

Impact on character and appearance of the locality

23. The proposed development comprises a detached dwelling set within an open plot of land that is bound by The Straits to the south, Quaker Brook Lane to the north and amenity land to the west. As such the application site is prominent in the streetscene and would be clearly visible on three sides. As set out above there is no predominant design style in the village with a range of dwelling types, styles and materials used, although the nearest properties to the east are stone terraces of traditional appearance and character.
24. The proposed dwelling would be a detached property in the style of a traditional stone cottage. There would be a front gable feature and open front porch, chimney stack, and some simple window detailing. The dwelling has been designed to display features characteristic to the area including stone quoins, sills and lintols and is a simple stone faced building, which is an appropriate design response to the site, and its open aspect. A small projection and balcony with larger window openings and a more contemporary appearance would be included to the west side of the dwelling. Although this would introduce a more contemporary feature its scale is such that it would not detract from the overall traditional effect of the design, whilst the continued use of stone would enable this element to be included with a suitable degree of harmony.
25. The height of the proposed dwelling has been kept lower than the building immediately to the east, which reflects the varied building height along the terrace to the east and reduces the visual impact. The use of stone would help the proposed dwelling to blend in with its immediate surroundings, whilst the positioning is broadly consistent with that of the nearest properties along The Straits. The roofing materials have not yet been specified though it is noted that the properties to the east are roofed with slates. Given the prominence of the site and distinctiveness of the frontages along The Straits in this locality it is considered necessary to provide materials details to ensure an adequate match with the properties to the east and to provide details of window and door fittings to ensure that a suitably high quality of development is achieved. As such a number of conditions are recommended requiring the approval of further details and to ensure a suitably high quality finish.
26. It is proposed that the driveway and parking would be located to the rear with gardens to the front and site. This would help to frame the property and provide an adequate degree of amenity space. The dwelling to plot ratio is relatively tight in the context of the large curtilages of many other dwellings in Hoghton. There would, however, be adequate space around the dwelling such that it would not appear disproportionate.
27. Overall, it is considered that the proposed dwelling would result in a harmonious addition to the streetscene along The Straits and would be an unobtrusive feature when viewed from Quaker Brook Lane. The gable end of the dwelling would be clearly visible on approach from the west, however, the current aspect is that of a blank gable elevation to the Post Office and therefore it would not be harmful to the appearance of the streetscene.

Impact on neighbour amenity

28. The proposed dwelling would be located immediately adjacent to The Post Office and would not be visible from this property.
29. The proposed dwelling would face the side elevation of no.4 The Straits, which is located on the opposite side of The Straits to the south. It is noted that there are windows to habitable rooms in the side elevation of no.4 The Straits facing the application site, and that there is a separation distance of approximately 14m. The proposed dwelling is located to the north of



this property and would have no impact on direct light to these windows. There would be windows to habitable rooms at first floor level in the proposed dwelling facing first floor windows to no.4 The Straits. Although these would be positioned less than the 21m interface guideline applied to facing windows a reduced interface is not uncommon in instances where there is an intervening highway and is not, therefore, considered to result in an unacceptably harmful impact on privacy in this instance given the already reduced privacy levels due to the presence of the highway.

30. There would be windows at ground floor that would face no.4 The Straits, however, the inclusion of a front hedge at the proposed dwelling would help to filter direct views. In addition to this it is noted that the windows in the side elevation of no.4 The Straits face directly onto the highway at The Straits. As such the degree of private amenity available from these windows already is less than may otherwise be anticipated, and the impact of the proposed dwelling would not exacerbate this to any harmful extent. It is, however, recommended that a condition is attached to any grant of planning permission requiring the retention of the hedge and its maintenance to the minimum height.
31. There would be some impact on outlook from the windows in the side elevation at no.4 The Straits as the proposed development would take place on an open site opposite. The scale of the proposed dwelling and degree of separation are such, however, that it is not considered the impact would be unacceptably harmful.
32. The proposed dwelling would be located at least 22m from the nearest dwellings on Quaker Brook Lane, namely Oak Lea and Wayside. Given the scale of the proposed dwelling, its positioning and degree of separation it is not considered that there would be any detrimental impact on the amenity of the occupiers of these dwellings.
33. The proposed balcony would be located approximately 15m from the rear garden to no.4 The Straits and approximately 18m from the side garden to no.301 Hoghton Lane with intervening highway between both. This represents an adequate degree of separation for what is a small balcony area, such that there would be no unacceptably harmful impact on the privacy of the occupiers of these properties.
34. Overall, it is considered that the proposed dwelling would not result in any unacceptable detrimental impact on the amenity of neighbouring occupiers.

#### Highway safety

35. The application site is located between two highways, The Straits and Quaker Brook Lane, and it is noted that a number of concerns have been raised with regards to the impact of the development on highway safety and current highway safety issues.
36. Lancashire County Council Highway Services acknowledge that there is a lack of full and adequate pedestrian facilities on Quaker Brook Lane and it is suggested that the applicant provides a 2m wide footway across the full frontage of the site on Quaker Brook Lane, which could lead to an upgrade of the existing path that runs through the adjacent amenity land, where the Parish Council have a notice board and bench.
37. The upgrade of this footpath and the new footway on Quaker Brook Lane would also be of benefit to other residents and road users on Quaker Brook Lane and provide a direct link to the bus stops and the footways on The Straits. The applicant would be requested to enter into a s278 agreement for the formation of the footway and vehicle crossing on Quaker Brook Lane.
38. It is requested that the applicant makes provision for the construction/contractor parking and the loading and storage of deliveries off the highway associated with the construction of the development. This is to ensure that Quaker Brook Lane and The Straits are not obstructed by parking and the safe passage of all road users is maintained. A condition requiring a construction method statement is, therefore, recommended.

39. Adequate off street car parking provision would be provided that complies with the parking standards specified in policy ST4 of the Chorley Local Plan 2012 – 2026.
40. Overall, LCC Highways do not have any objections regarding the proposed erection of a detached dwellinghouse on land west of the Post Office 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 impacts

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 (GMEU) who advise that no significant ecological issues were identified by the developer's ecological consultant. Issues relating to bats, nesting birds, invasive species and landscaping can be resolved via conditions and informatives.
42. The buildings on the site were assessed as having negligible bat roosting potential. GMEU have no reason to doubt the findings of the report, carried out by an experienced bat consultancy. As bats can arrive in unexpected locations it is recommended that an informative is attached reminding any developer of the Habitat Regulations.
43. No other protected species were assessed as likely on the site and GMEU have no reason to doubt these conclusions, given the nature of the development site and distance from suitable habitat.
44. Japanese knotweed is recorded within the development site. Japanese knotweed is 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 Japanese knotweed be attached to any grant of planning permission.
45. Section 174 of the Framework states that the planning system should contribute to and enhance the natural and local environment. The site is generally of low ecological value consisting of amenity grassland ornamental planting and short sections of hedgerow. Short sections of hawthorn hedge are to be replaced with beech hedges with some tree and shrub planting. The soft landscape proposals would adequately mitigate for loss of existing vegetation.

#### Flood risk and drainage

46. 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.
47. 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.
48. It is recommended that the applicant provides details of a surface water drainage scheme, that is in accordance with the surface water drainage hierarchy outlined above.

#### Sustainability

49. 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 1<sup>st</sup> 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.”*

50. 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.

#### Public open space

51. 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.
52. 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.
53. 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.
54. 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.
55. 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 1 or 2 dwellings.
56. It is considered that the benefit of securing a public open space contribution on the basis of one dwelling would not be sufficient or carry significant weight to outweigh the national policy position. The benefit to the Council is the delivery of improvements to play space, however the cost of managing the end to end process of delivering those improvements is high and not commensurate to the benefit.

57. Therefore, a public open space commuted sum is not requested for this scheme.

Community Infrastructure Levy (CIL)

58. 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**

59. It is considered that the principle of a new dwelling on this site is acceptable and that the proposed dwelling would not cause undue harm to the appearance and character of the area or neighbour amenity. In addition, it is considered that adequate parking would be provided and that there would be no unacceptable harm to highway safety. On the basis of the above, it is recommended that planning permission be granted.

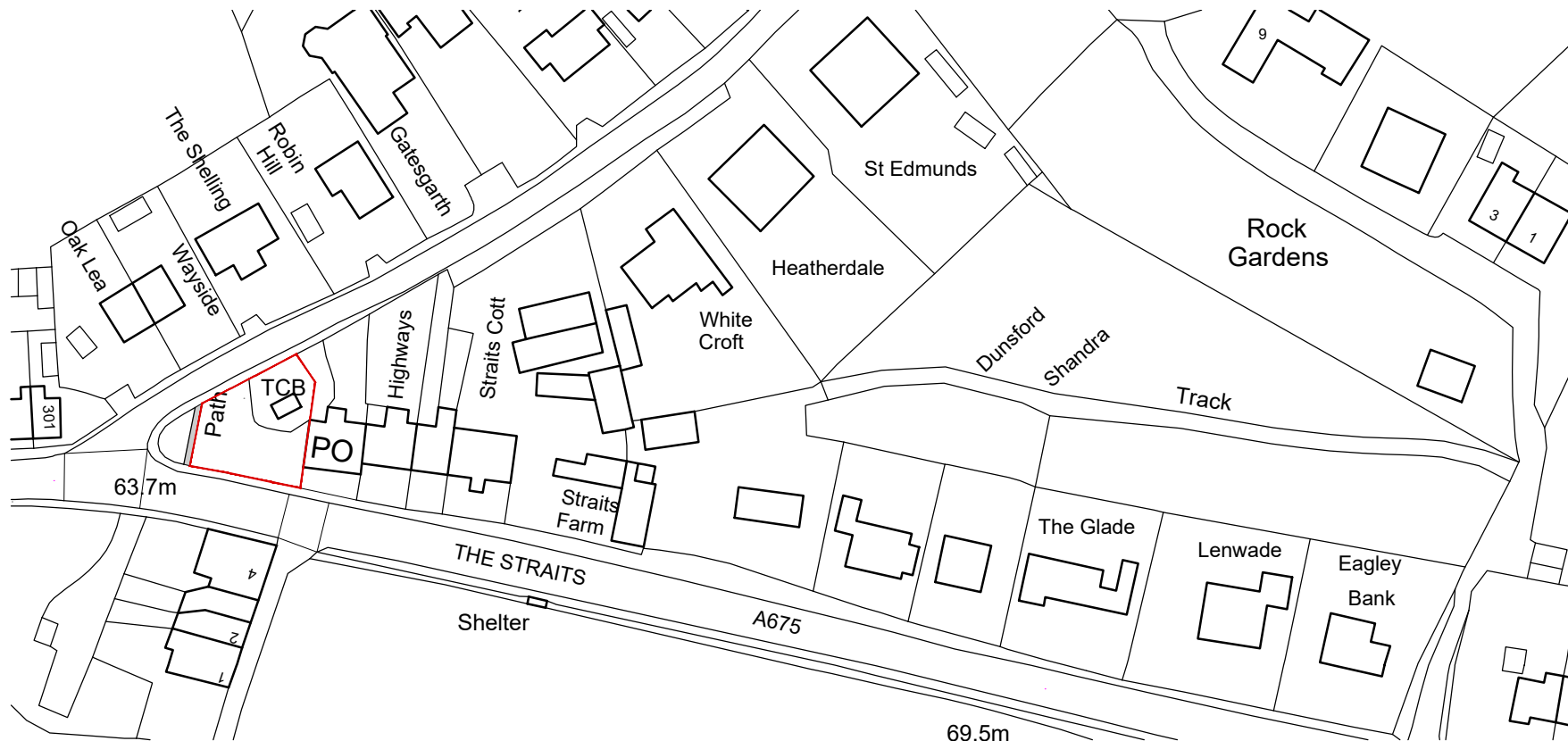
**RELEVANT HISTORY OF THE SITE**

**Ref:** 19/00620/FUL      **Decision:** PERFPP      **Decision Date:** 13 September 2019  
**Description:** Erection of detached dwellinghouse on land west of the Post Office

**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.

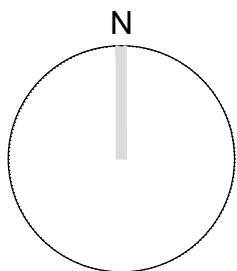
Suggested conditions

To follow.



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Revision Notes:



<b>CLIENT</b> Lanley Homes.				
<b>PROJECT NAME</b> Proposed detached house and garage on land to the west of Hoghton Post Office, The Straits, Houghton, PR5 0DA.				
<b>DRAWING NAME</b> Location Plan.				
<b>SCALE</b> 1:1250 @ A4	<b>DRAWN BY</b> JRM	<b>DATE</b> 15:07:2021	<b>DRAWING NUMBER</b> 20/089/L01	<b>REVISION</b> -

213 Preston Road, Whittle-le-Woods, Chorley, Lancashire, PR6 7PS  
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 LMP Architectural Consultants is the trading name of Lawson Margerison Practice Ltd. Registered in England and Wales. No. 5597973 ©

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**APPLICATION REPORT – 21/01020/LBC**

**Validation Date: 20 August 2021**

**Ward: Chorley North West**

**Type of Application: Listed Building Consent**

**Proposal: Application for listed building consent for repairs and alterations primarily to wall 53 including: structural strapping, lime render application, and reinstatement and addition of stringcourses to wall 53; changes to the sill of window W78 and lintels/sills of window W75 including addition of brick lintel; minor window repairs including re-leading of windows; internal making good following window repairs; addition of leadwork dressings; and addition of pigeon deterrent system across South Range**

**Location: Astley Hall Astley Park, Park Road, Chorley PR7 1NP**

**Case Officer: Johndaniel Jaques**

**Applicant: Chorley Borough Council**

**Agent: Mr Geoff Maybank, Maybank Buildings Conservation**

**Consultation expiry: 28 September 2021**

**Decision due by: 16 November 2021 (Extension of time agreed)**

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**RECOMMENDATION**

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

**SITE DESCRIPTION**

2. The application relates to repairs and alterations primarily to wall 53 of Astley Hall, which is a grade I listed building. Astley Hall is a former manor house of fine example dating from the C16 and C17 with early C19 addition; and was repaired and restored from 1949. The Hall is situated within the grade II registered historic park and garden which is of special historic interest and a number of buildings within the curtilage are grade II listed in their own right.

**DESCRIPTION OF PROPOSED DEVELOPMENT**

3. This is a part retrospective application and the works form additional repairs to the current scheme of repairs and restoration to Astley Hall approved under the previous application (20/00811/LBC). The details of the proposal are fully set out in the Design, Access, Flood & Heritage Statement which accompanies the application for listed building consent and are summarised below:
  - 1) structural strapping, lime render application, and reinstatement and addition of stringcourses to wall 53
  - 2) changes to the sill of window W78 and lintels/sills of window W75 including addition of brick lintel
  - 3) minor window repairs including re-leading of windows
  - 4) internal making good following window repairs
  - 5) addition of leadwork dressings

- 6) addition of pigeon deterrent system across South Range

#### **REPRESENTATIONS**

4. No representations have been received.

#### **CONSULTATIONS**

5. Historic England – Do not wish to offer any comments.
6. Friends of Astley Hall - No comments have been received.
7. The Gardens Trust - Do not wish to offer any comments.
8. Lancashire Gardens Trust - No comments have been received.
9. Friends of Astley Park - No comments have been received.
10. Lancashire County Council (LCC) Archaeology Service – Have no objections but recommend a condition regarding implementation of a programme of archaeological works.
11. Ancient Monuments Society - No comments have been received.
12. The Council for British Archaeology - No comments have been received.
13. SPAB - No comments have been received.
14. The Georgian Group - No comments have been received.
15. The Victorian Society - No comments have been received.
16. Twentieth Century Society - No comments have been received.

#### **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. Paragraph 197 provides 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.
  
21. 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.
  
22. 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.
  
23. Paragraph 205 sets out that Local Planning Authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.
  
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. Chorley Local Plan 2012 - 2026 policy BNE8 (Protection and Enhancement of Heritage Assets) 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.

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.

26. The works identified in the application are essential repairs/maintenance and are set out above. The application is informed by a Design, Access, Flood & Heritage Statement (Maybank Building Conservation - August 2021). The Heritage Statement sets out the schedule of repairs at Section 6.2.
27. The assessment as set out in the submitted Heritage Statement provides a Heritage Impact Assessment and its findings of some works having a negative impact of change on this part of the building are accepted. Some elements of the historic fabric of the building will be removed, so will cause some visual change. However, the works are considered to be essential maintenance/repairs and are part of a wider project which will enhance the appearance of the building and better sustain the future use of the building as a cultural attraction. It is considered that the proposed works are appropriately justified in the submission.
28. Whilst some visual change will occur this is not considered to translate into significant levels of harm or loss of significance. The proposal seeks to minimise the harm or loss of significance and are adequately justified. Overall, the proposal is considered to represent positive works for the building and will help sustain the use of the Hall into the future, which is afforded significant weight in accordance with the requirements of paragraph 202 of the Framework (which requires the Local Planning authority to consider the desirability of sustaining and enhancing the significance of heritage assets and putting them into viable uses consistent with their conservation). Taking the proposal as a whole, as the Local Planning Authority are required to do, the benefits far outweigh any identified harm and, therefore, on balance it is considered that the application meets the duty to preserve (S.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990) the objectives of Chapter 16 of the Framework, policy 16 of the Core Strategy and policy BNE8 of the Local Plan.
29. It is further considered that the proposal would not harm the significance of the Historic Park and Garden in which Astley hall sits.
30. Details in relation to implementation of a programme of archaeological works is recommended to be secured by condition.

## **CONCLUSION**

31. There will be some negative impacts as a result of removal of the historic fabric of the building and, therefore, some visual change as a result of the proposed works which are essential maintenance/repairs. The impacts are not considered to be a significant level of harm or loss of significance, and any harm has been sought to be minimised. In addition, the proposal is adequately justified. Overall, the proposal is considered to represent positive works for the building and will help sustain the use of the Hall use into the future as a cultural attraction. The benefits of the proposal taken as a whole would far outweigh any identified harm and, therefore, on balance it is considered that the application is acceptable and accords with the duty to preserve (S.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990), the objectives of Chapter 16 of the Framework, policy 16 of the Core Strategy and policy BNE8 of the Chorley Local Plan 2012 - 2026.

32. Suggested conditions

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

Title	Plan Ref	Received On
Location Plan	Astley Hall Conservation Scheme (1:7500 scale)	20 August 2021
Site Plan	Astley Hall Conservation Scheme (1:2500 scale)	20 August 2021
Block Plan	Astley Hall Conservation Scheme (1:1250 scale)	20 August 2021
Ground Floor Plan Existing	3148-001 Rev. A	20 August 2021
First Floor Existing	3148-002 Rev. A	20 August 2021
Basement and Second Floor Plans Existing	3148-003	20 August 2021
Roof Plan Existing	3148-004	20 August 2021
West Elevation Existing	3148-010 Rev. A	20 August 2021
Wall 53 Repair	3148-124 Rev. C (LBC)	20 August 2021
Proposed Stiffening to Wall 53	003 Rev. B	20 August 2021

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

2. The proposed works shall be carried out in accordance with the application, plans, and accompanying documentation, except where modified by any condition.

*Reason: For the avoidance of doubt and to specify the proposed works.*

3. Within 3 months of the date of this decision a full standing watching brief report that has been undertaken by an appropriately qualified and experienced professional contractor shall be submitted to and approved in writing by the Local Planning Authority. The report shall include a detailed record of the fabric of the area dealt with by this application, to the standards and guidance set out by the Chartered Institute for Archaeologists, as well as full details of the works undertaken

*Reason: To ensure that matters of archaeological/historical importance associated with the building are documented.*

**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:** 90/00253/COU      **Decision:** PERFPP      **Decision Date:** 3 July 1990  
**Description:** Change of use of agricultural dwelling to office accommodation
- Ref:** 07/00243/LBC      **Decision:** PERLBC      **Decision Date:** 19 November 2007  
**Description:** Construction of 2.7m to 2.1m high brick wall between lean to of boiler house and corner of the rear of Astley Hall
- Ref:** 08/00060/LBC      **Decision:** WDN      **Decision Date:** 14 August 2008  
**Description:** Listed Building Consent for the installation of six CCTV cameras on Astley Hall and The Coach House
- Ref:** 08/00884/CB3      **Decision:** PERFPP      **Decision Date:** 4 February 2009  
**Description:** Installation of a CCTV system including six cameras (located on Astley Hall, The Coach House, wall mounted and on poles in the grounds) and eight loudspeaker horns on the roof of Astley Hall and The Coach House
- Ref:** 08/00885/LBC      **Decision:** PERLBC      **Decision Date:** 4 February 2009  
**Description:** Listed Building Consent for the installation of a CCTV system including six cameras (located on Astley Hall, The Coach House and wall mounted in the grounds) and eight loudspeaker horns on the roof of Astley Hall and The Coach House
- Ref:** 12/00750/LBC      **Decision:** PERLBC      **Decision Date:** 13 November 2012  
**Description:** Repairs to stone archway, gates, side pillars and adjacent landscaping including: re pointing ashlar stonework; stone repairs with lime repair mortar; stone piecing-in repairs; renovation of gates; replacing corroding iron cramps; lifting and re bedding coping stonework; fitting of new metal capping to head of archway; making good adjacent landscaping
- Ref:** 18/00178/CB3      **Decision:** PERFPP      **Decision Date:** 25 April 2018  
**Description:** Creation of covered event and performance space within the Walled Garden adjacent to Astley Hall
- Ref:** 18/00179/LBC      **Decision:** PERLBC      **Decision Date:** 25 April 2018  
**Description:** Listed Building Consent for: Alterations to structure within the Walled Garden adjacent to Astley Hall to create a covered events and performance space
- Ref:** 18/00608/DIS      **Decision:** PEDISZ      **Decision Date:** 3 July 2018  
**Description:** Application to discharge condition no.4 (sample materials) to permission granted under 18/00178/CB3: Creation of covered event and performance space within the Walled Garden adjacent to Astley Hall
- Ref:** 20/00811/LBC      **Decision:** PERLBC      **Decision Date:** 7 October 2020  
**Description:** Application for listed building consent for repairs and alterations to the south range of Astley Hall to include: (1) the removal of failing C19th concrete render to the exterior. (2) repair of the exposed C17th brick and stone façade. (3) repointing of brickwork and masonry. (4) stitching of movement cracks with stainless steel helical bar. (5) new leadwork cappings. (6) redecoration of the facade with limewash or breathable paint (if required). (7) rebuilding of the second-floor leaded light windows, retaining glazing. (8) replacement of the failing ground and first floor timber windows. (9) new chimney and buttress stone capping. (10) internal lime plaster repairs. (11) repair to internal window boards. (12) minor oak panelling repair and re-fixing. (13) provision of new access ramp to the west door
- Ref:** 20/00930/LBC      **Decision:** PERLBC      **Decision Date:** 9 December 2020

**Description:** Application for listed building consent for repairs and minor alterations to the north-eastern cottage wing of the Astley Hall to include: (1) repointing brickwork and stonework, (2) re-facing or replacement of a stone plaque (3) render repairs (4) tying back of a brick gable, (5) window repairs and replacement (6) timber frame repairs, (7) replacement of failing cementitious infill panels, (8) leadwork renewal, (9) roof repairs and recovering and (10) improvement of rainwater goods

**Ref:** 21/00118/DIS

**Decision:** PEDISZ

**Decision Date:** 26 April 2021

**Description:** Application to discharge conditions nos.6 (details of ramp) and 7 (details of windows) of listed building consent 20/00811/LBC (Application for listed building consent for repairs and alterations to the south range of Astley Hall to include: (1) the removal of failing C19th concrete render to the exterior. (2) repair of the exposed C17th brick and stone façade. (3) repointing of brickwork and masonry. (4) stitching of movement cracks with stainless steel helical bar. (5) new leadwork cappings. (6) redecoration of the facade with limewash or breathable paint (if required). (7) rebuilding of the second-floor leaded light windows, retaining glazing. (8) replacement of the failing ground and first floor timber windows. (9) new chimney and buttress stone capping. (10) internal lime plaster repairs. (11) repair to internal window boards. (12) minor oak panelling repair and re-fixing. (13) provision of new access ramp to the west door)

**Ref:** 21/00316/DIS

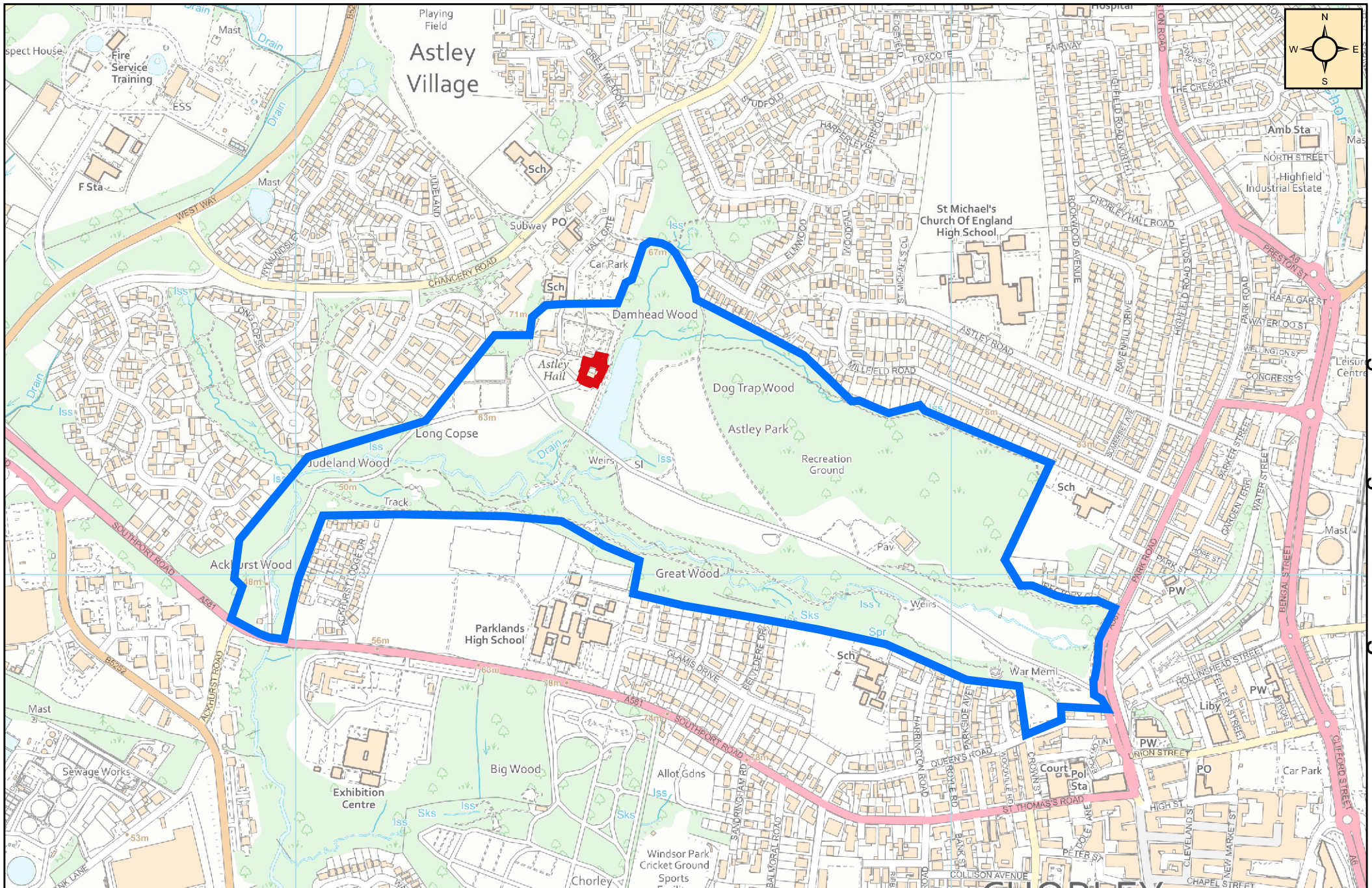
**Decision:** PCO

**Decision Date:** Pending

**Description:** Application to discharge condition no.5 (repair methodology) of listed building consent 20/00811/LBC (Application for listed building consent for repairs and alterations to the south range of Astley Hall to include: (1) the removal of failing C19th concrete render to the exterior. (2) repair of the exposed C17th brick and stone façade. (3) repointing of brickwork and masonry. (4) stitching of movement cracks with stainless steel helical bar. (5) new leadwork cappings. (6) redecoration of the facade with limewash or breathable paint (if required). (7) rebuilding of the second-floor leaded light windows, retaining glazing. (8) replacement of the failing ground and first floor timber windows. (9) new chimney and buttress stone capping. (10) internal lime plaster repairs. (11) repair to internal window boards. (12) minor oak panelling repair and re-fixing. (13) provision of new access ramp to the west door)

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Report of	Meeting	Date
Director of Planning and Development	Planning Committee	9 November 2021

## **PROPOSED CONFIRMATION CHORLEY BOROUGH COUNCIL TPO NO.4 (CLAYTON LE WOODS) 2021**

### **PURPOSE OF REPORT**

1. To consider formal confirmation of the Chorley Borough Council TPO No.4 (Clayton Le Woods) 2021.

### **RECOMMENDATION**

2. Formal confirmation of the Order. This affords permanent as opposed to provisional legal protection to the trees covered by the Order.

### **EXECUTIVE SUMMARY OF REPORT**

3. Formal confirmation of the Order affords permanent as opposed to provisional legal protection to the tree covered by the Order. Not to confirm the Order would mean allowing the Order, and thereby the protection conferred on the trees covered by the Order to lapse.

<b>Confidential report</b> Please bold as appropriate	Yes	<b>No</b>
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### **CORPORATE PRIORITIES**

4. This report relates to the following Strategic Objectives:

Involving residents in improving their local area and equality of access for all	x	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	

### **BACKGROUND**

5. The Order was made on 16 June 2021. The Order was made and served along with the statutory notice prescribed in Regulations on all those with an interest in the land on which the trees are situated on the 16 June 2021. The Order was made because on the assessment of the Council's Tree Officer and Chief Planning Officer the trees make a valuable contribution to the visual amenity of the area, being prominently situated and clearly visible to the public and that their removal would have a significant impact on the environment and its enjoyment by the public.
6. One letter of objection was received, from the occupants of no.556 Preston Road Clayton-Le-Woods Chorley PR6 7EB. This property is immediately adjacent to the land with the protected trees on.

7. **Summary of Objections and Officer Response**

The trees in G1 are not clearly visible to the public.

**The trees within G1 are visible from the A6 (Preston Road), Radburn Brow and Radburn Close.**

There are thousands of trees in more public locations within Clayton Le Woods.

**This is correct, however many of these trees are on Chorley Council land, under LCC’s control or in Cuerden Valley Park and, therefore, are not under any known threat. TPO No.4 (Clayton Le Woods) 2021 was made in response to a known threat to these trees.**

The trees may cause damage to a fence and a summerhouse.

**The Order does not prevent work being undertaken. A tree works application can be made. While any application would be considered on its own merit, property being damaged is generally seen as good justification for work to protected trees.**

The trees within G1 are in poor condition and dead branches fall which could damage property.

**Dead wood can be removed without permission. The owner of the trees has a duty of care to adjacent residents regardless of the TPO. Safety issues are generally seen as good justification for work to protected trees.**

Many of the trees within G1 were classed as category C in the tree survey for 17/00464/FULMAJ and placing TPOs on them will prevent care and maintenance.

**The trees in this group were classed as category B and C. The life expectancy stated in the survey is only an estimate. These trees are now more important because of the loss of many other trees from the site. The TPO will not prevent maintenance where there is adequate justification for the work.**

The trees shade the garden of no.556 Preston Road.

**Excessive shading can be alleviated by a tree works application for sympathetic pruning.**

8. The objections have been considered and it is not proposed to revoke or vary the Order.

9. It is, therefore, now open to the Council to confirm the above Order. 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, any tree covered by the Order without first having obtained lawful permission.

**IMPLICATIONS OF REPORT**

10. This report has implications in the following areas and the relevant Directors’ comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal		Integrated Impact Assessment required?	
No significant implications in this area	x	Policy and Communications	

**COMMENTS OF THE STATUTORY FINANCE OFFICER**

11. 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. All costs would be managed within existing budgets.

**COMMENTS OF THE MONITORING OFFICER**

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

There are no background papers to this report.

<b>Report Author</b>	<b>Ext</b>	<b>Date</b>	<b>Doc ID</b>
Bill Whisker	01257 515642	1 November 2021	

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