

Planning Committee

Tuesday, 11th October 2022, 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 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	
3a)	22/00413/FUL - Little Tiger, Bolton Road, Abbey Village, Chorley, PR6 8DA	(Pages 3 - 24)
3d)	21/01349/FULMAJ - The Swan With Two Necks, 1 - 3 Hollinshead Street, Chorley, PR7 1EP	(Pages 25 - 48)
3e)	21/01350/LBC - The Swan With Two Necks, 1 - 3 Hollinshead Street, Chorley, PR7 1EP	(Pages 49 - 60)
3f)	22/00838/FUL - Seven Stars Inn, 84 - 86 Eaves Lane	(Pages 61 - 66)
3g)	22/00792/REMAJ - Land Between Pear Tree Lane And School Lane, Pear Tree Lane, Euxton	(Pages 67 - 78)

Gary Hall
Chief Executive

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APPLICATION REPORT – 22/00413/FUL

Validation Date: 8 April 2022

Ward: Chorley North East

Type of Application: Full Planning

Proposal: Conversion of the existing building to three dwellings and the erection of six new dwellings to the rear following demolition of the existing extensions

Location: Little Tiger Bolton Road Abbey Village Chorley PR6 8DA

Case Officer: Mike Halsall

Applicant: Mr Graham Gemson

Agent: - MPSL

Consultation expiry: 14 June 2022

Decision due by: 14 October 2022 (Extension of time agreed)

Update report

1. The determination of this application was deferred at planning committee on 21 September 2022 to enable Members to visit the application site.
 2. The recommendation remains as per the original report and addendum, both of which are provided below.
 3. Conditions 15 and 16 should be removed as Building Regulations 2022 have now been brought into force and under Part L require a 31% improvement above 2013 Building Regulations. This exceeds the Council's previous requirement and now supersedes the requirement for a planning condition to this effect.
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Decision due by: 16 September 2022 (Extension of time agreed)

RECOMMENDATION

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

SITE DESCRIPTION

2. The application site is located in the settlement area of Abbey Village, which is a rural village to the north east of Chorley. The site is within the Abbey Village conservation area and comprises a restaurant with rear extensions and associated car park and curtilage, which is made up of mostly hard surfacing with an area of ruderal grassland, with some trees and shrubs to the south west of the site. The restaurant building itself is not listed, although it is considered to be a non-designated heritage asset forming part of the Abbey Village conservation area.
3. There is residential development to all sides other than to the north where there is an industrial development. The dwellings to the south and east are bungalows, whilst those to the east are two storey stone terraces. The surrounding area has the character of a small industrial village, characterised by sandstone terraces and buildings laid out in a distinctly linear pattern surrounded by open agricultural upland.

DESCRIPTION OF PROPOSED DEVELOPMENT

4. The application seeks full planning permission for the conversion of part of the existing restaurant building into three dwellings and the erection of six dwellings on land to the rear, following the demolition of the existing extensions to the restaurant. The following paragraphs of this section of the report are taken from the Planning Statement submitted in support of the planning application.

Restaurant conversion

5. The restaurant would be converted to incorporate one 3-bedroom and two 2-bedroom apartments spread across three floors.
6. The existing restaurant building incorporates a two storey, stone faced former outbuilding now attached to the main restaurant building via single storey flat roof link extension and a single storey lean-to extension on the side elevation. As part of the overall scheme it is proposed that these extended elements are demolished in order to facilitate the conversion.
7. Externally, in addition to the demolition of the extensions, the proposal includes for the removal of existing unsympathetic flues on the roof of the building together with the removal of some down pipes where these are no longer required. No new openings are proposed with the conversion utilising existing window and door openings. It is however proposed that existing UPVC windows on the rear elevation are removed and replaced with new timber sliding sash windows whilst existing timber sliding sash windows are retained and renewed. All brickwork is to be cleaned and existing paint to lower section and heads and cills of windows is to be removed. All stone walling will also be cleaned.
8. Internally the proposal seeks to utilise the existing layout and retain existing divisions as far as possible to facilitate the conversion of the building. Two additional staircases are

proposed within the building in order to provide each of the proposed apartments with access to the first floor. The three-bedroom apartment extends into the loft space at second floor with the rooms utilising the existing velux windows on the rear elevation and retained window on the southern elevation.

9. Each of the proposed apartments would benefit from two tandem car parking spaces and a private outdoor area, with space for bin storage and storage shed.

Proposed dwellings

10. In addition to the conversion of the former restaurant the proposal includes the erection of six new build houses to the rear. The development consists of a pair of semi-detached properties and four detached houses.
11. The proposed houses are arranged to make best use of the space available whilst providing privacy for future residents and for those immediately neighbouring the site. All of the proposed houses face into the site fronting onto the proposed access road with a private garden to the rear.
12. Access is via the existing access off Bolton Road providing both vehicular and pedestrian access to all six of the proposed houses. A turning head is located centrally within the site providing for vehicles to enter the development and leave in forward gear.
13. Each of the proposed detached houses benefits from a private driveway to the front of the property leading to an integral garage providing off street parking for a minimum of three cars. The proposed pair of semi-detached properties benefit from side driveways leading to a single detached garage at the rear. Again, the combination of driveway and garage provides sufficient car parking for three cars at each house.
14. The externally facing materials of the proposed houses have been amended during the consideration period of the application following discussions with the case officer. The elevations of the detached dwellings located immediately behind the former restaurant building would be finished entirely in stone. The other four dwellings that are in a less prominent position tucked behind Vitoria Terrace would be mostly in red brick with part of the front elevations in stone. The proposed houses will be roofed in slate effect tiles with a slim leading edge to match materials used in the surrounding area.
15. The proposed drawings were also amended during the consideration period of the following comments received by LCC Highways, the case officer and neighbours, as outlined below:

Access and parking

- Wider junction radii of 6m have been added to the Bolton Road junction.
- The turning space at the head of the road has been increased to accommodate an 11.2m long refuse vehicle.
- In order to achieve the above, plots 4, 5 & 6 have been swapped around. This has resulted in the side elevation of Plot 6 being partially exposed so the material choice was changed to stone walling.
- The two parking spaces for each of the conversion dwellings are now provided side-by-side. Separate footpaths are provided for access to the private amenity spaces and the movement of recycling & refuse bins on collection days.
- 6.0m x 2.5m parking spaces are provided in front of garage doors (the garage doors are set at the back of the openings so they are actually just over 6.3m long). Again, separate pedestrian routes are provided.

Building Design

- The heights of the houses have been reduced considerably so as to be no higher than those on Victoria Terrace – whilst some of the dwellings would include attic rooms, these would not be adequately sized to serve as additional bedrooms.

- The materials were changed, as outlined above.

REPRESENTATIONS

16. Objections have been received from 33 individuals, including Councillor Margaret France, in relation to the proposal, raising the following summarised issues:
- Highway and pedestrian safety
 - Traffic congestion
 - Loss of a local business that provides jobs and social value
 - Size, scale, proportions, massing and design are out of keeping with neighbouring properties in the conservation area
 - Overbearing impact upon surrounding bungalows
 - Loss of light and privacy
 - Impact on Abbey Mill, a listed building
 - Air pollution
 - Bat roosts are located in existing buildings
 - Impacts upon ecology
 - Lack of local services / pressure on local services
 - Loss of car park used by locals, visitors and sports clubs
 - Loss of visual amenity
 - Insufficient level of parking proposed
 - Avoids affordable housing – unaffordable dwellings
 - Criticism of consultation process
 - Flooding
 - Presence of knotweed
 - Site access is too narrow
 - Harmful to the character and appearance of the conservation area
 - Harm to health and wellbeing from impacts during construction
 - Noise when the dwellings are occupied
 - Impact upon footways and footpaths
 - Builder is not local and will not use a local workforce
 - The applicant has not had any pre-application consultation with the local community
 - Purely a for-profit development
 - A675 is used by HGVs
 - Conflicts with National Planning Policy Framework
 - Reference is made to a previous planning refusal at the site
 - Loss of views
 - Conflict with policy BNE1 'Design Criteria' of Chorley Local Plan 2012-2026 and Section 16 of the National Planning Policy Framework 'Conserving and enhancing the historic environment'
 - Will provide a 'harsh visual edge' to the settlement in long distance views from the open countryside
 - Materials are no appropriate
 - Fail the statutory test under S66 and S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
 - Unsustainable site location

CONSULTATIONS

17. Lancashire Highway Services (LCC Highways): Initially responded to state that whilst there have been no recorded collisions in the vicinity of the site access in the past 5 years, the originally proposed access was potentially unsafe. As such, they requested a fully kerbed 6m radii access should be introduced with tactile paving, to be secured under a S278 agreement. They also requested revised vehicle tracking using an 11.2m long twin rear axled refuse vehicle, confirmation of whether the courtyard area to the front of the existing restaurant is highway or private land and the parking arrangement be amended to accommodate three cars for each dwelling.

The applicant revised the submitted plans to the satisfaction of LCC Highways who have responded with no objection to the proposal and have suggested conditions be attached to any grant of planning permission. The conditions are to ensure the highway works and car parking and manoeuvring areas are constructed at key stages in the construction process and a Traffic Management Plan (TMP) is submitted to the Local Planning Authority for approval and adhered to during the construction process.

With regards to the request for confirmation of the ownership of the section of land between the restaurant building and Bolton Road, this does not form part of the application site and so is not a material consideration in the determination of this application. This is a matter for LCC Highways to discuss with the applicant separately from the planning process.

18. Greater Manchester Ecology Unit: have responded to state that they are satisfied with the suite of assessments that have been submitted in support of the proposal. Conditions and informative notes are suggested for the protection of roosting bats and nesting birds, the eradication of invasive plant species and the delivery of mitigation measures in the form of native tree and hedge planting and bird and bat boxes.
19. Tree Officer: has responded to state that it is proposed to remove two trees to facilitate the development and one tree because of its poor condition. None of these are particularly significant either arboriculturally or visual amenity wise. One Cypress hedge is proposed to be removed. This hedge has no public amenity value. The tree protection measures outlined in the submitted documentation are adequate and should be adhered to.
20. Lancashire County Council Public Rights of Way: no response has been received on this occasion.
21. United Utilities: have responded to state that the proposed drainage plans are not acceptable to United Utilities as they have not seen robust evidence that the drainage hierarchy has been followed. This is explained in more detail later in this report. They have suggested conditions be attached to any grant of planning permission to ensure that surface and foul water is managed in the most sustainable way possible with regards to the site conditions. They also noted that the applicant should contact United Utilities to discuss the existing sewer as they may not permit building over it. This can form the basis of an informative note to be attached to any grant of planning permission.
22. Lancashire County Council (Education): as the proposed number of dwellings is fewer than 10, no education contribution can be requested from the scheme.
23. Regulatory Services - Environmental Health Officer: has responded to state that there should be electric vehicle charge points and sustainable energy measures incorporated into the dwellings.
24. With regards to the above comments from the Environmental Health Officer, electric vehicle charge points fall under Building Regulations, rather than planning legislation. A planning condition would however be attached to any grant of planning permission requiring the dwellings to be sustainable, as explained later in this report.
25. Waste & Contaminated Land Officer: has responded to request that a condition be attached to any grant of planning permission relating to ground testing and remediation measures, if required.
26. Withnell Parish Council: have responded in objection to the application on the following grounds:
 - size scale and design out of context with surrounding bungalows
 - Loss of light and privacy to adjoining properties with 3-storey houses alongside traditional 1960's bungalows on Cherry Grove
 - Conservation area

- Impact on listed building (Abbey Mill and surrounding area)
- Nuisance from construction vehicles
- Their assessment doesn't recognise bats in the area, which residents can attest.
- There are concerns about traffic access to the site due to the narrowness of the entry to the proposed new build

PLANNING CONSIDERATIONS

Principle of development

27. The site is located within the settlement area of Abbey Village as identified within the Chorley Local Plan 2012-2026. Policy V2 of the Local Plan sets out 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 considerations and other policies and proposals within the plan. This should be read in conjunction with other policies and proposals in the plan and with Central Lancashire Core Strategy Policy 1: Locating Growth. Within Core Strategy Policy 1, Abbey Village is not specified as an area for growth, falling 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."

28. As the proposal relates to fewer than ten dwellings, it falls outside of the definition of major development as defined by The Town and Country Planning (Development Management Procedure) (England) Order 2015). The proposal is therefore considered to be small scale. The proposal relates to the conversion of an existing building and the development of a car park to create six dwellings. The car park is surrounded by existing development on all sides and is therefore considered to be an infill site. The proposal therefore complies with policies V2 of the Chorley Local Plan 2012-2026 and policy 1 of the Central Lancashire Core Strategy and is acceptable in principle.

Impact on ecological interests

29. 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. The policy also requires, among other things, that 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.
30. Neighbour representations refer to bat roosts being present within the existing building at the site. A valid bat report written by a suitably qualified ecologist has been provided for the existing building. The building was assessed as moderate risk and subject to two further surveys at a suitable time of year. No evidence of bats roosting was identified, and it was therefore concluded that the development was unlikely to negatively impact on the conservation status of bats in the locality. Individual bats can however turn up in unexpected locations and the building has bat roosting features and is located near to foraging and commuting habitat. As such, the Council's ecological advisors have suggested a condition be attached to require a further survey to be undertaken should the development not have commenced by 30 April 2023.

Protection of nesting birds

31. The ecology advisor recommends that no tree felling, vegetation clearance or building works should take place during the optimum period for bird nesting ((March to August inclusive) unless a survey has first been undertaken. All nesting birds their eggs and young are specially protected under the terms of the wildlife and Countryside Act 1981 (as amended). This can be controlled through a planning condition.

Invasive plants

32. Neighbour representations have noted invasive species being located on the site. Himalayan balsam and an unidentified Cotoneaster spp are present on the site. Species such as Himalayan balsam and certain species of Cotoneaster 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. Care must be taken to avoid the potential spread of this invasive plant during the course of any development. Efforts should be made to eradicate the plant and this matter can also be controlled by a planning condition.

Ecology summary

33. The proposal is considered to be acceptable in terms of its impacts upon ecological receptors, subject to conditions to safeguard protected species, eradicate invasive species and the implementation of biodiversity enhancement measures. The proposal is considered to be acceptable with regards to potential impacts upon ecological receptors and complies with policy BNE9 of the Chorley Local Plan 2012-2026.

Impacts upon designated heritage assets

34. The principal statutory duty under the Planning (Listed Building and Conservation Areas) Act 1990 is to preserve the special character of heritage assets, including their setting. LPA's should, in coming to decisions, consider the principal Act, which states the following; Conservation Areas - Section 72
35. In the exercise, with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
36. The National Planning Policy Framework (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:
37. 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.
38. 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.

39. 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.
40. 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.
41. 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.
42. The Chorley Local Plan 2012 – 2026, policy BNE8 refers to the Protection and Enhancement of Heritage Assets. Essentially this policy mirrors the Framework. Paragraph b, states that, '*Applications will be granted where they sustain, conserve and, where appropriate, enhance the significance, appearance, character and setting of the heritage asset itself and the surrounding historic environment and where they show consideration for the following: iii, The Conservation and, where appropriate, the enhancement of the setting of heritage assets.*'

Heritage Assessment

43. The site is occupied by the former Little Tiger Restaurant, which is located at Abbey Village. The property appears to have been originally built as a public house in the mid-19th century, and subject to later alteration and extension to leave what is presently encountered. The site consists of the main restaurant building, extensions and an outbuilding at the rear and large car park beyond.
44. Some neighbour representations note harm would be caused to the setting of Abbey Mill; a grade II listed building located approximately 170m to the south of the application site. Given the separation distance involved and the intervening housing, it is not considered the proposal would have any impact upon the settling of the mill. The Council's heritage advisors, Growth Lancashire, have commented on the application as follows:
45. 'The two heritage issues to consider are as follows;
- The proposed alterations to the non-designated heritage asset (Little Tiger)
 - Whether the proposal causes harm to the significance of the Abbey Village Conservation Area as a designated heritage asset;

Alteration to the Non-Designated Heritage Asset

46. The property is identified within the Abbey Village Conservation Area Appraisal as a focal building that makes a positive contribution to the conservation area, the submitted Planning Statement confirms that the building is 'a non-designated heritage asset which forms part of the Conservation Area which is a Heritage Asset.' On review, I agree with the submitted Heritage Assessment in that its significance stems from its architectural and historic interest in the immediate local context as an example of a 19th century inn built probably to serve users of the adjoining railway, having elements of simple classical scale and proportions within its principal elevations.
47. The building appears in a reasonable state of repair, albeit certain later alterations and works (insertion of uPVC windows and painting of cills/headers) has had some impact on its

overall appearance. The extensions to the rear are either modern, or in the case of the element likely contemporary with the principal building have been subject to much alteration and truncation. The car park space behind is not of any value.

48. The proposal brings the building back into a sustainable use, which is consistent with its conservation. External works to the principal elevations are minimal and in the main relate to the removal of damaging later works and a wider rehabilitation of the external fabric of the building using details and specifications, which from the application appear sympathetic and beneficial to the building. The alterations to the rear are more extensive, whilst certain outbuildings are to be demolished these appear to be of lower/lesser merit and thus make little contribution to the non-designated heritage asset.
49. Taking note of the above we would conclude on balance that the proposals sustain and in parts enhance the significance of the non-designated heritage asset and thus accord with the requirements of paragraph 203 of the Framework along with adopted local policy.

Whether the proposed works cause harm to the significance of the Abbey Village Conservation Area as a designated heritage asset;

50. The Abbey Village Conservation Area benefits from a Council prepared Conservation Area Appraisal and Management Proposals. This notes the subject building as a focal/positive building. The CA is characterised by linear building forms (stone cottages/terraces) which largely front directly onto the road side. The predominance of local stone and grey slate in the buildings brings a commonality of scale, design and materiality to the overall settlement.
51. However, the Conservation Area Appraisal also specifically notes that many of the modern developments within the conservation area fail to contribute to its significance noting that 'Modern developments, even where they have used stone in their construction, are all quite alien to the character of the conservation area. Detached and semi-detached houses of distinctly modern (1930s to 1980s) design look out of place in an essentially working class, honest and simple village setting.'¹
52. The proposed new dwellings sit to the rear of the site and thus their visual and aesthetic relationships to the wider conservation area will be seen within this context. I note because of the enclosed frontage that viewpoints into the site (rear car park) are limited, with largely only glimpsed views from the access road.
53. The present car park is of little aesthetic or spatial value and its poor aesthetic quality could be considered detrimental to the wider significance of the conservation area. In this context, I do not feel the new housing will appear overly prominent or out of place. Whilst it will lead to some visual change in the site I do not feel the change is necessary a negative one, in terms of the significance of the conservation area.
54. The new housing as proposed appears to seek to take a steer from the general proportions of the more historic residential properties of the village. I do however note that they are fairly standardised modern designs arranged in a rather suburban and modern spatial arrangement. That said this reflects the developments to the south and west of the site. Overall, given the limited visibility from any meaningful or principle view in the CA, whilst the detailing will somewhat perpetuate the concern raised within the Conservation Area Appraisal, I do not feel the development will cause any substantive level of harm.
55. Therefore, as noted above, the external remedial works to the non-designated heritage asset (NDHA) are welcomed and will likely safeguard (the significance of) a building of note. This slight benefit is offset by the somewhat standardised nature of the design and layout enhance the conservation area.

¹ Abbey Village Conservation Area Appraisal and Management Proposals (2010) Para 6.1 with accompanying photograph.

56. Paragraph 202 of the Framework requires that a balanced judgement be taken having regard to the scale of harm or loss and the significance of the heritage asset and the benefits to be gained by the development.

Heritage Conclusion

57. The proposal has multiple elements and within the consultation response above we have considered these works and their relationship to the significance of the assets affected. In terms of the legislation we have considered the duty imposed by s.72(1) of the P(LBCA) Act 1990 in making the comments above. The alteration to the NDHA relates to a building of limited overall significance which has been subject to change and alterations. The majority of the proposed works are to the rear, on a site which contributes nothing to the significance of the conservation area. Whilst the proposal represents a notable visual change to the site I do not feel this represents any significant level of harm or impact to either the character or appearance of the Abbey Village Conservation Area.
58. Paragraph 202 of the Framework requires that a balanced judgement be taken having regard to the scale of harm or loss and the significance of the heritage asset. The Local Planning Authority will need to balance this marginal visual harm against any identified and evidenced public benefits including, where appropriate, securing an optimum viable use for the building/site.
59. If the application is approved I would recommend that suitable conditions are applied to ensure appropriate detailing to the new properties are achieved.
60. Subject to that balance being achieved the proposal would meet the requirements of planning advice contained in Chapter 16 of the NPPF and in doing so accord with Policy BNE8 of the Local Plan and Policy 16 of the Central Lancashire Adopted Core Strategy.' The case officer is in agreement with Growth Lancashire's assessment and conclusions. It is considered that the benefits of providing much needed additional housing in the borough² and securing an optimum viable use for the restaurant outweighs the marginal identified visual harm from the proposed new dwellings.

Impact on trees

61. Policy BNE10 (Trees) stipulates, among other things, that proposals that would result in the loss of trees, woodland areas or hedgerows which make a valuable contribution to the character of the landscape, a building, a settlement or the setting thereof will not be permitted. Replacement planting will be required where it is considered that the benefit of the development outweighs the loss of some trees or hedgerows.
62. An Arboricultural Impact Assessment (AIA) and Method Statement accompanies the application. It details that it would be necessary to remove three trees to enable the development. The Council's tree officer has identified that none of these are particularly significant either arboriculturally or in terms of visual amenity. Trees to be retained would be required to be protected during site works and this can be controlled by planning condition. A landscaping plan would also be required by condition to compensate for the loss of trees. The proposal is considered to be acceptable in this regard and complies with the above policy.

Highway safety

63. 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

² It has been demonstrated at numerous recent planning appeals that the Council currently does not have a 5-year supply of deliverable housing land

parking spaces to below the standards stated in Site Allocations Policy – Parking Standards, unless there are other material considerations which justify the reduction.

64. Policy ST1 (New provision of Footpaths, Cycleways, Bridleways and their associated facilities in existing networks and new development) stipulates that new development and highways and traffic management schemes will not be permitted unless they include appropriate facilities for pedestrian, cycle parking facilities, and /or cycle routes. The policy requires, among other things, that proposal should provide for facilities for pedestrians and cyclists to facilitate access on foot and by bicycle to nearby residential, commercial, retail, educational and leisure areas, where appropriate; and additional footpaths, bridleways and cycleway routes between the countryside and built up areas where appropriate.
65. Highway safety and access issues have been one of the main concern expressed by residents during the consultation period. Lancashire County Council is the Local Highway Authority that manages and maintains the highway network in Lancashire and promotes safe travel and developments in accessible and sustainable locations within the county. As such, at certain stages in the planning process Chorley Council formally seeks the views of the County Council as a statutory consultee to assist in making an informed decision about proposed development.
66. As explained earlier in this report, LCC Highway Services have requested changes to the site access and the site layout in order to make it safe and suitable with regards to refuse vehicles to use and off-street car parking. LCC Highways raise no objection to the proposal subject to conditions and the applicant entering into a S278 agreement to secure the works to the highway.

Impact on the character and appearance of the area

67. Policy 17 of the Core Strategy seeks to ensure that the design of new buildings takes into account the character and appearance of the local area, including among other things, linking in with surrounding movement patterns and not prejudicing the development of neighbouring land; and protecting existing landscape features and natural assets.
68. 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, among other things, 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; 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; and that the proposal would not have a detrimental impact on important natural habitats and landscape features such as historic landscapes, mature trees, hedgerows, ponds and watercourses. In some circumstances where on balance it is considered acceptable to remove one or more of these features, then mitigation measures to replace the feature/s will be required either on or off-site.
69. The surrounding housing stock to the development site varies from the two-storey stone fronted terraces on Bolton Road (red brick to rear), the detached modern two-storey red brick and white render dwelling of Bridgend, also on Bolton Road, to the north of the site access point and modern red-brick bungalows that mostly back-on to the application site, to the south-east, south and south-west. Roofing materials in the area also vary and include slate, slate effect tiles and concrete pantiles.
70. When considering any development proposal, the Council must be mindful of The Framework that states that the Government attaches great importance to the design of the built environment and good design is a key aspect of sustainable development. The Framework also states that planning policies and decisions should aim to ensure that developments (amongst other things) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.

71. Chorley Council plans positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes and seeks to create well-mixed and integrated developments, which avoid segregation and have well-planned public spaces that bring people together and provide opportunities for physical activity and recreation.
72. External works proposed to the principal elevations of the restaurant building are minimal and in the main relate to the removal of damaging later works and a wider rehabilitation of the external fabric of the building using details and specifications, which from the application appear sympathetic and beneficial to the building. This would therefore have a positive impact upon the character and appearance of the area.
73. The proposed housing would be mostly hidden from view from public vantage points by the restaurant building and other surrounding buildings, other than when glimpsed from the site access on Bolton Road. The size of the buildings has been reduced in scale at the request of the case officer to be no taller than those on Victoria Terrace. The layout would be similar to any modern housing estate with houses located facing a new internal access road and either back-on or side-on to existing housing surrounding the site.
74. As noted earlier in this report, the new housing takes a steer from the general proportions of the more historic residential properties of the village, although are of a fairly standardised modern designs arranged in a rather suburban and modern spatial arrangement. That said this reflects the developments to the south and west of the site. As such, it is considered they are in keeping with the character of the wider proposal and the surrounding local area. As explained earlier in this report, the materials have been revised to be 140mm coursed pitch faced reconstituted stone to the two dwellings, Plots 8 and 9, that would be partially visible from Bolton Road. The other dwellings would be mostly red-brick with some elements of the aforementioned stone. This is considered to be a vast improvement on just the front elevations of Plots 8 and 9 being in stone and elements of white render on the other dwellings, as originally proposed. Roofing would be Marley Edgemere slate effect interlocking concrete tiles other than lean-to roofs which would be Marley Modern interlocking concrete tiles. The final appearance of externally facing materials can be agreed through the discharge of conditions process.
75. It is considered that the proposal would assimilate with the built form of existing dwellings in the area. In light of the above, the proposal would not cause harm to the character and appearance of the locality. The development, therefore, complies with the above referenced policies of the Chorley Local Plan in this regard.

Impact on amenity

76. It is worth noting that many objections to the proposal have referred to the impacts upon the occupiers of surrounding dwellings from overlooking / loss of privacy. 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. The policy is considered to be consistent with the Framework and should be attributed full weight.
77. With regards to noise, dust and other pollution during the construction period, these would be short in duration and limited in intensity. Such impacts could be adequately controlled through a construction environmental management plan (CEMP) which can be required to be submitted to the Local Planning Authority for approval prior to works commencing.
78. The dwelling on Plot 4 would be located side-on to the rear of nos. 10 and 12 Victoria Terrace at a distance of 12m. This is the Council's minimum interface distance for such relationships, i.e. a habitable room window facing a two-storey gable wall. The facing side

elevation of the dwelling on Plot 4 would contain a secondary living room window at ground floor and a bathroom at first floor. Boundary treatments, i.e. existing fencing and proposed 1.8m close boarded boundary fence would screen any direct views between habitable rooms at ground floor level. It is also recommended that the first-floor bathroom to the side elevation of the dwelling on Plot 4 is conditioned to be obscurely glazed to prevent overlooking to the private rear garden / yard areas and windows of the dwellings on Victoria Terrace. The same can be said for the relationship between the dwelling on Plot 7 and nos. 2 and 4 Cherry Grove.

79. All interface distances between the existing surrounding dwellings and the proposed dwellings either meet or exceed the Council's minimum guideline distances and so are considered acceptable. The proposed dwellings have been designed in such a way so as to be compatible with each other without creating an amenity impact of adjacent plots. There would be an adequate degree of screening around the plots.
80. In light of the above, it is considered that the proposal is acceptable in terms of amenity impacts and accords with national policy and policy BNE1 of the Chorley Local Plan in this regard.

Drainage and flood risk

81. Policy 29 (Water Management) of the Core Strategy seeks to improve water quality, water management and reduces the risk of flooding in a number of ways including, among other things, appraising, managing and reducing flood risk in all new developments. The policy is considered to be consistent with the Framework and should be attributed full weight.
82. The site is in Flood Zone 1 (the lowest risk) as identified by the Environment Agency. Site drainage plans have been submitted in support of the planning application that identifies that both surface and foul water would be drained into an existing combined sewer that crosses the application site.
83. The Planning Practice Guidance (PPG) establishes a hierarchy for surface water disposal, which encourages a Sustainable Urban Drainage System (SuDS) approach. Generally, the aim should be to discharge surface run off as high up the following hierarchy of drainage options as reasonably practicable:
- into the ground (infiltration);
 - to a surface water body;
 - to a surface water sewer, highway drain, or another drainage system;
 - to a combined sewer.
85. The above can be secured through the imposition of planning conditions requiring full details of a drainage strategy to be submitted based on evidence that the highest tier in the drainage hierarchy has been used and associated conditions.
86. Subject to the above conditions including demonstrating the site will be drainage as high up on the drainage hierarchy as possible the proposal is considered acceptable in this respect.

Sustainability

87. 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 26th March 2015, which effectively removed the 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."

88. 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 conditions.

Community Infrastructure Levy (CIL)

89. 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, unless an exemption is applied for (as affordable housing), and the charge is subject to indexation in accordance with the Council's Charging Schedule.

Other issues

Public Right of Way

90. Public Right of Way (FP17) is located along the north western site boundary. There is no reason to consider that the footpath will be impacted by the proposal and an informative note can be attached to any grant of planning permission to highlight the location of the footpath to the applicant and setting out their duties in ensuring it remains unobstructed.

Affordable housing, education and public open space contributions

91. Contributions to affordable housing, education and public open spaces are not required for this scale of development.

CONCLUSION

92. It is considered that the proposed development would have no detrimental impact upon the character of the area and accords with the aims of policies within the Framework and the 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, highway safety or flood risk. Finally, the proposed development would preserve the character, appearance and setting of the Abbey Village Conservation Area and is accordingly recommended for approval.

RELEVANT HISTORY OF THE SITE

Ref: 10/01113/ADV **Decision:** PERADV **Decision Date:** 10 March 2011
Description: Replacement of existing sign to front and sides with new signages

Ref: 5/4/00152 **Decision:** DEEMED **Decision Date:** 7 August 1958
Description: Illuminated Box sign

Ref: 94/00087/ADV **Decision:** PERFPP **Decision Date:** 30 March 1994
Description: Display of various externally illuminated advertisement signs

Ref: 93/00456/FUL **Decision:** PERFPP **Decision Date:** 23 September 1993
Description: Retrospective application for rebuilding of covered passage between hotel and restaurant

Ref: 87/00026/FUL **Decision:** PERFPP **Decision Date:** 17 March 1987
Description: Front porch

Ref: 86/00747/FUL **Decision:** PERFPP **Decision Date:** 2 December 1986
Description: Refurbishment of public house incorporating demolition of existing building and erection of single storey reception extension

Ref: 82/00587/FUL **Decision:** REFFPP **Decision Date:** 26 October 1982
Description: Two storey restaurant extension

Ref: 81/00962/FUL **Decision:** PERFPP **Decision Date:** 19 January 1982
Description: Change of use of outbuilding to restaurant with link to existing public house

Ref: 78/00006/ADV **Decision:** REFADV **Decision Date:** 28 February 1978
Description: Illuminated Signs

Ref: 78/00440/ADV **Decision:** SPLIT **Decision Date:** 21 August 1978
Description: One illuminated and Two non-illuminated signs

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 and the provisions of the Planning (Listed Building and Conservation Areas) Act 1990. The specific policies/ guidance considerations are contained within the body of the report.

Suggested Conditions

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

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

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

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

Title	Plan Ref	Received On
Location Plan	00 Rev A	31 May 2022
Planning Layout	01 Rev A	31 May 2022
Roddlesworth 3 Bed with Attic Room (Plot 4 and 5)	21081_HT_01 Rev A	22 August 2022
Roddlesworth 3 Bed with Attic Room Elevations (Plot 4 and 5)	21081_HT_02 Rev B	22 August 2022
Ollerton 4 Bed + Attic Room Floor Plans (Plot 6)	21081_HT_03 Rev A	22 August 2022
Ollerton 4 Bed + Attic Room Elevations (Plot 6)	21081_HT_04 Rev B	22 August 2022

Ollerton 4 Bed + Attic Room Floor Plans (Plot 7)	21081_HT_05 Rev A	22 August 2022
Ollerton 4 Bed + Attic Room Elevations (Plot 7)	21081_HT_06 Rev B	22 August 2022
Brinscall 4 Bed Detached Floor Plans & Elevations (Plot 8)	21081_HT_07 Rev B	22 August 2022
Brinscall 4 Bed Detached Floor Plans & Elevations (Plot 9)	21081_HT_08 Rev B	22 August 2022
Single Detached Garage Floor Plans & Elevations (Plots 4 & 5)	21081_HT_09 Rev B	22 August 2022
Proposed Floor Plans and Elevations	C01	8 April 2022
Nesting Birds Mitigation Plan	02 Rev A	31 May 2022
Swept Paths - Refuse Vehicle 11.2m long	284-22-3	31 May 2022
1.8m High Timber Screen Fence Detail	03	8 April 2022
Tree Protection Plan	6850.02	8 April 2022
Main Drainage Layout	133/21/D100	8 April 2022
Nesting Birds Mitigation Plan	02 Rev A	31 May 2022
Materials Plan	04	23 August 2022
Street Scene (Plots 4-7 inclusive)	21081_SS_01_A	22 August 2022

3. The external facing materials, detailed on plan ref. 04 entitled 'Materials Plan' received on 23 August 2022, 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: To ensure that the materials used are visually appropriate to the locality.

4. 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:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
- (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 where applicable; and
- (v) Foul and surface water shall drain on separate systems.

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.

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.

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

5. No part of the development hereby approved shall commence until a scheme for the construction of the site access and work within the adopted highway has been submitted to and approved by the Local Planning Authority in consultation with the Highway Authority.

Reason: 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.

6. None of the approved dwellings shall be occupied until the approved scheme referred to in the above condition has been constructed and completed in accordance with the scheme details.

Reason: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.

7. 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.

Reason: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.

8. Before the dwellings hereby permitted are occupied the driveways and vehicle manoeuvring areas shall be surfaced or paved, drained and marked out all in accordance with the approved plan. The driveways and vehicle manoeuvring areas shall not thereafter be used for any purpose other than the parking of and manoeuvring of vehicles.

Reason: To ensure adequate on site provision of car parking and manoeuvring areas.

9. Prior to the commencement of development a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority (in conjunction with the highway authority). The CMP shall include and specify the provisions to be made for the following -

- a. Vehicle routing and the parking of vehicles of site operatives and visitors;
- b. hours of operation (including deliveries) during construction;
- c. loading and unloading of plant and materials;
- d. storage of plant and materials used in constructing the development;
- e. siting of cabins, site compounds and material storage area (ensuring it complies with the Great Crested Newt mitigation details);
- f. the erection of security hoarding where appropriate;
- g. wheel washing facilities;
- h. measures to control the emission of dust and dirt during construction;
- i. a scheme for recycling/disposing of waste resulting from demolition and construction works;
- j. fencing of the 15m buffer zone to the woodland during construction;
- k. the use of flood resilient materials within the construction of the dwellings.
- l. measures to ensure that construction and delivery vehicles do not impede access to adjoining properties.

Reason: to protect existing road users, to maintain the operation and safety of the local highway network, to minimise the impact of the construction works on the local highway network and upon neighbouring residents.

10. The sparrow boxes identified on approved drawing ref. 03 Rev A entitled 'Nesting Birds Mitigation Plan' shall be installed prior to the first occupation of any of the approved dwellings and retained as such in perpetuity.

Reason: To secure biodiversity enhancement measures at the site.

11. If the conversion works to the existing building does not commence before 30th April 2023, then bat surveys for the building shall be updated and the finding supplied to and agreed in writing by the Local Planning Authority.

Reason: To safeguard a protected species.

12. Prior to any earthworks a method statement detailing eradication and/or biosecurity measures for Himalayan Balsam and Cotoneaster shall be supplied to and agreed in writing to the Local Planning Authority. The agreed method statement shall be adhered to and implemented in full unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid the spreading of an invasive species.

13. A scheme for the landscaping of the development and its surroundings shall be submitted prior to any works taking place above DPC level. These details shall include the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform. The scheme should include a landscaping/habitat creation and management plan which should aim to contribute to targets specified in the UK and Lancashire Biodiversity Action Plans. Landscaping proposals should comprise only native plant communities appropriate to the natural area. The content of the plan should include elements to mitigate for loss of trees shrubs and bird nesting habitat and provide a net gain in the biodiversity value of the site.

All hard and soft landscape works 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.

14. No works to trees or shrubs shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the Local Planning Authority.

Reason: Wild birds and their eggs are protected under Part 1 of the Wildlife and Countryside Act 1981, which makes it illegal to kill or injure a bird and destroy its eggs or its nest whilst it is in use of being built.

15. Prior to the construction of the superstructure of the dwellings hereby permitted, details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that the dwellings will achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations. 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 reduction as part of new residential schemes in the interests of minimising the environmental impact of the development.

16. The approved dwellings shall not 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 each 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.

17. No dwelling shall be occupied until any fences, walls and gates shown on the approved details to bound its plot have been erected in conformity with the approved details. Other fences shown in the approved details shall be 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.

18. All works shall be undertaken in strict accordance with Section 5 of the submitted Arboricultural Impact Assessment and Method Statement, dated March 2022.

Reason: To safeguard the trees to be retained.

19. Due to the proposed sensitive end-use (housing with gardens), no development shall take place until:

a) a methodology for investigation and assessment of ground contamination has been submitted to and agreed in writing with the Local Planning Authority. The investigation and assessment shall be carried in accordance with current best practice including British Standard 10175:2011 'Investigation of potentially contaminated sites - Code of Practice'. The objectives of the investigation shall be, but not limited to, identifying the type(s), nature and extent of contamination present to the site, risks to receptors and potential for migration within and beyond the site boundary;

b) all testing specified in the approved scheme (submitted under a) and the results of the investigation and risk assessment, together with remediation proposals to render the site capable of development have been submitted to the Local Planning Authority;

c) the Local Planning Authority has given written approval to any remediation proposals (submitted under b), which shall include an implementation timetable and monitoring proposals. Upon completion of remediation works a validation report containing any validation sampling results shall be submitted to the Local Authority.

Thereafter, the development shall only be carried out in full accordance with the approved remediation proposals.

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.

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).

20. The bathroom window in the side elevation of the dwelling on Plot 4 shall be fitted with obscure glass and obscure glazing shall be retained at all times thereafter. The obscure glazing shall be to at least Level 3 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing by the local planning authority.

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

C O M M I T T E E R E P O R T		
REPORT OF	MEETING	DATE
Director of Planning and Development	Planning Committee	21 September 2022

ADDENDUM

ITEM 3c- 22/00413/FUL - Little Tiger, Bolton Road, Abbey Village

The recommendation remains as per the original report.

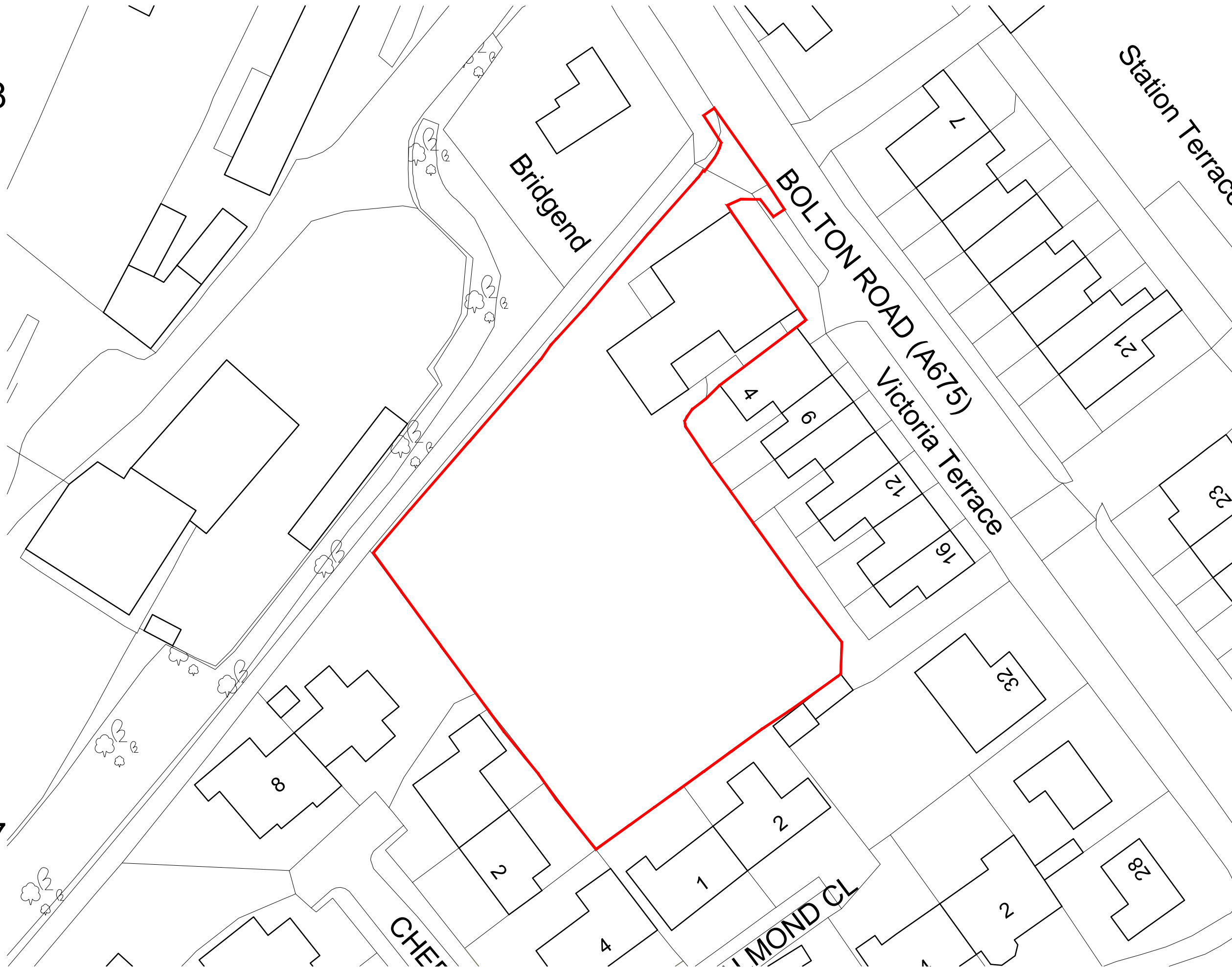
The following additional condition is recommended:

Prior to any works taking place to the restaurant building, details of all external facing and roofing materials (notwithstanding any details shown on previously submitted plan(s) and specification) and a work methodology for the repair and treatment of the external facing materials, 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.

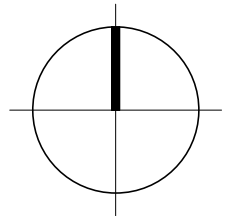
Reason: To ensure that the materials used are visually appropriate to the locality.

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- Do not scale from this drawing - Work to figured dimensions only. All dimensions to be checked on site prior to the execution of any work.
- For the avoidance of doubt all dimensions are measured to wall structure and not the finishes unless otherwise stated.
- Where any discrepancy is found to exist within or between drawings and/or documents it should be reported to the architect immediately.
- MPSTL Planning & Design Ltd. shall not be liable for any use of drawings and documents for any purpose other than for which the same were prepared by or on behalf of MPSTL Planning & Design Ltd.



GENERAL LEGEND

 Red Edge denotes application site boundary.

Rev	Date	Revision	Initial
A	27.05.22	Red edge adjusted to include works to existing highway.	abe

+ Client



+ Drawing Title
LOCATION PLAN

+ Project
Naga Restaurant, Bolton Road, Abbey Village, Chorley

Job No	Drg No	Drawn	Rev
21081	00	abe	A
Scale	Date	Stage	
1:500 @ A3	Feb. 2022	PLANNING	

mpsl planning & design ltd
14 west point enterprise park,
clarence avenue, trafford park,
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APPLICATION REPORT – 21/01349/FULMAJ

Validation Date: 22 December 2021

Ward: Chorley North West

Type of Application: Major Full Planning

Proposal: Conversion of vacant public house including removal of some ground floor extensions and the erection of a part three storey / part four storey extension to form 18 assisted living apartments (Use Class C3)

Location: The Swan With Two Necks 1 - 3 Hollinshead Street Chorley PR7 1EP

Case Officer: Mike Halsall

Applicant: Primrose Holdings

Agent: BPD Architecture

Consultation expiry: 26 September 2022

Decision due by: 14 October 2022 (Extension of time agreed)

RECOMMENDATION

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

SITE DESCRIPTION

2. The application site relates to the grade II listed building of the Swan with Two Necks and surrounding land, located at the bottom of Hollinshead Street in Chorley town centre and St Laurence's Conservation Area. The main building is of three storeys and constructed of brick with stone dressings and a slate roof. It is believed to have been constructed as a dwelling in the early 19th Century and later converted to a public house with extensions added, thought to have occurred in 1980. The applicant states that the building has laid vacant for 11 years and has been subject to vandalism and trespass.
3. To the west is a steep embankment which rises up to Park Road, with pedestrian access gained via the cobbled path of Church Brow to the south of the application site. Railings along Church Brow and Park Road are also grade II listed, as is the War Memorial Gateway to Astley Park located on the other side of Park Road. The grade II* listed Parish Church of St. Laurence is located to the south at a substantially higher land level than the application site and the grade II listed former gateway to St. Laurence's Churchyard is also located to the south at the bottom of Church Brow. The grade II listed Chorcliffe House is located to the south east, there are car parks located to the east and north and a more modern office block, further north. There is a small single-storey office building (Oaklands / 5 Hollinshead Street) located in the south eastern corner of the car park which does not form part of the application site. The building was formerly a double garage and was converted under planning permission 10/00036/COU approximately 10 years ago.

DESCRIPTION OF PROPOSED DEVELOPMENT

4. The application seeks full planning permission for the conversion of the vacant public house including the removal of the more modern extensions and the erection of a part four-storey, part three storey extension to form assisted living apartments. The proposal would provide

18 assisted living apartments, 17 of which would be one-bed and 1 would be a two-bed apartment.

5. The proposal has been revised since its original submission following comments received from statutory and non-statutory built heritage consultees, such as Historic England and The Georgian Group (albeit the Georgian Group response was submitted in relation the listed building consent application).
6. The initial planning submission showed a very contemporary looking flat roofed, red brick, box shaped extension to the listed building with cladding and modern windows. The entire extension was taller and much larger overall than the listed building, resulting in an unacceptable design that was not sympathetic or subservient to the listed building and harmful to the Conservation Area.
7. The revised proposal offers a much improved design by virtue of a reduction in height, the introduction of a modern glazed link connection between the old and new elements of the building, a reduction in the overall footprint of development, introduction of a Mansard roof with tile hanging outer finish and pitched roof dormer windows, stone coping, heads and cills, Georgian style windows and red brick to match the listed building. The number of proposed apartments has been reduced from 20 to 18 as a result in the reduction in height of the building.
8. The application is supported by an email from the proposed provider of the assisted living facility, My Space. The email states that the proposal is in a location where My Space would be interested in taking on the facility. They state they have an existing relationship with Chorley Council and have 37 people waiting for accommodation in the area. They expect this number would rise should planning permission be granted and the units are ready to let. They state: *"The service would be for adults who need support with their mental health/learning disabilities to help sustain a tenancy long term in the community. The site would be managed by one Housing Officer who would typically provide 3 hours support each week to every tenant. Further support offered is 24/7 security, if required, and also communication devices that all telephone support for mental well-being and reporting of maintenance issues."*
9. An application for listed building consent, ref. 21/01350/LBC, for the same development has been submitted to the Local Planning Authority in parallel with this application.

REPRESENTATIONS

10. One neighbour representation has been received raising objection to the proposal in relation to issues of design, appearance, harm to the Conservation Area and car parking.

CONSULTATIONS

11. Lancashire County Council Archaeology Service: has responded to state that the medieval settlement of Chorley is likely to have centred around the Church and market. Consequently, the proposed development site lies in an area likely to contain archaeological remains dating to the medieval and post-medieval periods. As a result, they recommend a condition is attached to any grant of planning permission requiring a written scheme of investigation to be submitted to the Local Planning Authority for approval and subsequent implementation.
12. Historic England: Initially responded to state that whilst they welcome the principle of bringing this important building back to use, considered that the initially proposed extension did not respect the form of the historic building and was overly dominant both in terms of scale and design. As a result, they considered it would harm the significance of the Swan with Two Necks, as an elegant 18th century [sic] building. It's cuboidal plan and mass would also negatively impact on the significance of the Conservation Area, and the contribution setting makes to the significance of the Grade II* Church of St Laurence It's form and sizing would mean it would sit prominently in key views and affect how the Grade

II* listed Church will be appreciated. It would also feature prominently in views out of Astley Park Registered Park and Garden of the wider Conservation Area.

Following the applicant discussing the proposal with Historic England and making revisions to the proposal, described earlier in this report, Historic England responded with no comments on the proposal. It is worth noting that Historic England do not provide 'no objection' responses, but it is reasonable to conclude that they are no longer opposing the proposal.

13. Historic Buildings and Places: have not responded on this occasion.
14. The Council for British Archaeology: have not responded on this occasion.
15. SPAB: have not responded on this occasion.
16. The Georgian Group: have not responded on this occasion.
17. The Victorian Society: have not responded on this occasion.
18. Twentieth Century Society: have not responded on this occasion.
19. The Gardens Trust: have responded to state they have no comments to make in relation to the proposal.
20. Lancashire Gardens Trust: have not responded on this occasion.
21. Greater Manchester Ecology Unit: has responded to state that, whilst evidence of bats roosting in the former public house has been recorded, as this is a low number of two common species, the development is very unlikely to negatively impact on the favourable conservation status of either species as long as adequate mitigation is put in place. They are confident Natural England will issue a license on suitable submission of a suitable protection and mitigation scheme. GMEU have therefore suggested a condition be attached to any grant of planning permission in this regard and also conditions to protect nesting birds and to secure biodiversity net gain.
22. Regulatory Services - Environmental Health Officer: has responded to state that they have no objection to the proposal and request that the construction work is undertaken in accordance with the Chorley Council Code of Practice for Construction and Demolition. This can be controlled by planning condition.
23. Waste & Contaminated Land Officer: has responded to request that, due to the sensitive end-use of the development (residential), the applicant submits a ground investigation and remediation strategy to the Local Planning Authority for approval via planning condition.
24. Lancashire Highway Services (LCC Highway Services): initially responded to request the submitted drawings be amended to show an additional disabled parking space, cycle parking and to remove sections of the site plan that they consider form part of the adopted highway. LCC Highway Services also requested a host of highway improvements in the vicinity of the application site, some of which the applicant has agreed to undertake, this is discussed in more detail later in this report. Some of the suggested improvements were considered inappropriate by the Local Planning Authority in heritage terms. LCC Highway Services therefore provided a further response to the proposal to state that they are of the opinion that the proposal does not promote sustainable transport. Whilst they consider the proposal is located in a sustainable location, they are of the opinion that the immediate topography surrounding the site make travel by sustainable means (i.e. cycling / walking) less attractive. They note however that these concerns do not amount to an objection to the proposal.

LCC highway Services has recommended conditions be attached to any grant of planning permission to secure highway improvement works and to agree the details of cycle storage.

25. Tree Officer: has responded to state that *“it is proposed to remove four trees to facilitate the development. While none of these trees are of particular importance arboriculturally, they do provide fairly high levels of visual amenity. T7 has been classified as a category B tree and should ideally be retained. If the development proceeds, the tree protection measures detailed in the AIA should be adhered to, to minimise damage to retained trees. Appropriate replanting should take place to replace lost amenity and biodiversity.”*
26. United Utilities: have responded to request conditions are attached to any grant of planning permission with regards to the sustainable drainage of the site and informative notes with regards to the protection of UU's assets that cross the site.
27. The Coal Authority: have responded with no objection to the and state they have revised the applicant's Coal Mining Risk Assessment, and this is sufficient to demonstrate that the application site is safe and stable for the proposed development.
28. Lead Local Flood Authority: initially responded in objection to the proposal due to lack of a sufficient level of detail with regards to the potential impacts of the development on surface water drainage. However, following further information being provided by the applicant in the form of a drainage plan and calculations, responded to the proposal with no objection, subject to conditions.
29. Environment Agency: have responded with no objection to the proposal and have requested that informative notes be added to any decision notice with regards to the culverted River Chor.
30. Lancashire Constabulary Designing Out Crime Officer: has responded with recommendations of security measures for the developer to implement in order to reduce crime.
31. Lancashire Fire and Rescue Service: have not responded on this occasion.
32. Lancashire County Council (Education): have responded to state that no education contribution is required from this development.

PLANNING CONSIDERATIONS

Principle of development

33. The application site is within a settlement area as shown on the Local Plan 2012-2026 policies map and is covered by Policy V2 which states that there is a presumption in favour of appropriate sustainable development, subject to material planning considerations and the other policies and proposals within the plan. Chorley is also identified as a Key Service Centre in the Central Lancashire Core Strategy (Policy 1), where growth and investment is encouraged to help meet housing and employment needs. The proposal is therefore acceptable in principle, subject other material planning considerations and policies and proposals of the development plan, as discussed below.
34. The application would result in the loss of a public house, which is categorised as a community facility. Policy HW6 of the Chorley Local Plan 2012 - 2026 seeks to protect community facilities where they are serving local need. As previously noted, only one representation has been received in relation to this proposal and it makes no reference to the loss of the building as a pub. It is noted that there are many other public houses in close proximity to the site in the town centre. The property has been vacant for 11 years and although the loss of the public house is in some ways regrettable this reflects a general trend of such closures, with the premises having been made available for rent/sale since it became vacant. Information from the marketing agent states that:

“Taylor Weaver have been marketing the above property for a number of years. During this marketing period we have received numerous enquiries for the property, the majority of

which have been looking to redevelop it for residential purposes. We have received no interest from parties looking to continue its use as a public house or restaurant.”

35. In light of the above, it stands to reason that the public house is no longer viable, particularly given the cost of repairs and upgrades required to the building to bring it back into use. It is, therefore, considered that the loss of the public house is acceptable in this instance.

Impact on the listed building, conservation area and other designated heritage assets

36. Paragraphs 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the PLBCA) are relevant to the ‘*Special considerations affecting planning functions*’.

Section 66 states:

- (1) *In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*
- (2) *Without prejudice to section 72, in the exercise of the powers of appropriation, disposal and development (including redevelopment) conferred by the provision of sections 232, 233 and 235(1) of the principal Act, a local authority shall have regard to the desirability of preserving features of special architectural or historic interest, and in particular, listed buildings.*

Section 72 states:

In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

37. Section 16 of the National Planning Policy Framework (the Framework) refers to conserving and enhancing the historic environment. The following paragraphs contained therein are considered to be pertinent in this case:

194. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

195. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.

197. 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.

199. 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.

200. 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.*

201. 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.

202. 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.

206. Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

38. The Central Lancashire Core Strategy (2012) (the Core Strategy), policy 16 refers to Heritage Assets. This policy mirrors that given in the Framework and states that it seeks to:

'Protect and seek opportunities to enhance the historic environment, heritage assets and their setting by:

a. Safeguarding heritage assets from inappropriate development that would cause harm to their significances.'

39. The Chorley Local Plan 2012 – 2026, policy BNE8 refers to the Protection and Enhancement of Heritage Assets. Essentially this policy mirrors the Framework. Paragraph b, states that, *'Applications will be granted where they sustain, conserve and, where appropriate, enhance the significance, appearance, character and setting of the heritage asset itself and the surrounding historic environment and where they show consideration for*

the following: iii, *The Conservation and, where appropriate, the enhancement of the setting of heritage assets.*'

Heritage Assessment

40. The Council's heritage advisors, Growth Lancashire, have provided the following comments in relation to the revised proposals:

"Whilst I acknowledge the changes made the scheme is still a substantial new addition to the listed building involves the creation of 5 apartments/flats within the existing retained main range of the former PH and the addition in a new block of 13 units to the car park (east) side of the building.

I note the changes in the design approach of the extension block since the original submission and the slight reduction in scale. The upper floor now being accommodated in a mansard type roof. The design approach is a move away from the original modern styled flat roofed block of the earlier versions.

Visually, whilst I am not opposed to the design approach as it responds to the key characteristics of the Conservation Area I would have preferred a design which provides a stronger and clearer distinction between it and the Listed PH and the other 'Georgian' buildings near by. The pastiche style is of limited value and rather emphasises the large scaled new addition. Regardless of the merits of the architecture I think the principle concern remains the scale/bulk of the new addition. The revised design has not resolved this matter and the issues relating to the effect on, and appreciation of the listed building, largely remain. Although I do acknowledge that the reduction in scale over part of the building, glazed connection between the buildings and the dropped eave and mansard roof design do help lower the level of visual harm.

Set against this visual harm I am mindful of the benefits gained from re-using the principle listed building and gaining a new and sustainable use. Also as with the previous iterations the proposals would involve the demolition of existing extensions of no importance which had an impact on the views of the eastern gable of the listed building.

I also note that the Georgian Society and Historic Buildings and Places, as two national amenity bodies, have both withdrawn their objections to the scheme. This will need to be material to the LPA weighing exercise and final decision. [It is worth noting that the Historic Buildings and Places response was submitted in response to the listed building consent application, rather than this full planning application].

Paragraph 6.1.3 of the Heritage Statement produced by Eden Heritage states that the proposals would cause less than substantial harm "provided the new build element is smaller in scale, and respects the historic fabric and built form of the surviving early 19th century properties on the street". I do not disagree and feel this scale matter remains the core issue as I do not feel the benefits accrued by the removal of the existing unsightly modern additions will necessarily be realised if the new extension simply blocks out any appreciation of the listed building and potentially makes the current situation worse.

In conclusion my comments made re the impact of the scheme in my original comments remain valid and I feel the revised scheme does not fully mitigate the concerns over the dominance of the new block. I still consider the scheme will cause harm to the architectural and historic value of the listed building and as a result also harm the character and appearance of the St Laurence's CA. The harm in both regards will be low/moderate less than substantial and will need to be assessed under P.202 of the NPPF.

Under P.202 it is down to the LPA to consider the wider public benefits of the proposal against the level of harm to the significance of the heritage assets affected in its planning balance, remembering that great weight should always be given to any identified harm to a designated heritage asset. Clearly in this instance there is considerable benefit in gaining the re-use of the vacant listed building and it seems likely that any re-use will involve some

adaptation and alteration. However in the absence of any sort of viability information it is difficult to assess whether this scheme would be the 'optimum viable use' for the listed building and site."

41. Taking the above comments into account, it is clear that whilst the revised proposal is an improvement to the original planning submission, due to its scale, it would still be harmful to the architectural and historic value of the listed building and as a result also harm the character and appearance of the St Laurence's Conservation Area. This harm is of a low/moderate less than substantial scale and must be given great weight in the planning balance. The proposal therefore conflicts with the aforementioned policies that seek to sustain, conserve and, where appropriate, enhance the significance, appearance, character and setting of the heritage asset itself and the surrounding historic environment.
42. The Local Planning Authority must therefore consider the wider public benefits of the proposal against the level of harm to the significance of the heritage assets affected in its planning balance. As noted by the Council's heritage advisor, there is considerable benefit in gaining the re-use of the vacant listed building and it seems likely that any re-use will involve some adaptation and alteration. It is acknowledged that no viability / enabling development case has been submitted in support of the application. That said, the building has laid vacant for over 10 years, reportedly having suffered from vandalism and trespass and is clearly in need of substantial repairs. Given the length of time the building has laid vacant, it is considered significant weight should be attributed to its reuse as part of this proposal. The comments from the intended service provider indicates there is a strong need for this form of accommodation in the borough and they consider this site a suitable location for its provision. This should also be given significant weight in the planning balance. The proposed build would also deliver social and economic benefits from construction work and delivering human surveillance in an area of the town which suffers from anti-social behaviour.
43. On balance it is considered that the benefits of the proposal outweigh the harm caused to the listed building and Conservation Area.

Impact on trees

44. Policy BNE10 (Trees) stipulates, among other things, that proposals that would result in the loss of trees, woodland areas or hedgerows which make a valuable contribution to the character of the landscape, a building, a settlement or the setting thereof will not be permitted. Replacement planting will be required where it is considered that the benefit of the development outweighs the loss of some trees or hedgerows.
45. An Arboricultural Impact Assessment (AIA) accompanies the application. It details that it would be necessary to remove four trees to enable the development. The Council's tree officer has identified that one of these is worthy of retention due to its amenity value. Due to its location in close proximity to the proposed extension, this would not be possible. Trees to be retained would be required to be protected during site works and this can be controlled by planning condition. A landscaping plan would also be required by condition to compensate for the loss of trees. The proposal is considered to be acceptable in this regard and complies with the above policy.

Highway safety

46. 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.

47. Policy ST1 (New provision of Footpaths, Cycleways, Bridleways and their associated facilities in existing networks and new development) stipulates that new development and highways and traffic management schemes will not be permitted unless they include appropriate facilities for pedestrian, cycle parking facilities, and /or cycle routes. The policy requires, among other things, that proposal should provide for facilities for pedestrians and cyclists to facilitate access on foot and by bicycle to nearby residential, commercial, retail, educational and leisure areas, where appropriate; and additional footpaths, bridleways and cycleway routes between the countryside and built up areas where appropriate.
48. Policy ST4 of the Local Plan 2012-2016 sets out the Council's parking standards. There is no specific standard for an assisted living facility. Standard apartments require one space for one-bed and two spaces for two-bed apartments, which would require 21 spaces, whereas sheltered accommodation requires one space per three beds, which would require 7 spaces. However, it is not considered that either of these uses accurately reflects the type of development proposed. It is considered that car ownership amongst residents is likely to be low, especially given the location in the town centre. That said, the proposal would provide 20 spaces, including one disabled space, this is considered to be acceptable.
49. Lancashire County Council is the Local Highway Authority that manages and maintains the highway network in Lancashire and promotes safe travel and developments in accessible and sustainable locations within the county. As such, at certain stages in the planning process Chorley Council formally seeks the views of the County Council as a statutory consultee to assist in making an informed decision about proposed development.
50. As explained earlier in this report, LCC Highway Services requested improvements to the highway as part of the proposal. These requested improvements are summarised below:
 - Raise a dropped kerb to the front of Oaklands, to the south east of the application site;
 - Raise a dropped kerb to the north of Hollinshead Street and south of the application site and to extend the footway to Church Brow
 - Reduce the gradient of Church Brow, remove the steps and replace the cobbles with a non-slip tarmac surface so it can be used by wheel/push chair users, motorised scooter users, parents with prams, people with mobility difficulties and cyclists.
51. The applicant responded to the above requested improvement measures to state that:
 - the kerb to the front of Oaklands does not relate to the application site and the owners may wish to reinstate this to a garage at some point.
 - They agree to reinstate the footway to the south of the site.
 - The cobbled surface of Church Brow contributes significantly to the heritage value within the Conservation Area and it would be a substantial loss to the character area to replace this with tarmac. They also state there is a more direct route to amenities along Fellery Street.
52. The Local Planning Authority are in agreement with the applicant's points in relation to Church Brow and the dropped kerb to the front of Oaklands. The agreement to reinstate and improve the footway connection to Church Brow is welcomed, particularly, as LCC Highway Services have stated, the low kerbs are encouraging unauthorised parking causing obstructions to pedestrians.
53. As noted earlier in this report, LCC Highway Services are of the opinion that whilst the proposal is in a sustainable location, the immediate topography surrounding the site make travel by sustainable means (i.e. cycling / walking) less attractive. LCC Highway Services have confirmed that this issue is not so significant as to result in them objecting to the proposal and have recommended conditions to be attached to any grant of planning permission.
54. The proposal site would offer a choice of transport options. For those who wish to walk or cycle to the amenities in the town centre or other locations, this would be achievable. The occupants would not be car dependent. There would also be sufficient parking for those wishing to drive.

55. The applicant would be expected to enter into a S278 agreement to secure the reinstatement of the footway on the north side of Hollinshead Street, to the south of the site.
56. In light of the above, on balance, it is considered that the highway safety and parking related aspects of the proposal are acceptable and comply with the aforementioned policies.

Impact on the character and appearance of the area

57. Policy 17 of the Core Strategy seeks to ensure that the design of new buildings takes into account the character and appearance of the local area, including among other things, linking in with surrounding movement patterns and not prejudicing the development of neighbouring land; and protecting existing landscape features and natural assets.
58. 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, among other things, 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; 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; and that the proposal would not have a detrimental impact on important natural habitats and landscape features such as historic landscapes, mature trees, hedgerows, ponds and watercourses. In some circumstances where on balance it is considered acceptable to remove one or more of these features, then mitigation measures to replace the feature/s will be required either on or off-site.
59. When considering any development proposal, the Council must be mindful of The Framework that states that the Government attaches great importance to the design of the built environment and good design is a key aspect of sustainable development. The Framework also states that planning policies and decisions should aim to ensure that developments (amongst other things) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
60. Chorley Council plans positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes and seeks to create well-mixed and integrated developments, which avoid segregation and have well-planned public spaces that bring people together and provide opportunities for physical activity and recreation.
61. The removal of the modern single storey extensions and restoration of the listed building are welcomed and would be an enhancement to the character and appearance of the site and the wider area. There is no denying that the proposed extension to the building would be a prominent feature in the street scene, particularly when viewed from Hollinshead Street. As outlined in the heritage assessment above, the scale of the proposal would result in harm to the character and appearance of the St Laurence's Conservation Area.
62. In light of the above, the proposal would harm the character and appearance of the locality due its impacts upon the Conservation Area, although this harm would be less than substantial. The development, therefore, conflicts with the above referenced policies of the Chorley Local Plan and Central Lancashire Core Strategy in this regard.

Impact on amenity

63. 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.

64. With regards to noise, dust and other pollution during the construction period, these would be short in duration and limited in intensity. Such impacts could be adequately controlled through the requirement to comply with the Council's Code of Practice for Construction and Demolition. This can be required through the imposition of a planning condition.
65. The only residential uses in proximity to the application site are at Chorcliffe House, although there are also offices to the north. The orientation and separation distance of the buildings compared to that of the proposed extension means there would be no harm to residential amenity as a result of the proposal through loss of privacy, overshadowing or overbearing.
66. In light of the above, it is considered that the proposal is acceptable in terms of amenity impacts and accords with national policy and policy BNE1 of the Chorley Local Plan in this regard.

Drainage and flood risk

67. Policy 29 (Water Management) of the Core Strategy seeks to improve water quality, water management and reduces the risk of flooding in a number of ways including, among other things, appraising, managing and reducing flood risk in all new developments. The policy is considered to be consistent with the Framework and should be attributed full weight.
68. The site is in Flood Zone 1 (the lowest risk) as identified by the Environment Agency. Site drainage plans have been submitted in support of the planning application that identifies that both surface and foul water would be drained into an existing combined sewer that crosses the application site.
69. The Planning Practice Guidance (PPG) establishes a hierarchy for surface water disposal, which encourages a Sustainable Urban Drainage System (SuDS) approach. Generally, the aim should be to discharge surface run off as high up the following hierarchy of drainage options as reasonably practicable:
 - into the ground (infiltration);
 - to a surface water body;
 - to a surface water sewer, highway drain, or another drainage system;
 - to a combined sewer.
70. The submitted drainage plan identifies that the existing surface water and foul drainage are currently served by the existing combined sewer system. Both the foul and combined sewer network passes beneath the car park of the site. The proposal is to separate the drainage systems with foul water going to the foul sewer and surface water to the combined sewer at an attenuated rate via a hydrobrake.
71. The submitted drainage plan identifies that no soil infiltration testing has been undertaken as the positioning of the existing and proposed buildings places any permissible soakaway within the car park nestling between both existing sewers and their respective easements. The available area is limited and excavating at depth, possibly below the invert of the adjacent sewers is not going to be a viable solution.
72. Following the receipt of additional information in the form of an updated drainage plan and associated surface water attenuation calculations, the Lead Local Flood Authority (LLFA) have responded with no objections to the proposal, subject to conditions.
73. The conditions requested by the LLFA require, amongst other things, the full details of the surface water drainage strategy to be submitted to the Local Planning Authority for approval and to be subsequently implemented. As such, the proposal is considered to be acceptable

with regards to drainage and flood risk and complies with the aforementioned related policies.

Impact on ecological interests

74. 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. The policy also requires, among other things, that 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.

Bats

75. The building to be extended and converted was visually assessed for bats and three emergence surveys carried out at a suitable time of year by an experienced bat consultant. The presence of a low number of common pipistrelle and brown long-eared bats roosting in the building was confirmed. It was confirmed that the roosts would be lost as a result of the development. The developer will therefore require permission from Natural England for the development.
76. As noted earlier in this report, the Council's ecological advisors have identified that as a low number of two common species has been recorded, the development is very unlikely to negatively impact on the favourable conservation status of either species as long as adequate mitigation is put in place. They are confident Natural England will issue a license on suitable submission of a suitable protection and mitigation scheme. GMEU have therefore suggested a condition be attached to any grant of planning permission requiring that either a license from Natural England is forwarded to the Local Planning Authority or a statement to explain why a license is not required is submitted for approval, prior to works to the listed building commencing.

Nesting birds

77. No evidence of birds nesting in the building to be converted was recorded by the applicant's consultant, but it was assessed as having bird nesting potential. Tree and shrubs will also be lost which are potential bird nesting habitat. All British bird nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. The Council's ecological advisors have therefore requested a condition be attached to any grant of planning permission requiring that works take place outside of bird nesting season, unless a bird nesting survey has first been undertaken to confirm the absence of nests.

Ecological enhancements

78. The development will result in the loss of trees, bat roosting and bird nesting opportunities. Mitigation for loss of bat roosting habitat will be determined by the Natural England license. The Council's ecological advisors have recommended replacement tree planting and provision of a least two bird boxes on the retained trees or new build. The details can be agreed via a suitably worded planning condition.

Ecology summary

79. The proposal is considered to be acceptable in terms of its impacts upon ecological receptors, subject to conditions to safeguard protected species and the implementation of biodiversity enhancement measures. The proposal is considered to be acceptable with regards to potential impacts upon ecological receptors and complies with policy BNE9 of the Chorley Local Plan 2012-2026.

Land Stability / Coal Mining Legacy

80. The application site is located within a Development High Risk Area for historic coal mining. Paragraphs 183 and 184 of the Framework require applicants to demonstrate to the satisfaction of the LPA that the application site is safe, stable and suitable for development.
81. Policy 17 of the Central Lancashire Core Strategy requires that proposals ensure that contaminated land, land stability and other risks associated with coal mining are considered and, where necessary, addressed through appropriate remediation and mitigation measures.
82. Policy BNE7 of the Chorley Local Plan 2012-2026 seeks to ensure that development on unstable or potentially unstable land is fully investigated and remediated where necessary to ensure it is safe for developing.
83. The applicant has submitted a Coal Mining Risk Assessment which is based upon a Coal mining Report produced by the Coal Authority. The Report identifies the following:
- No past underground mining recorded;
 - No probable unrecorded shallow workings;
 - No spine roadway recorded at shallow depth;
 - No recorded mine entries within 100 metres of the site boundary;
 - No faults, fissures or breaklines recorded;
 - No opencast mines recorded within 500 metres of the site boundary;
 - No site investigations recorded within 50 metres of the site boundary;
 - No mine gas recorded within 500 metres of the enquiry boundary;
 - No future underground mining activity.
84. The assessment identifies that the site has a low risk from past or future impacts from coal mining instability. The Coal Authority has no objection to the proposal. It is considered that the proposal complies with the aforementioned paragraphs of the Framework and policy BNE7 of the Local Plan and policy 17 of the Core Strategy with regards to site stability. Issues relating to contaminated land are addressed below.

Contaminated Land

85. The Council's Waste and Contaminated Land Officer has responded to request that, due to the sensitive end-use of the development (residential), the applicant submits a ground investigation and remediation strategy to the Local Planning Authority for approval via planning condition. It is therefore considered that the proposal complies with policy 17 of the Core Strategy with regards to contaminated land.

Affordable Housing

86. Policy 7 of the Core Strategy sets out a 30% requirement for affordable or special needs housing for developments in urban parts of Chorley. The development is for 100% assisted living accommodation which is a form of special needs housing. The proposal is therefore in accordance with this policy.
87. Policy 7 also requires special needs housing to be well located in communities in terms of reducing the need to travel to care and other service provision and a proportion should be affordable. The proposed development is located within Chorley town centre close to shops and other local services.
88. The units will cater for adults who need support with their mental health/learning disabilities to help sustain a tenancy long term in the community. This will potentially free up existing housing stock, encouraging new residents to the area, increasing the overall diversity of the local area, as well as promoting investment in the district. The proposal is considered to be

acceptable in this regard and a condition will be attached to any grant of planning permission requiring that the units are only available to special needs occupants.

Public open space (POS)

89. 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.
90. Normally financial contributions towards the cost of green space and playing pitches are required for a development of this size in this location. However, the proposal is not considered to be open market housing, but rather specialist accommodation, primarily for adults who need support with their mental health/learning disabilities to help sustain a tenancy long term in the community. Additionally, the site is located in close proximity to Astley Park which has an extensive area of green open space with play areas and sports pitches. It is not, therefore, considered to be a type of development that is required to make such a contribution.

Employment skills provision

91. The Central Lancashire Employment Skills Supplementary Planning Document (SPD) was adopted in September 2017. The SPD introduces Employment Skills Statements and provides clarity as to how this requirement relates to the relevant policies set out in the Core Strategy and Local Plan as well as the guidance set out in the Framework. The SPD goes on to state that one of Central Lancashire's priorities is to encourage economic growth within Central Lancashire that benefits the people and businesses in the three boroughs. The SPD seeks to;
 - Increase employment opportunities by helping local businesses to improve, grow and take on more staff
 - help businesses to find suitable staff and suppliers, especially local ones
 - improve the skills of local people to enable them to take advantage of the resulting employment opportunities
 - help businesses already located in Central Lancashire to grow and attract new businesses into the area
92. It is, therefore, recommended that a condition requiring an employment and skills plan is attached to any grant of planning permission.

Community Infrastructure Levy

93. 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

94. The recommendation is finely balanced as the proposal would be harmful to the architectural and historic value of the listed building and would harm the character and appearance of the St Laurence's Conservation Area.
95. On balance it is considered that the wider public benefits of the proposal in the form of bringing a long-term vacant listed building back into use, delivering a much needed form of accommodation in a sustainable location and its associated social and economic impacts, outweigh the harm caused by the proposal.
96. The proposal accords with the aims of policies within the Framework and the 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, highway safety or flood risk and would not pose a risk from land instability or contaminated land and is accordingly recommended for approval.

RELEVANT HISTORY OF THE SITE

- Ref:** 07/00274/FUL **Decision:** WDN **Decision Date:** 25 May 2007
Description: Proposed siting of 5 no. gazebos to the area to the front of the public house.
- Ref:** 07/00631/FUL **Decision:** REFFPP **Decision Date:** 24 July 2007
Description: Proposed siting of 5no. gazebos to the area to the front of the public house.
- Ref:** 07/01156/FUL **Decision:** PERFPP **Decision Date:** 3 December 2007
Description: Changing existing first floor window to doors, the addition of a balustrade to a first floor balustrade wall and the erection of wooden trellis barriers on the front curtilage.
- Ref:** 07/01157/LBC **Decision:** PERLBC **Decision Date:** 3 December 2007
Description: Listed building consent for changing existing first floor window to doors, the addition of a balustrade to a first floor balustrade wall and the erection of wooden trellis barriers on the front curtilage.
- Ref:** 5/1/01394 **Decision:** PERFPP **Decision Date:** 3 May 1960
Description: Erection of lock-up garage.
- Ref:** 5/1/01395 **Decision:** PERFPP **Decision Date:** 3 May 1960
Description: Erection of lock-up garage.
- Ref:** 5/1/01396 **Decision:** PERFPP **Decision Date:** 3 May 1960
Description: Erection of lock-up garage.
- Ref:** 5/1/01647 **Decision:** PERFPP **Decision Date:** 6 June 1961
Description: Erection of lock-up garage.
- Ref:** 21/01350/LBC **Decision:** PCO **Decision Date:**
Description: Application for listed building consent for conversion of vacant public house including removal of some ground floor extensions and the erection of a four storey extension to form 20 assisted living apartments (Use Class C3)
- Ref:** 94/00646/LBC **Decision:** PDLBC **Decision Date:** 5 October 1994
Description: Listed building consent for internal alterations
- Ref:** 91/00173/LBC **Decision:** PERFPP **Decision Date:** 2 April 1991
Description: Listed building application for the dismantling of boundary wall to accommodate major drainage works
- Ref:** 91/00172/FUL **Decision:** PERFPP **Decision Date:** 2 April 1991
Description: Re-erection of boundary wall (with original materials) following its removal to accommodate drainage works
- Ref:** 91/00171/LBC **Decision:** PERFPP **Decision Date:** 2 April 1991
Description: Listed building application for the dismantling of boundary wall to accommodate major drainage works
- Ref:** 91/00170/FUL **Decision:** PERFPP **Decision Date:** 2 April 1991
Description: Re-erection of boundary wall (with original materials) following its removal to accommodate drainage works
- Ref:** 91/00169/TPO **Decision:** PERTRE **Decision Date:** 2 April 1991

Description: Removal of tree 19 covered by TPO No.3 (1980) Chorley to allow drainage works to be carried out

Ref: 87/00180/FUL **Decision:** PERFPP **Decision Date:** 7 April 1987
Description: Setting out area on land opposite swan with two knecks remedial work to wall running parallel to church steps and demolition/rebuilding of stone archway

Ref: 86/00059/ADV **Decision:** PERFPP **Decision Date:** 18 March 1986
Description: Illuminated signs

Ref: 80/00866/ADV **Decision:** PERADV **Decision Date:** 20 October 1980
Description: Two logos and wooden letting

Ref: 79/00378/FUL **Decision:** PERFPP **Decision Date:** 11 June 1979
Description: See enforcement 115

Ref: 79/00377/FUL **Decision:** PERFPP **Decision Date:** 11 June 1979
Description: Extension and alterations to form public house, restaurant and staff accommodation

Ref: 79/00157/FUL **Decision:** PERFPP **Decision Date:** 19 March 1979
Description: Double garage

Ref: 77/00709/DEMCON **Decision:** WDN **Decision Date:** 18 October 1977
Description: Demolition of Listed Building

Ref: 79/00756/ADV **Decision:** PERADV **Decision Date:** 12 November 1979
Description: Projecting Public House Sign (non illuminated)

Ref: 77/00754/FUL **Decision:** WDN **Decision Date:** 26 December 1977
Description: Minor alterations to form restaurant

Ref: 77/00746/FUL **Decision:** WDN **Decision Date:** 26 October 1977
Description: Proposed restaurant and public house

Ref: 74/00877/FUL **Decision:** WDN **Decision Date:** 18 December 1974
Description: 8 storey high building: Offices, Restaurant & Conference Centre

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 and legislation in the Planning (Listed Buildings and Conservation Areas) Act 1990. The specific policies/ guidance considerations are contained within the body of the report.

Suggested Conditions

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

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

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

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

Title	Plan Ref	Received On
Site Location Plan	990/STN/LP Rev A	31 May 2022
Proposed Site Layout	990/STN/SLP Rev J	29 September 2022
Listed Building Alterations Floor Plans	990/STN/PL5 Rev B	1 June 2022
Proposed Floor Plans	990/STN/PL1 Rev G	26 August 2022
Indicative Mansard Roof Detail Section	990/STN/PL7	26 August 2022
Proposed Elevations	990/STN/PL2 Rev D_	26 August 2022
Proposed Streetscene	990/STN/PL3 Rev E	26 August 2022
Proposed Roof Level Plan Rev B	990/STN/PL6 Rev B	26 August 2022
Proposed Plan and Elevations	SWTN/22/05/001	29 September 2022

3. The residential units shall only be occupied by individuals with Special Needs. Prior to the first occupation of any of the units, the criteria for selecting residents, in accordance with the Central Lancashire Affordable Housing SPD, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure compliance with Policy 7 of the Central Lancashire Core Strategy.

4. Prior to any works taking place about DPC level, details of all external facing, roofing and rainwater goods materials (notwithstanding any details shown on previously submitted plan(s) and specification) and a work methodology for the repair and treatment of the listed building, including internal finishes and the demolition of the modern extensions, 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: To ensure that the materials used are visually appropriate to the listed building and the locality.

5. Before the development hereby permitted is first commenced, excluding demolition work, full details of existing and proposed ground levels and proposed building finished floor levels (all relative to ground levels adjoining the site) shall have been 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.

6. No development shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority.

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

7. The conversation and extension of the former Swan with Two Necks is likely to cause harm to common pipistrelle and brown long-eared bats as identified in the Report of Bat Survey by Ecology Services UK Ltd. The works to the listed building shall not in any circumstances commence unless the local planning authority has been provided with either:

a) a license issued by Natural England pursuant to Regulation 55, of the Conservation of Habitats and Species Regulations 2017 authorising the specified activity/development go ahead:
or

b) a statement in writing from the relevant licensing body or LPA to the effect that it does not consider that the specified development will require a license.

Reason: To ensure the harm to a protected species is adequately mitigated.

8. No works to trees or shrubs shall occur or external 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 Local Planning Authority.

Reason: Wild birds and their eggs are protected under Part 1 of the Wildlife and Countryside Act 1981, which makes it illegal to kill or injure a bird and destroy its eggs or its nest whilst it is in use of being built.

9. Prior to any works taking place above DPC level, excluding demolition, a scheme for the landscaping of the development and its surroundings shall be submitted and approved in writing by the Local Planning Authority. These details shall include all existing trees and hedgerows on the land; detail any to be retained, indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform, proposed finished levels, means of enclosure, minor artefacts and structures. The scheme should include a landscaping/habitat creation and management plan which should aim to contribute to targets specified in the UK and Lancashire Biodiversity Action Plans. Landscaping proposals should comprise only native plant communities appropriate to the natural area. The scheme should include bat roosting and bird nesting habitat.

All hard and soft landscape works 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.

10. The Chorley Council document "Code of Practice for Construction and Demolition" shall be adhered to throughout the construction period.

Reason: To protect the amenities of the nearby residents.

11. Due to the proposed sensitive end-use (housing with gardens), no development shall take place until:

- a) a methodology for investigation and assessment of ground contamination has been submitted to and agreed in writing with the Local Planning Authority. The investigation and assessment shall be carried in accordance with current best practice including British Standard 10175:2011 'Investigation of potentially contaminated sites - Code of Practice'. The objectives of the investigation shall be, but not limited to, identifying the type(s), nature and extent of contamination present to the site, risks to receptors and potential for migration within and beyond the site boundary;
- b) all testing specified in the approved scheme (submitted under a) and the results of the investigation and risk assessment, together with remediation proposals to render the site capable of development have been submitted to the Local Planning Authority;
- c) the Local Planning Authority has given written approval to any remediation proposals (submitted under b), which shall include an implementation timetable and monitoring proposals. Upon completion of remediation works a validation report containing any validation sampling results shall be submitted to the Local Authority.

Thereafter, the development shall only be carried out in full accordance with the approved remediation proposals.

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.

Reason: 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).

12. The measures of tree protection specified within the Arboricultural Impact Assessment with Tree Protection Measures ref. AIA.13315.01 dated 28th June 2021 shall be employed throughout the approved demolition and construction work.

Reason: To safeguard the trees to be retained.

13. The development shall not commence until an Employment and Skills Plan that is tailored to the development and will set out the employment skills opportunities for the construction phase of the development has been submitted to and approved by the council as Local Planning Authority (unless otherwise agreed in writing by the council). The development shall be carried out in accordance with the Employment and Skills Plan (in the interests of delivering local employment and skills training opportunities in accordance with Core Strategy Policy 15: Skills and Economic Inclusion).

Reason: In the interests of delivering local employment and skills training opportunities as per the Central Lancashire Core Strategy Policy 15: Skills and Economic Inclusion and the Central Lancashire Employment Skills Supplementary Planning Document September 2017. No Employment and Skills Plan was submitted with the application.

14. No part of the development hereby approved shall commence until a scheme for the construction of the off-site works of highway improvement has been submitted to and approved by the Local Planning Authority in consultation with the Highway Authority.

Reason: 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.

15. No part of the development hereby approved shall be occupied until the approved scheme referred to in the above condition has been constructed and completed in accordance with the scheme details.

Reason: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.

16. No development shall commence until details of covered and secured cycle storage have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The details shall accord with the Chorley Council Parking Standard. The scheme shall be implemented in accordance with the approved details before first occupation/use of the development. The facilities shall be retained at all times thereafter.

Reason: To encourage sustainable transport modes.

17. The development permitted by this planning permission shall be carried out in accordance with the principles set out within the surface water sustainable drainage strategy SWTN/22/07/050 A Rev.A produced by the applicant on 20/07/2022. The measures shall be fully implemented prior to occupation of the development 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.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 167 and 169 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems..

18. 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.

The detailed surface water sustainable drainage strategy shall be based upon the indicative surface water 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. No surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly. The details of the drainage strategy to be submitted for approval shall include, as a minimum;

- a) Sustainable drainage calculations for peak flow control and volume control for the:
 - i. 100% (1 in 1-year) annual exceedance probability event;
 - ii. 3.3% (1 in 30-year) annual exceedance probability event + 40% climate change allowance, with an allowance for urban creep;
 - iii. 1% (1 in 100-year) annual exceedance probability event + 45% climate change allowance, with an allowance for urban creep.
 Calculations must be provided for the whole site, including all existing and proposed surface water drainage systems.

- b) Final sustainable drainage plans appropriately labelled to include, as a minimum:
 - i. Site plan showing all permeable and impermeable areas that contribute to the drainage network either directly or indirectly, including surface water flows from outside the curtilage as necessary;
 - ii. Sustainable drainage system layout showing all pipe and structure references, dimensions and design levels; to include all existing and proposed surface water drainage systems up to and including the final outfall;
 - iii. Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate;
 - iv. Drainage plan showing 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 building and connecting cover levels to confirm minimum 150 mm+ 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, protect groundwater and surface waters, and delivers suitably clean water to sustainable drainage components;
- c) Evidence that a free-flowing outfall can be achieved. If this is not possible, evidence of a surcharged outfall applied to the sustainable drainage calculations will be required.
- d) Evidence of an agreement in principle with the third party Water and Sewerage Company to connect to the on-site surface water sewer.

The sustainable drainage strategy shall be implemented in accordance with the approved details.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 167 and 169 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems.

19. No development shall commence until a Construction Surface Water Management Plan, detailing how surface water and stormwater will be managed on the site during construction, including demolition and site clearance operations, has been submitted to and approved in writing by the Local Planning Authority.

The details of the plan to be submitted for approval shall include for each phase, as a minimum:

- a) Measures taken to ensure surface water flows are retained on-site during the construction phase(s), including temporary drainage systems, and, if surface water flows are to be discharged, they are done so at a restricted rate that must not exceed the equivalent runoff rate from the site prior to redevelopment.
- 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.

The plan shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction.

Reason: 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 surface water flood risk on-site or elsewhere during any construction phase in accordance with Paragraph 167 of the National Planning Policy Framework.

20. The occupation of the development shall not be permitted until a site-specific Operation and Maintenance Manual 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 in writing by the Local Planning Authority.

The details of the manual to be submitted for approval shall include, as a minimum:

- a) A timetable for its implementation;
- b) Details of SuDS components and connecting drainage structures, including watercourses and their ownership, and maintenance, operational and access requirement for each component;
- c) Pro-forma to allow the recording of each inspection and maintenance activity, as well as allowing any faults to be recorded and actions taken to rectify issues;
- d) The arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme in perpetuity;
- e) Details of financial management including arrangements for the replacement of major components at the end of the manufacturer's recommended design life;
- f) Details of whom to contact if pollution is seen in the system or if it is not working correctly; and
- g) Means of access for maintenance and easements.

Thereafter the drainage system shall be retained, managed, and maintained in accordance with the approved details.

Reason: To ensure that surface water 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 sustainable drainage system is subsequently maintained pursuant to the requirements of Paragraph 169 of the National Planning Policy Framework.

21. The occupation of the development shall not be permitted until a site-specific verification report, pertaining to the surface water sustainable drainage system, and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority.

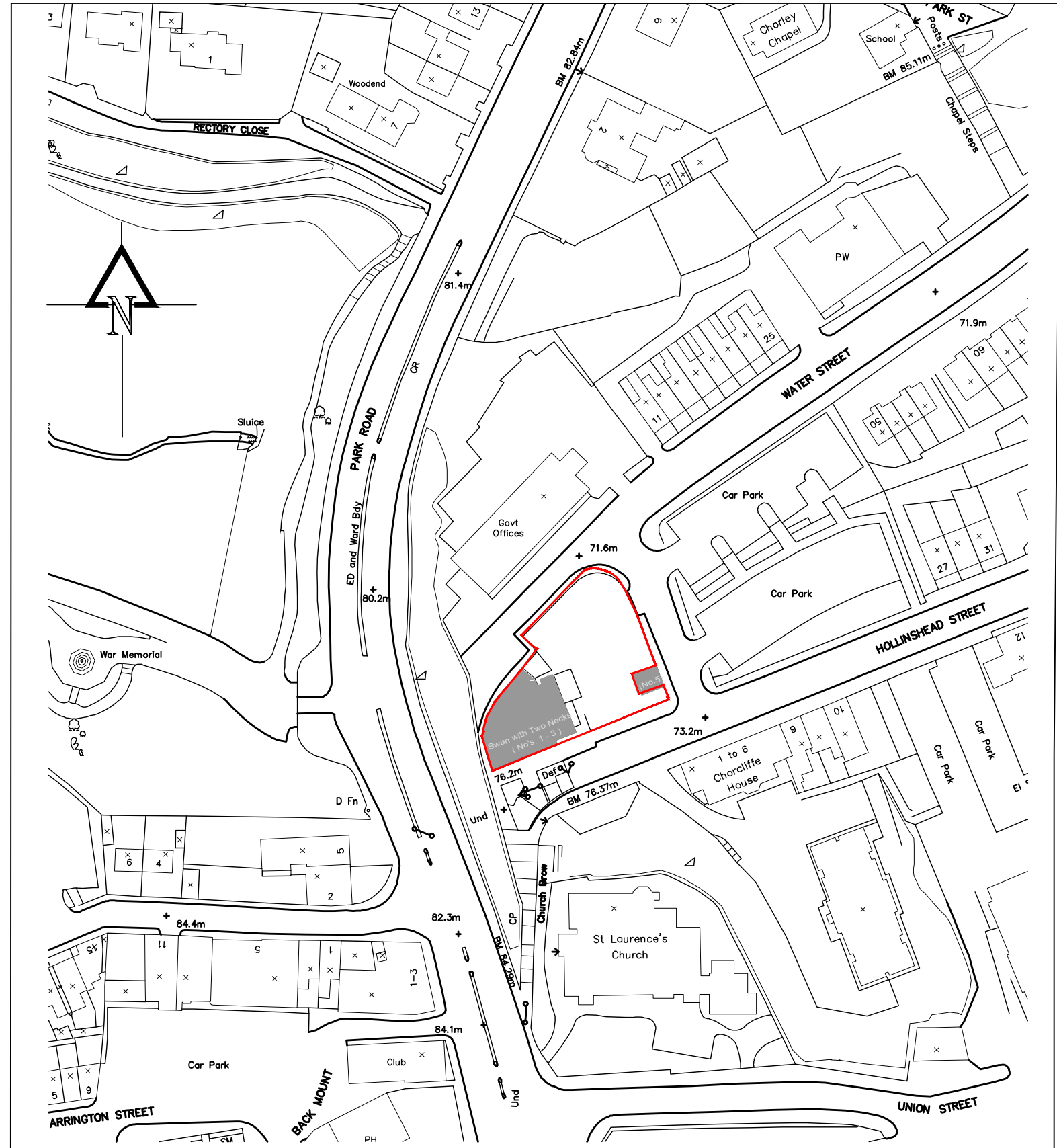
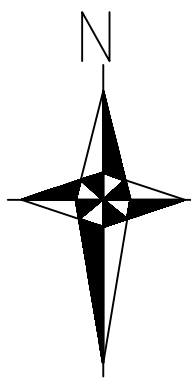
The verification report must, as a minimum, demonstrate that the surface water sustainable drainage system has been constructed in accordance with the approved drawing(s) (or detail any minor variations) and is fit for purpose. The report shall contain information and evidence, including photographs, of details and locations (including national grid references) of critical drainage infrastructure (including inlets, outlets, and control structures) and full as-built drawings. The scheme shall thereafter be maintained in perpetuity.

Reason: To ensure that surface water 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 the requirements of Paragraphs 167 and 169 of the National Planning Policy Framework.

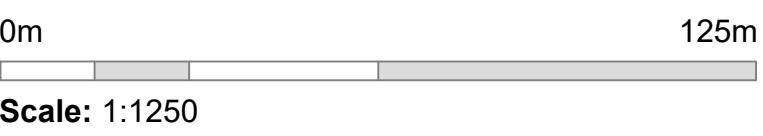
22. Before the use of the site hereby permitted is brought into operation and for the full period of construction, facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site. The roads adjacent to the site shall be mechanically swept as required during the full construction period.

Reason: To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard to road users.

The Swan with Two Necks, Hollinshead St, Chorley



Site Location Plan - Scale 1:1250



Rev A - Red Boundary corrected. 31-05-2022

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Chartered Institute of
 Architectural Technologists
 Registered Practice

Project
**The Swan with Two Necks,
 Hollinshead St, Chorley PR7 1EP**

Title
**Housing Site redevelopment
 SITE LOCATION PLAN**

Scale @ A3 1:1250	Date August 2021	Ref Job 990	Drawn MDB
Drg No 990/STN/LP			Rev A

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APPLICATION REPORT – 21/01350/LBC

Validation Date: 22 December 2021

Ward: Chorley North West

Type of Application: Listed Building

Proposal: Application for listed building consent for conversion of vacant public house including removal of some ground floor extensions and the erection of a part three storey / part four storey extension to form 18 assisted living apartments (Use Class C3)

Location: The Swan With Two Necks 1 - 3 Hollinshead Street Chorley PR7 1EP

Case Officer: Mike Halsall

Applicant: Primrose Holdings

Agent: BPD Architecture

Consultation expiry: 9 September 2022

Decision due by: 14 October 2022 (Extension of time agreed)

RECOMMENDATION

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

SITE DESCRIPTION

2. The application site relates to the grade II listed building of the Swan with Two Necks and surrounding land, located at the bottom of Hollinshead Street in Chorley town centre and St Laurence's Conservation Area. The main building is of three storeys and constructed of brick with stone dressings and a slate roof. It is believed to have been constructed as a dwelling in the early 19th Century and later converted to a public house with extensions added, thought to have occurred in 1980. The applicant states that the building has laid vacant for 11 years and has been subject to vandalism and trespass.
3. To the west is a steep embankment which rises up to Park Road, with pedestrian access gained via the cobbled path of Church Brow to the south of the application site. Railings along Church Brow and Park Road are also grade II listed, as is the War Memorial Gateway to Astley Park located on the other side of Park Road. The grade II* listed Parish Church of St. Laurence is located to the south at a substantially higher land level than the application site and the grade II listed former gateway to St. Laurence's Churchyard is also located to the south at the bottom of Church Brow. The grade II listed Chorcliffe House is located to the south east, there are car parks located to the east and north and a more modern office block, further north. There is a small single-storey office building (Oaklands / 5 Hollinshead Street) located in the south eastern corner of the car park which does not form part of the application site. The building was formerly a double garage and was converted under planning permission 10/00036/COU approximately 10 years ago.

DESCRIPTION OF PROPOSED DEVELOPMENT

4. The application seeks listed building consent for the conversion of the vacant public house including the removal of the more modern extensions and the erection of a part four-storey, part three storey extension to form assisted living apartments. The proposal would provide 18 assisted living apartments, 17 of which would be one-bed and 1 would be a two-bed apartment.
5. The proposal has been revised since its original submission following comments received from statutory and non-statutory built heritage consultees, such as Historic England and The Georgian Group.
6. The initial planning submission showed a very contemporary looking flat roofed, red brick, box shaped extension to the listed building with cladding and modern windows. The entire extension was taller and much larger overall than the listed building, resulting in an unacceptable design that was not sympathetic or subservient to the listed building.
7. The revised proposal offers a much improved design by virtue of a reduction in height, the introduction of a modern glazed link connection between the old and new elements of the building, a reduction in the overall footprint of development, introduction of a Mansard roof with tile hanging outer finish and pitched roof dormer windows, stone coping, heads and cills, Georgian style windows and red brick to match the listed building. The number of proposed apartments has been reduced from 20 to 18 as a result in the reduction in height of the building.
8. The application is supported by an email from the proposed provider of the assisted living facility, My Space. The email states that the proposal is in a location where My Space would be interested in taking on the facility. They state they have an existing relationship with Chorley Council and have 37 people waiting for accommodation in the area. They expect this number would rise should planning permission be granted and the units are ready to let. They state: *"The service would be for adults who need support with their mental health/learning disabilities to help sustain a tenancy long term in the community. The site would be managed by one Housing Officer who would typically provide 3 hours support each week to every tenant. Further support offered is 24/7 security, if required, and also communication devices that all telephone support for mental well-being and reporting of maintenance issues."*
9. An application for full planning permission, ref. 21/01349/FULMAJ, for the same development has been submitted to the Local Planning Authority in parallel with this application.

REPRESENTATIONS

10. One neighbour objection has been received raising objection to the proposal in relation to issues of design, scale, appearance, harm to the Conservation Area and car parking.

CONSULTATIONS

11. Historic Buildings and Places (HB&P): initially responded to state that whilst they had no objection in principle to the proposal, had concerns about the lack of supporting information and justification, as well as the design of the proposed extension. They also stated that they considered the extension would be harmful to the listed building, its setting, and to the streetscape within the conservation area. This was due to the 'awkward connection' between the two buildings, the height, bulk, fenestration and flat roof of the proposed building.

Following the applicant's submission of revised plans and an updated heritage assessment, HB&P removed its objection, stating the following:

"We have reviewed the amended plans and note the scale, design and materiality of the proposed extension is now more in keeping with the architectural and historic qualities of the former public house and conservation area. We therefore withdraw our objection. If minded to approve the application, we defer to the advice of your conservation officer to recommend appropriate conditions to secure the necessary detailed plans and methodology for the repairs and works to the former public house."

12. The Council for British Archaeology: have not responded on this occasion.
13. Society for the Protection of Ancient Buildings: have not responded on this occasion.
14. The Georgian Group: initially responded to state:

"The aggressive design and scale of the proposed extension however pays little regard to the form and design of this restrained classical early nineteenth century building and would cause considerable harm to its significance. The proposed addition would also be harmful to the surrounding conservation area and to the wider setting of the grade II listed Church of St Laurence... The applicant has also made little attempt to explain the age and significance of the various parts of the fabric of this listed building and of the proposed works of demolition upon that significance... The impact of the proposed works of demolition upon this listed building have not been adequately explained, whilst the proposed new extension would cause a considerable degree of harm to both the listed building itself and to the surrounding conservation area. We therefore strongly recommend that listed building consent should be refused."*

Following the applicant's submission of revised plans and an updated heritage assessment, the Georgian Group removed its objection, stating the following:

"The Group thanks the applicant for revising the proposal to reduce the scale and massing of the proposed new-build extension as advised by The Group and Historic England. The Group has reviewed the revised proposal and we withdraw our objection."

15. The Victorian Society: have not responded on this occasion.
16. Twentieth Century Society: have not responded on this occasion.
17. Lancashire County Council Archaeology Service: has responded to state that the medieval settlement of Chorley is likely to have centred around the Church and market. Consequently, the proposed development site lies in an area likely to contain archaeological remains dating to the medieval and post-medieval periods. As a result, they recommend a condition is attached to any grant of planning permission requiring a written scheme of investigation to be submitted to the Local Planning Authority for approval and subsequent implementation.
18. The Gardens Trust: have not responded on this occasion.
19. Lancashire Gardens Trust: have not responded on this occasion.
20. Historic England: Initially responded to state that whilst they welcome the principle of bringing this important building back to use, considered that the initially proposed extension did not respect the form of the historic building and was overly dominant both in terms of scale and design. As a result, they considered it would harm the significance of the Swan with Two Necks, as an elegant 18th century [sic] building. It's cuboidal plan and mass would also negatively impact on the significance of the Conservation Area, and the contribution setting makes to the significance of the Grade II* Church of St Laurence It's form and sizing would mean it would sit prominently in key views and affect how the Grade II* listed Church will be appreciated. It would also feature prominently in views out of Astley Park Registered Park and Garden of the wider Conservation Area.

Following the applicant discussing the proposal with Historic England and making revisions to the proposal, described earlier in this report, Historic England responded with no comments on the proposal. It is worth noting that Historic England do not provide 'no objection' responses, but it is reasonable to conclude that they are no longer opposing the proposal.

PLANNING CONSIDERATIONS

Impact on the listed building

21. Paragraph 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the PLBCA) are relevant to the 'Special considerations affecting planning functions'.

Section 66 states:

Without prejudice to section 72, in the exercise of the powers of appropriation, disposal and development (including redevelopment) conferred by the provision of sections 232, 233 and 235(1) of the principal Act, a local authority shall have regard to the desirability of preserving features of special architectural or historic interest, and in particular, listed buildings.

22. Section 16 of the National Planning Policy Framework (the Framework) refers to conserving and enhancing the historic environment. The following paragraphs contained therein are considered to be pertinent in this case:

194. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

195. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

197. 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.*

199. 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.

200. 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.

201. 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.

202. 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.

206. Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

23. The Central Lancashire Core Strategy (2012) (the Core Strategy), policy 16 refers to Heritage Assets. This policy mirrors that given in the Framework and states that it seeks to:

‘Protect and seek opportunities to enhance the historic environment, heritage assets and their setting by:

- a. *Safeguarding heritage assets from inappropriate development that would cause harm to their significances.’*

24. The Chorley Local Plan 2012 – 2026, policy BNE8 refers to the Protection and Enhancement of Heritage Assets. Essentially this policy mirrors the Framework. Paragraph b, states that, *‘Applications will be granted where they sustain, conserve and, where appropriate, enhance the significance, appearance, character and setting of the heritage asset itself and the surrounding historic environment and where they show consideration for the following: iii, The Conservation and, where appropriate, the enhancement of the setting of heritage assets.’*

Heritage Assessment

25. The Council’s heritage advisors, Growth Lancashire, have provided the following comments in relation to the revised proposals:

“Whilst I acknowledge the changes made the scheme is still a substantial new addition to the listed building involves the creation of 5 apartments/flats within the existing retained main range of the former PH and the addition in a new block of 13 units to the car park (east) side of the building.

I note the changes in the design approach of the extension block since the original submission and the slight reduction in scale. The upper floor now being accommodated in a mansard type roof. The design approach is a move away from the original modern styled flat roofed block of the earlier versions.

Visually, whilst I am not opposed to the design approach as it responds to the key characteristics of the Conservation Area I would have preferred a design which provides a stronger and clearer distinction between it and the Listed PH and the other 'Georgian' buildings near by. The pastiche style is of limited value and rather emphasises the large scaled new addition. Regardless of the merits of the architecture I think the principle concern remains the scale/bulk of the new addition. The revised design has not resolved this matter and the issues relating to the effect on, and appreciation of the listed building, largely remain. Although I do acknowledge that the reduction in scale over part of the building, glazed connection between the buildings and the dropped eave and mansard roof design do help lower the level of visual harm.

Set against this visual harm I am mindful of the benefits gained from re-using the principle listed building and gaining a new and sustainable use. Also as with the previous iterations the proposals would involve the demolition of existing extensions of no importance which had an impact on the views of the eastern gable of the listed building.

I also note that the Georgian Society and Historic Buildings and Places, as two national amenity bodies, have both withdrawn their objections to the scheme. This will need to be material to the LPA weighing exercise and final decision. [It is worth noting that the Historic Buildings and Places response was submitted in response to the listed building consent application, rather than this full planning application].

Paragraph 6.1.3 of the Heritage Statement produced by Eden Heritage states that the proposals would cause less than substantial harm "provided the new build element is smaller in scale, and respects the historic fabric and built form of the surviving early 19th century properties on the street". I do not disagree and feel this scale matter remains the core issue as I do not feel the benefits accrued by the removal of the existing unsightly modern additions will necessarily be realised if the new extension simply blocks out any appreciation of the listed building and potentially makes the current situation worse.

In conclusion my comments made re the impact of the scheme in my original comments remain valid and I feel the revised scheme does not fully mitigate the concerns over the dominance of the new block. I still consider the scheme will cause harm to the architectural and historic value of the listed building and as a result also harm the character and appearance of the St Laurence's CA. The harm in both regards will be low/moderate less than substantial and will need to be assessed under P.202 of the NPPF.

Under P.202 it is down to the LPA to consider the wider public benefits of the proposal against the level of harm to the significance of the heritage assets affected in its planning balance, remembering that great weight should always be given to any identified harm to a designated heritage asset. Clearly in this instance there is considerable benefit in gaining the re-use of the vacant listed building and it seems likely that any re-use will involve some adaptation and alteration. However in the absence of any sort of viability information it is difficult to assess whether this scheme would be the 'optimum viable use' for the listed building and site."

26. Taking the above comments into account, it is clear that whilst the revised proposal is an improvement of the original planning submission, due to its scale, it would still be harmful to the architectural and historic value of the listed building and as a result also harm the character and appearance of the St Laurence's Conservation Area. This harm is of a low/moderate less than substantial scale and must be given great weight in the planning balance. The proposal therefore conflicts with the aforementioned policies that seek to sustain, conserve and, where appropriate, enhance the significance, appearance, character and setting of the heritage asset itself and the surrounding historic environment.

27. The Local Planning Authority must therefore consider the wider public benefits of the proposal against the level of harm to the significance of the heritage assets affected in its planning balance. As noted by the Council's heritage advisor, there is considerable benefit in gaining the re-use of the vacant listed building and it seems likely that any re-use will involve some adaptation and alteration. It is acknowledged that no viability / enabling development case has been submitted in support of the application. That said, the building has laid vacant for over 10 years, reportedly having suffered from vandalism and trespass and is clearly in need of substantial repairs. Given the length of time the building has laid vacant, it is considered significant weight should be attributed to its reuse as part of this proposal. The comments from the intended service provider indicates there is a strong need for this form of accommodation in the borough and they consider this site a suitable location for its provision. This should also be given significant weight in the planning balance. The proposed build would also deliver social and economic benefits from construction work and delivering human surveillance in an area of the town which suffers from anti-social behaviour.
28. On balance it is considered that the benefits of the proposal outweigh the harm caused to the listed building.

CONCLUSION

29. The recommendation is finely balanced as the proposal would be harmful to the architectural and historic value of the listed building.
30. On balance it is considered that the wider public benefits of the proposal in the form of bringing a long-term vacant listed building back into use, delivering a much needed form of accommodation in a sustainable location and its associated social and economic impacts, outweigh the harm caused by the proposal and is accordingly recommended for approval.

RELEVANT HISTORY OF THE SITE

Ref: 07/00274/FUL **Decision:** WDN **Decision Date:** 25 May 2007
Description: Proposed siting of 5 no. gazebos to the area to the front of the public house.

Ref: 07/00631/FUL **Decision:** REFFPP **Decision Date:** 24 July 2007
Description: Proposed siting of 5no. gazebos to the area to the front of the public house.

Ref: 07/01156/FUL **Decision:** PERFPP **Decision Date:** 3 December 2007
Description: Changing existing first floor window to doors, the addition of a balustrade to a first floor balustrade wall and the erection of wooden trellis barriers on the front curtilage.

Ref: 07/01157/LBC **Decision:** PERLBC **Decision Date:** 3 December 2007
Description: Listed building consent for changing existing first floor window to doors, the addition of a balustrade to a first floor balustrade wall and the erection of wooden trellis barriers on the front curtilage.

Ref: 5/1/01394 **Decision:** PERFPP **Decision Date:** 3 May 1960
Description: Erection of lock-up garage.

Ref: 5/1/01395 **Decision:** PERFPP **Decision Date:** 3 May 1960
Description: Erection of lock-up garage.

Ref: 5/1/01396 **Decision:** PERFPP **Decision Date:** 3 May 1960
Description: Erection of lock-up garage.

Ref: 5/1/01647 **Decision:** PERFPP **Decision Date:** 6 June 1961
Description: Erection of lock-up garage.

Ref: 21/01349/FULMAJ **Decision:** PCO **Decision Date:**
Description: Conversion of vacant public house including removal of some ground floor extensions and the erection of a four storey extension to form 20 assisted living apartments (Use Class C3)

Ref: 21/01350/LBC **Decision:** PCO **Decision Date:**
Description: Application for listed building consent for conversion of vacant public house including removal of some ground floor extensions and the erection of a four storey extension to form 20 assisted living apartments (Use Class C3)

Ref: 94/00646/LBC **Decision:** PDLBC **Decision Date:** 5 October 1994
Description: Listed building consent for internal alterations

Ref: 91/00173/LBC **Decision:** PERFPP **Decision Date:** 2 April 1991
Description: Listed building application for the dismantling of boundary wall to accommodate major drainage works

Ref: 91/00172/FUL **Decision:** PERFPP **Decision Date:** 2 April 1991
Description: Re-erection of boundary wall (with original materials) following its removal to accommodate drainage works

Ref: 91/00171/LBC **Decision:** PERFPP **Decision Date:** 2 April 1991
Description: Listed building application for the dismantling of boundary wall to accommodate major drainage works

Ref: 91/00170/FUL **Decision:** PERFPP **Decision Date:** 2 April 1991
Description: Re-erection of boundary wall (with original materials) following its removal to accommodate drainage works

Ref: 91/00169/TPO **Decision:** PERTRE **Decision Date:** 2 April 1991
Description: Removal of tree 19 covered by TPO No.3 (1980) Chorley to allow drainage works to be carried out

Ref: 87/00180/FUL **Decision:** PERFPP **Decision Date:** 7 April 1987
Description: Setting out area on land opposite swan with two knecks remedial work to wall running parallel to church steps and demolition/rebuilding of stone archway

Ref: 86/00059/ADV **Decision:** PERFPP **Decision Date:** 18 March 1986
Description: Illuminated signs

Ref: 80/00866/ADV **Decision:** PERADV **Decision Date:** 20 October 1980
Description: Two logos and wooden letting

Ref: 79/00378/FUL **Decision:** PERFPP **Decision Date:** 11 June 1979
Description: See enforcement 115

Ref: 79/00377/FUL **Decision:** PERFPP **Decision Date:** 11 June 1979
Description: Extension and alterations to form public house, restaurant and staff accommodation

Ref: 79/00157/FUL **Decision:** PERFPP **Decision Date:** 19 March 1979
Description: Double garage

Ref: 77/00709/DEMCON **Decision:** WDN **Decision Date:** 18 October 1977
Description: Demolition of Listed Building

Ref: 79/00756/ADV **Decision:** PERADV **Decision Date:** 12 November 1979
Description: Projecting Public House Sign (non illuminated)

Ref: 77/00754/FUL **Decision:** WDN **Decision Date:** 26 December 1977
Description: Minor alterations to form restaurant

Ref: 77/00746/FUL **Decision:** WDN **Decision Date:** 26 October 1977
Description: Proposed restaurant and public house

Ref: 74/00877/FUL **Decision:** WDN **Decision Date:** 18 December 1974
Description: 8 storey high building: Offices, Restaurant & Conference Centre

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.

Suggested Conditions

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

Reason: Required to be imposed by Section 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
Site Location Plan	990/STN/LP Rev A	31 May 2022
Proposed Site Layout	990/STN/SLP Rev J	29 September 2022
Listed Building Alterations Floor Plans	990/STN/PL5 Rev B	1 June 2022
Proposed Floor Plans	990/STN/PL1 Rev G	26 August 2022
Indicative Mansard Roof Detail Section	990/STN/PL7	26 August 2022
Proposed Elevations	990/STN/PL2 Rev D	26 August 2022
Proposed Streetscene	990/STN/PL3 Rev E	26 August 2022
Proposed Roof Level Plan Rev B	990/STN/PL6 Rev B	26 August 2022
Proposed Plan and Elevations	SWTN/22/05/001	29 September 2022

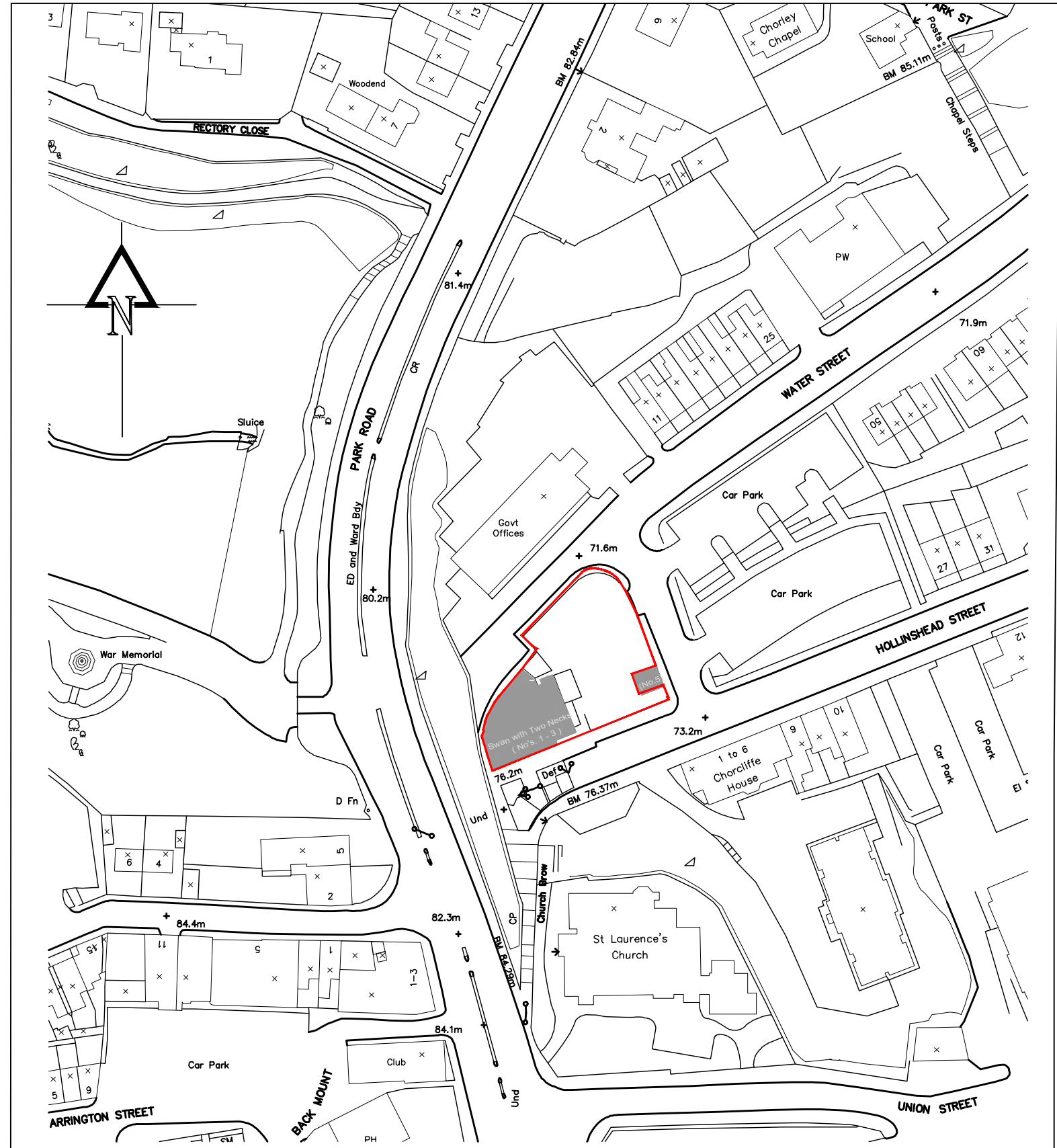
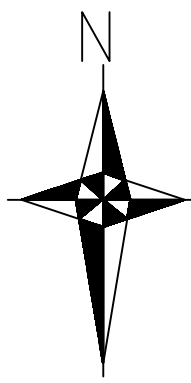
3. Prior to any works taking place about DPC level, details of all external facing, roofing and rainwater goods materials (notwithstanding any details shown on previously submitted plan(s) and specification) and a work methodology for the repair and treatment of the listed building, including internal finishes and the demolition of the modern extensions, 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: To ensure that the materials used are visually appropriate to the listed building and the locality.

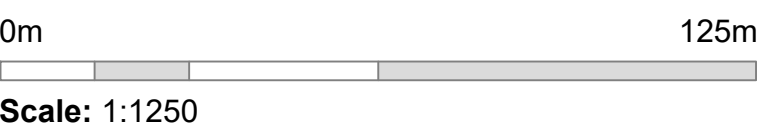
4. No development shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority.

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

The Swan with Two Necks, Hollinshead St, Chorley



Site Location Plan - Scale 1:1250



Rev A - Red Boundary corrected. 31-05-2022

bpd Architecture
 CIAT Registered practice

Tel: 01257 220510
 web: www.betterplan.co.uk
 email: info@betterplan.co.uk

Chartered Institute of
 Architectural Technologists
 Registered Practice

Project
**The Swan with Two Necks,
 Hollinshead St, Chorley PR7 1EP**

Title
**Housing Site redevelopment
 SITE LOCATION PLAN**

Scale @ A3 1:1250	Date August 2021	Ref Job 990	Drawn MDB
Drg No 990/STN/LP			Rev A

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APPLICATION REPORT – 22/00838/FUL

Validation Date: 2 August 2022

Ward: Chorley East

Type of Application: Full Planning

Proposal: Change of use from a drinking establishment at ground floor (Use Class E) and dwelling at first floor (Use Class C3) to a 10 room house in multiple occupation (HMO)

Location: Seven Stars Inn 84 - 86 Eaves Lane Chorley PR6 0SU

Case Officer: Mike Halsall

Applicant: Lewis Bird

Agent: Windsor & Patania Architecture and Developments

Consultation expiry: 31 August 2022

Decision due by: 14 October 2022 (Extension of time agreed)

RECOMMENDATION

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

SITE DESCRIPTION

2. The application site relates to the Seven Stars public house on Eaves Lane, opposite its junction with Lyons Lane, to the east of Chorley town centre. The building is in a row of terraced buildings with those either side being in residential use. There is a small walled yard area to the rear of the building, beyond which was historically the bowling green associated with the pub but was developed in the early 1990's to create the dwellings of Albany Court with its associated access road and car parking area.

DESCRIPTION OF PROPOSED DEVELOPMENT

3. The proposal seeks full planning permission for the change of use of the vacant pub with apartment above to a 10-room house in multiple occupation. Physical alterations are mainly internal with external changes limited to removing the 'Seven Stars' sign to the front of the building, changing the rear door to a window, inserting new windows to the ground floor rear elevation, inserting a basement window to the rear of the property and adding a cycle storage area and bin store in the rear yard area.

REPRESENTATIONS

4. Representations have been received from sixteen individuals, including Councillor Hasina Khan, on the basis of parking, highway safety, residential amenity, inadequate bin storage and the loss of a community facility.

CONSULTATIONS

5. Lancashire Highway Services (LCC Highways): have responded with no objection to the proposals and have recommended a condition be attached to any grant of planning

permission to require the details of secure cycle parking to be provided to the Local Planning Authority for approval. They state that *“The contents of the Transport Statement are agreed. No off-street car parking is required as the site is within a sustainable location. A minimum of one secure and covered cycle spaces for each one bedroom property, to support social inclusion and promote sustainable forms of transport. The proposed cycle storage in the Transport Statement is requested to be covered”*.

6. Regulatory Services - Environmental Health Officer: responded with advice for the applicant in relation to HMO standards and guidance.
7. Waste & Contaminated Land Officer: responded to request that the plans be revised to show sufficient bin storage space for three 1,100 litre bins. The applicant subsequently revised the site plan to the satisfaction of the Council's waste and contaminated land officer.

PLANNING CONSIDERATIONS

Principle of the development

8. 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.
9. The Central Lancashire Core Strategy focuses growth in Key Service Centres such as Chorley town, where the application site is located.
10. The site is not allocated for any specific use within the Chorley Local Plan 2012 - 2026 and Policy V2 of the Chorley Local Plan 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.
11. The application would result in the loss of a public house, which is categorised as a community facility. Policy HW6 of the Chorley Local Plan 2012 - 2026 seeks to protect community facilities where they are serving local need. Only one of the representations received in relation to the proposal refer to the loss of the public house, and it is noted that there are other public houses in close proximity to the site. Although the loss of the public house is in some ways regrettable this reflects a general trend of such closures, with the premises having been made available for rent/sale earlier in the year. A viability appraisal has been submitted with the application that supports the applicant's case that the existing use of the building as a public house is no longer viable and this is supported by a statement from the previous owner and operator of the pub. It is, therefore, considered that the loss of the public house is acceptable in this instance.

Impact on character and appearance of the locality

12. Policy 17 of the Core Strategy seeks to ensure that the design of new buildings takes into account the character and appearance of the local area, including among other things, linking in with surrounding movement patterns and not prejudicing the development of neighbouring land; and protecting existing landscape features and natural assets.
13. 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, among other things, 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.
14. There would only be minimal external physical alterations required to the building. The way in which the property would be used would have little impact on the character of the area,

given the extent of existing residential properties in the vicinity, and the comings and goings from a house with ten rooms would be less intensive than a public house. The retention and conversion of the building would be a positive outcome as the building is one of character and contributes positively to the street scene. There would be no conflict with policies 17 of the Core Strategy or BNE1 of the Local Plan with regards to the design of the proposal.

Impact on neighbour amenity

15. 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.
16. The proposed residential use would introduce habitable room windows to the building at ground floor, however, none of these would result in any unacceptable overlooking. The first floor and second floors would retain windows that are already in residential use serving habitable rooms and so there would be no change in relation to existing privacy standards. The application property is located amongst residential dwellings. The change of use to residential accommodation is likely to have lower levels of noise and disturbance from comings and goings and general noise than the public house. A residential use is a highly compatible use when viewed in the context of adjoining residential uses. There would be no conflict with policy BNE1 of the Local Plan with regards to residential amenity.

Highways safety

17. The parking requirement generated by this proposal would normally result in the need for 10no. car parking spaces, however, no off-street parking can be provided given the limited site area. The applicant has submitted a details Transport Statement in support of the proposal which demonstrates the sustainable nature of the site location.
18. It is noted that the highway authority has not objected to the proposed change of use, and that the application site is in an area of high accessibility in relation to employment, shops, schools, health centres, community facilities etc. In addition, the site is situated close to bus routes with bus stops within short distances, and within walking distance of Chorley town centre. In addition, it is accepted that there is already parking demand generated by the existing public house and flats above and that this must be considered in relation to the proposed development. The proposed plans also confirm that there would be an outside cycle storage area and a condition would be attached to any grant of planning permission requiring the final details of this to be submitted to the Local Planning Authority for approval.
19. The location is considered to be highly sustainable, such that a relaxation in the car parking standards can be made as per the provisions of policy ST4 of the Chorley Local Plan 2012-2026. In addition, it is noted that LCC Highways have no objection and consider that the proposed development would not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.
20. Given the sustainability credentials of the location and the parking demand already generated by the existing use, the under provision of off-street parking is considered acceptable in this instance.

Community Infrastructure Levy

21. This is not a chargeable development for the purposes of the Community Infrastructure Levy.

CONCLUSION

22. There would be no unacceptable detrimental impact on the appearance and character of the area or the amenity of neighbouring occupiers as a result of the proposed development.

In addition the retention of the public house as a community facility cannot be justified. The development is located in a sustainable location and would not have an unacceptable impact on highway safety. On the basis of the above, it is recommended that planning permission be granted.

RELEVANT HISTORY OF THE SITE

Ref: 90/00927/FUL **Decision:** WDN **Decision Date:** 20 September 1990
Description: Single-storey rear extension

Ref: 90/00828/FUL **Decision:** REFFPP **Decision Date:** 18 December 1990
Description: Erection of conservatory to rear

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

Suggested Conditions

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

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

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

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

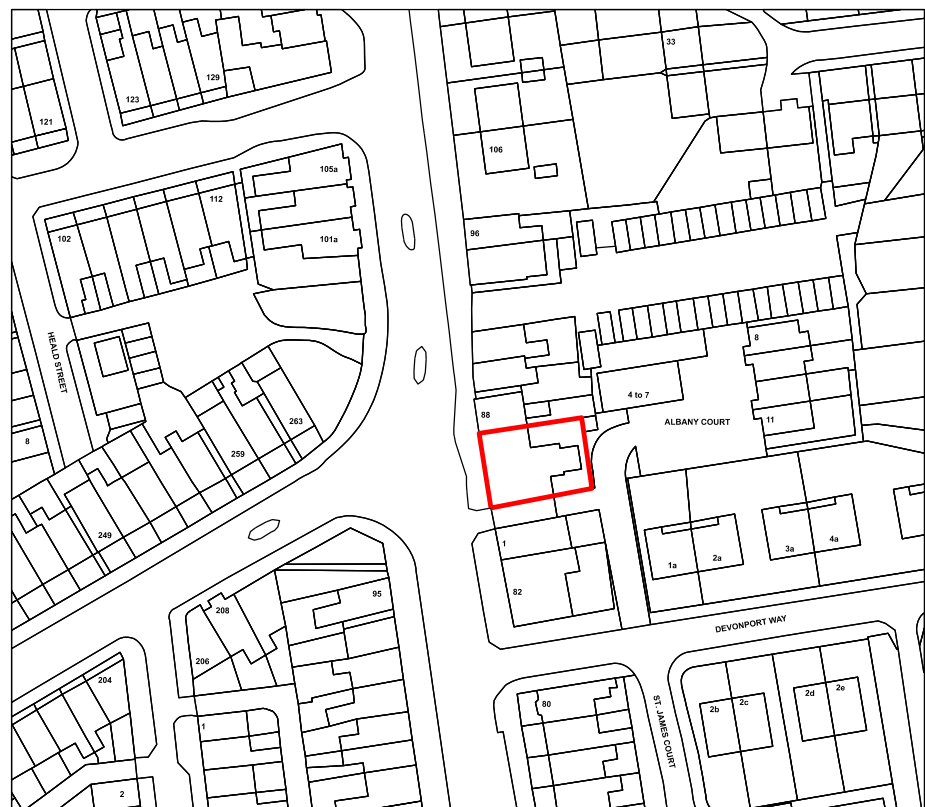
Title	Plan Ref	Received On
Ordinance Survey Map	S-01	15 September 2022
Concept Floor Plans	S-07	15 September 2022
Concept Floor Plans	S-08	15 September 2022
Concept Floor Plans	S-09	15 September 2022
Concept Floor Plans	S-10	15 September 2022
Proposed Elevations	S-11	15 September 2022

3. Prior to the first occupation of any of the bedrooms within the approved house in multiple occupation, a scheme for a covered, secured cycle parking area shall be submitted to and approved in writing by the Local Planning Authority and installed in accordance with the approved details. The cycle storage facilities shall provide sufficient storage space for 10 cycles and permanently maintained thereafter.

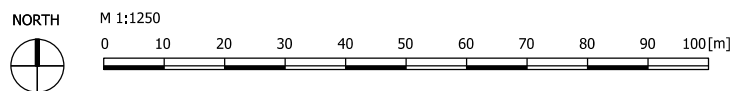
Reason: To allow for the effective use of the parking areas the promotion of sustainable forms of transport and aid social inclusion.



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2. Print out to actual scale. Do not scale drawing use figured dimensions only. All dimensions to be cross-checked on-site by the appointed contractor prior to manufacture and construction
3. Any discrepancies between site and drawings to be reported to the Windsor & Patania Architects immediately.
4. Read in conjunction with all relevant drawings and documentation produced by other consultants
5. All structural elements to be agreed with local authority Building Control prior to commencement of works.
6. Attention is drawn to the provisions of the party wall act 1996. Legal boundaries should be determined by others.
7. All suggested demolition works to be reviewed by a Structural Engineer and to be assessed on site prior to demolition.
8. All areas are approximate and are to be used for indicative purposes only. Areas don't take into account possible variations related to the impact of Site Conditions, Structure, Drainage and M&E.
9. Windsor & Patania Architects accepts no liability for any expense, loss or damage of whatsoever nature and however arising from any variation made to this drawing or in the execution of the work to which relates which has not been referred to them and their approval obtained.
10. Contractors to be responsible for the design and supply of all temporary works (i.e. bracing, propping, showing, tying, etc) and the security, stability, and safety of the building works.



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 Map number: TORQM22126100130490 Project ID:
 Title: Seven Stars Pub Date of Purchase: 06-05-2022
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HMO Conversion
 Project Address
 Seven Stars Pub, 84-86 Eaves Ln, Chorley, PR6 0SU

Drawing title
Ordinance Survey Map

date	scale
AUGUST 2022	1:1250@A3
drawing number	sheet no.
S-01	1 OF 11

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APPLICATION REPORT – 22/00792/REMAJ**Validation Date: 21 July 2022****Ward: Euxton****Type of Application: Major Reserved Matters****Proposal: Reserved matters application (appearance, landscaping, layout and scale) for a phased development comprising the erection of 18no. dwellings and associated infrastructure pursuant to outline planning permission ref: 19/00654/OUTMAJ / appeal ref: APP/D2320/W/20/3247136.****Location: Land Between Pear Tree Lane And School Lane Pear Tree Lane Euxton****Case Officer: Mr Iain Crossland****Authorising Officer:****Applicant: Mr Jon Gould****Agent: Mr Marco De Pol****Consultation expiry: 15 August 2022****Decision due by: 20 October 2022**

RECOMMENDATION

It is recommended that the reserved matters of appearance, landscaping, layout and scale are approved subject to conditions.

SITE DESCRIPTION

The application site is located to the south and east of School Lane and to the east of Euxton and comprises part of a wider development site with outline consent for the erection of up to 180 dwellings. The wider site comprises five field compartments and the topography of the site is relatively flat and includes existing hedgerows and a small pond.

The western edge of the wider site is predominantly bound by properties on School Lane and The Cherries. To the north the site includes an existing tree line that is on the south side of School Lane. To the north of School Lane is a residential development site that has been recently completed and to the east, the site is bound by Pear Tree Lane and residential properties, which includes Houghton House, a Grade II listed building. The southern boundary of the site is bound by a row of mature trees and hedgerows with Valley Park to the south.

School Lane is a non-classified road and is categorised as a local access road with a 20 mph zone extending from Wigan Road to approximately 20m west of Orchard Close. To the west of this point School Lane is subject to the national speed limit of 60 mph. There are footways of variable width from Orchard Close west to Wigan Road. From Orchard Close east there are no footways and the road is of variable width with narrow single lane sections in what is essentially a lane of rural character.

The site is allocated as Safeguarded Land and contains a number of trees protected by Tree Preservation Orders both within it and along its boundaries. It is noted that the wider site now has reserved matters consent for the erection of 131no. dwellings and associated infrastructure.

DESCRIPTION OF PROPOSED DEVELOPMENT

This application seeks reserved matters consent including details of appearance, landscaping, layout and scale for a phased development comprising the erection of 18no. dwellings and associated infrastructure pursuant to outline planning permission ref: 19/00654/OUTMAJ / appeal ref: APP/D2320/W/20/3247136. This represents the self-build element of the outline planning permission that was approved on appeal, and would connect with the previously approved reserved matters consent for the erection of 131no. dwellings and associated infrastructure with access taken through that development.

REPRESENTATIONS

No comments have been received.

CONSULTATIONS

Euxton Parish Council: No comments received.

Lancashire County Council Archaeology Service: No Objection.

Environment Agency: No comments received.

Greater Manchester Ecology Unit: No objection

Waste & Contaminated Land: No comments to make.

Lancashire Highway Services: Do not have any objections

Lead Local Flood Authority: No objection

PLANNING CONSIDERATIONS

Principle of the development

The acceptability of the principle of the development has been established by the grant of outline planning permission for up to 180 dwellings including 30% affordable housing, with public open space, structural planting and landscaping, surface water flood mitigation and attenuation and vehicular access points from School Lane. This was grant on appeal in August 2020.

Impact on character and appearance of locality

The National Planning Policy Framework (the Framework) attaches considerable importance to the need to achieve good design and a high-quality built environment. It states at paragraph 112 that planning policies and decisions should respond to local character and history and seek to reinforce local distinctiveness. The importance of high-quality design is reflected in the Central Lancashire Core Strategy (policy 17) and the Chorley Local Plan (policy BNE1).

Policy 17 of the Core Strategy seeks to ensure that the design of new buildings takes into account the character and appearance of the local area, including among other things, linking in with surrounding movement patterns and not prejudicing the development of neighbouring land; and protecting existing landscape features and natural assets. The policy is considered to be consistent with the Framework and should be attributed full weight.

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, among other things, 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;

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; and that the proposal would not have a detrimental impact on important natural habitats and landscape features such as historic landscapes, mature trees, hedgerows, ponds and watercourses. In some circumstances where on balance it is considered acceptable to remove one or more of these features, then mitigation measures to replace the feature/s will be required either on or off-site. The policy is considered to be consistent with the Framework and should be attributed full weight.

The surrounding housing stock to the development site comprises a mix of bungalows and generally two storey brick and rendered or stone faced buildings in a varied mixture of built forms including detached, semi-detached and terraced properties with pitched roofs and some with details such as bay windows, and porches. This provides a wide range of design types. There is a listed building at Houghton House Farmhouse to the north west corner of the site that provides a local example of high quality design. This is faced in local sandstone with a slate roof and comprises quoin detailing and is of symmetrical proportions. There is a barn conversion to the west of this, which is faced in red sandstone and has a slate roof, which also provides a local example of design quality.

When considering any development proposal, the Council must be mindful of the Framework, which at paragraph 126 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. It also says that good design is a key aspect of sustainable development. Paragraph 130 of the Framework also states that planning policies and decisions should aim to ensure that developments (amongst other things) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.

Chorley Council plans positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes and seeks to create well-mixed and integrated developments, which avoid segregation and have well-planned public spaces that bring people together and provide opportunities for physical activity and recreation.

The proposed layout of the development is considered to have taken into account the natural constraints of hedgerows and trees and incorporates areas of informal open space around these features. This would ensure that the proposals create an attractive environment and setting for the dwelling plots, which are arranged in an organic pattern at a relatively low density. Hedgerows would only be removed to provide access across the site.

The proposed houses reflect the house types already approved as part of the recent reserved matters application and includes for dual aspect properties on corner plots with some dwellings facing onto Pear Tree Lane, where the site shares an interface. In terms of their appearance, the proposed properties are of a simple traditional design style and include features such as bay windows and front gables, which are found in the wider area, and would help to provide interest in the streetscene. Materials would include red brick types, render, and both red and grey roof tiles. There would be incorporate in-curtilage driveways, integral and detached garages and allocated car parking spaces.

It is considered that the proposed dwellings would assimilate with the built form of existing dwellings in the area. In light of the above, the proposal would not be detrimental to the character and appearance of the locality.

It is noted that this part of the site is intended by the developer to be set aside for self-build development as required by the terms of the Unilateral Undertaking that is attached to the outline planning permission. This requires a proportion of the overall dwellings to be provided as serviced self build plots. As such it is possible that replacement house types may be proposed through separate applications for these individual plots as they are marketed for sale, and although the standard houses types proposed at this stage would be an acceptable proposition this would not preclude a deviation from these house types with very different alternatives. The

layout of the plots and scale of the proposed dwellings is, however, representative of what would be expected on this part of the site.

Overall the proposed development is considered to accord with Chorley Local Plan policy BNE1 in respect of design matters.

Impact on Heritage Assets

Chapter 16 of the Framework sets out considerations relating to conserving and enhancing the historic environment. Policy 16 of the Core Strategy and Policy BNE8 of the Chorley Local Plan 2012 -2026 deal with Heritage Assets.

The Site is located to the south of School Lane and the west of Pear Tree Lane. It benefits from an extant outline consent for development of up to 180 dwellings (LPA ref 19/00654/OUTMAJ: PINS ref. APP/D2320/W/20/3247136), with the majority of the site also benefiting from a subsequent Reserved Matters application (21/00635/REMMAJ) relating to 131 dwellings which was approved in June 2022.

The present application seeks reserved matters consent for the remaining part of the site and seeks approval of details relating to the reserved matters for a further 18 dwellings. The element of the overall site now under consideration is located to the south west of the grade II listed Houghton House Farmhouse and thus there is the potential for the development to adversely affect the setting of that designated heritage asset.

The principal statutory duty under the Planning (Listed Building and Conservation Areas) Act 1990 is to preserve the special character of heritage assets, including their setting. LPA's should, in coming to decisions, consider the principal Act, which states under Listed Buildings - Section 66(1) the following;

In considering whether to grant planning permission for development which affects a listed building or its setting, the 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.

The Framework at P194 notes that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.

In determining planning applications LPA's 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.

P.199 states that when considering the impact of proposals on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be applied. This is irrespective of whether any harm is identified as being substantial, total loss or less than substantial harm to its significance.

It must be considered in making an assessment that the site already benefits from an extant outline consent for development of up to 180 dwellings (LPA ref 19/00654/OUTMAJ: PINS ref. APP/D2320/W/20/3247136), with the majority of the site also benefiting from a subsequent Reserved Matters application (21/00635/REMMAJ) relating to 131 dwellings.

Notwithstanding the above, the heritage issue to consider is the potential effect upon the setting (and by extension significance) of Houghton House Farmhouse as a designated heritage asset.

The asset is a late 17th century farmhouse, which derives its significance from its simple yet symmetrical principal elevation to its west frontage incorporating simple classically inspired

details and proportionality, its historic use as a farmhouse and its wider historical association with its wider context. Whilst historically its open and agricultural setting would have contributed greatly to the significance, historic and more recent development (and approvals) to its north, south and west have drawn it into the wider settlement of Euxton meaning that now its setting is extremely compromised and thus setting makes an extremely limited contribution to its overall setting.

The proposals are situated some distance to the south and south west of the asset and further away from the asset than plot 1, the design and siting of which was already approved under application 21/00635/REMMAJ, which will already have had an effect upon the setting of the asset.

In relation to the existing proposals, whilst very limited details are provided within the application documents they are separated from the asset by its domestic curtilage and the retention of an existing hedge. The design, layout and materiality of the dwellings proposed broadly reflect what has already been approved, both in outline and in the subsequent reserved matters application. Regardless it is considered preferable that Units 9 and 10, which are closest to the asset, should utilise a grey rather than red roof finish to achieve better aesthetic relationships to the asset. This has been agreed and reflected on the materials layout plan.

The landscaping and fencing plans submitted are the same as submitted previously as part of the larger application which gained approval earlier in the year. As with previous assessments on 21/00635/REMMAJ it is noted that the Inspector in - his Appeal decision considered the issue of setting.

In P.78 he stated that "despite forming part of the setting for Houghton House farmhouse it is common ground between the council and the appellant that the appeal site only makes a minor contribution to the significance of the listed building" and went on to say "the heritage statement submitted with the application proposes mitigation in the form of an area of open space in the north of the site, landscaping to the site boundary with Houghton House farmhouse and setting back development from the north-eastern edge of the site. These measures would reduce the harm, but not avoid it".

Para 79 — "Nevertheless, given the minor contribution of the appeal site to the significance of the heritage asset, the proposals would amount to less than substantial harm to the heritage significance of Houghton House Farmhouse."

He concluded that with mitigation (landscaping etc.) the harm to the setting would be at the lower end of the spectrum of less than substantial harm. In this context, taking note of the location and detail of the development and its relationship to the heritage asset (also considering comments made on the previous applications) it is considered that a low level of less than substantial harm will be caused to the setting (and thus by extension) the significance of the designated heritage asset.

As noted above the principal of development of the site is already established via application 19/00654/OUTMAJ/PINS ref. APP/D2320/W/20/3247136, whilst the detail and design of dwellings within similar vicinity of the asset, and engaging with its principal elevation, has also been established via application 21 /00635/REMMAJ.

Regardless it is still considered that this phase of the development and in particular the siting of Plots 9 and 10 in particular, because of the close proximity to the listed building, will cause some impact on the immediate setting.

P.202 of the NPPF requires that a balanced judgement be taken having regard to the scale of harm or loss and the significance of the heritage asset. As with the other applications, including the outline application determined by a Planning Inspector the Local Planning Authority must weigh this low level of harm against the evidenced public benefits of the scheme in its decision.

The conclusions of the Inspector's findings remain, and it is considered that the public benefits of the development outweigh the less than substantial harm to the significance of the nearby grade II listed heritage asset.

Therefore, the proposal would meet the objectives of the Framework set out at Chapter 16 and would accord with Policy EN8 of the Local Plan and Policy 16 of the Central Lancashire Core Strategy.

Impact on Neighbour amenity

Policy BNE1 of the Chorley Local Plan 2012 - 2026 states that new development must not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or by creating an overbearing impact.

The proposed dwellings would be set within a part of the site some distance from the dwellings on School Lane and closer to the more sparsely populated Pear Tree Lane. Plot 9 would be the nearest dwelling to the existing property at Houghton House Farm. It would have a blank side elevation facing the garden area at this property and would have no windows overlooking the garden. The scale of the garden and distance to the dwelling is such that there would be no undue impact in relation to light or outlook. Ladymac is further distanced from the site and is largely screen by existing buildings. As such there would be a satisfactory relationship and would not be any detrimental impacts on existing neighbouring occupiers by virtue of overlooking, overshadowing or overbearing impact.

The proposed dwellings have been designed in such a way so as to be compatible with each other without creating any amenity impacts with adjacent plots. There would be an adequate degree of screening around the plots and sufficient private amenity space for future occupiers to carry out day-to-day domestic activities.

In light of the above, it is considered that the proposal would be acceptable in terms of amenity impacts and accords with Policy BNE1 in this regard.

Impact on Highway safety

The proposed access to the site would be through the previously approved internal estate road that would link up with School Lane, which has already been determined to be acceptable by the approval of the outline planning permission, which sought detailed consent for access.

Parking spaces are proposed to serve the development by way of garages and driveway parking spaces. LCC Highways do not raise any objections in relation to the car parking proposed, although did raise some concerns in relation to parking space dimensions, which have since been addressed through slight amendments to the layout. It is considered that the parking provision is now acceptable and accords with the Council's parking standards set out at policy ST4 of the Chorley Local Plan 2012 - 2026.

The Inspector considered the highway and traffic impacts of the proposed development at the outline application stage which he considered had been robustly assessed. He considered that subject to the implementation of various proposed highway improvements, the cumulative impact of the development on the road network would not be severe, and that the measures would improve the safety of School Lane and Pear Tree Lane for pedestrians, cyclists and drivers.

Affordable housing

This parcel of the site does not include for any affordable housing. The previously approved reserved matters application included for provision of affordable housing, which accorded with the requirements of the outline permission and Core Strategy Policy 7. It provides for a total of 45 affordable units, being 30% of 149 dwellings, which accounted for the 18 future self-build housing plots that are now proposed as part of this application. The affordable housing for the wider site has therefore been agreed and the current proposal would not prejudice the agreed

provision and is not required to make provision. The proposal in relation to affordable housing is, therefore, considered to be acceptable.

Impact on Ecological interests

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.

The application site consists of agricultural grassland with trees (some of which are protected) and hedgerows both within and to the site boundaries. As previously noted, the important trees are to be retained as are hedgerows except for sections that need to be removed to provide access through the site. The tree protection measures and arboricultural method statement accord with the requirements of condition no. 9 of the outline permission and are considered acceptable and subject to them being adhered to, retained trees would be appropriately protected.

The Council's appointed ecologists at Greater Manchester Ecological Unit (GMEU) consider that the assessment of the previously approved reserved matters consent adequately covers the scope of this component site. The recommendations of a Reasonable Avoidance Measures for Amphibians submitted with the outline planning permission must be implemented in full, and is required by condition no.7 of the outline permission. The control of lighting on the site is required by condition no. 6 of the outline permission.

In terms of the proposed landscaping details, extensive hedgerow, tree and other planting is proposed, and a management plan has been approved as part of the previous reserved matters permission to secure the phasing and future care of the landscaping measures in compliance with the requirements of condition no.5 of the outline permission which related to a Landscape Retention, Creation and Management Plan. All of the landscaping details could be secured by planning condition.

The proposal is considered to comply with policy BNE9 of the Local Plan and is acceptable in terms of impacts upon nature conservation and trees.

Flood risk and drainage

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.

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.

When determining the outline application appeal the Inspector discussed flood risk. He considered that the proposal would not increase flooding elsewhere as it would incorporate a number of measures to ensure surface water run-off was managed. These included a sustainable drainage system (SuDS) with an attenuation basin in the south-west corner of site, the use of culverts under School Lane on the northern part of the site, and setting development levels across the site (as also required by condition no.11 of the outline permission which the applicant has provided details of, so that flows would be contained within the existing ditch systems and pond.

The application is supported by a Drainage Design Statement to satisfy the requirements of condition no.16 of the outline permission that has assessed the ground conditions of the site as

being unsuitable for ground infiltration of surface water. It is, therefore, proposed to discharge surface water to an existing watercourse (Rushton's Brook) that runs along the southern boundary of the site.

The rate of discharge would be attenuated with the provision of a SuDS basin located in the southwest of the site. An oversized underground piped system would be provided in the site access roads with a flow control upstream of the basin. A further flow control would be provided on the outlet from the SuDS basin to restrict the flows to the proposed discharge rates.

It is considered that the drainage proposals would be acceptable, and it is noted that the Lead Local Flood Authority have not raised objections to the proposals.

Community Infrastructure Levy

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

The submitted details of reserved matters are considered to be acceptable and the application is recommended for approval, subject to conditions.

RELEVANT HISTORY OF THE SITE

Ref: 16/00489/OUTMAJ **Decision:** REFOPP **Decision Date:** 8 December 2016

Description: Outline planning permission for up to 165 dwellings (30% affordable), planting and landscaping, informal open space, children's play area, surface water attenuation, 2 vehicular access points from School Lane and associated ancillary works. All matters to be reserved with the exception of the main site access

Ref: 19/00654/OUTMAJ **Decision:** REFOPP **Decision Date:** 13 November 2019

Description: Outline planning application for the erection of up to 180 dwellings including 30% affordable housing, with public open space, structural planting and landscaping, surface water flood mitigation and attenuation and vehicular access points from School Lane. All matters reserved except for means of vehicular access

Ref: 21/00635/REMMAJ **Decision:** PERRES **Decision Date:** 17 June 2022

Description: Reserved matters application (appearance, landscaping, layout, and scale) for the erection of 131no. dwellings and associated infrastructure pursuant to outline planning permission ref: 19/00654/OUTMAJ / appeal ref: APP/D2320/W/20/3247136

Ref: 22/00113/DIS **Decision:** PDE **Decision Date:**

Description: Application to discharge condition no. 26 (construction of the site accesses and the off-site works of highway improvement) of planning permission ref: 19/00654/OUTMAJ / appeal ref: APP/D2320/W/20/3247136 (Outline planning application for the erection of up to 180 dwellings including 30% affordable housing, with public open space, structural planting and landscaping, surface water flood mitigation and attenuation and vehicular access points from School Lane. All matters reserved except for means of vehicular access)

Ref: 22/00239/DIS **Decision:** PDE **Decision Date:**

Description: Application to discharge condition no. 17 (surface water regulation system and means of disposal) of planning permission ref: 19/00654/OUTMAJ / appeal ref: APP/D2320/W/20/3247136 (Outline planning application for the erection of up to 180 dwellings including 30% affordable housing, with public open space, structural planting and landscaping, surface water flood mitigation and attenuation and vehicular access points from School Lane. All matters reserved except for means of vehicular access)

Ref: 22/00240/DIS **Decision:** PCO **Decision Date:**

Description: Application to discharge conditions nos.18 (engineering, drainage and constructional details for adopted roads) and 22 (construction management plan) of planning permission ref: 19/00654/OUTMAJ / appeal ref: APP/D2320/W/20/3247136 (Outline planning application for the erection of up to 180 dwellings including 30% affordable housing, with public open space, structural planting and landscaping, surface water flood mitigation and attenuation and vehicular access points from School Lane. All matters reserved except for means of vehicular access)

Ref: 22/00568/DIS **Decision:** PCO **Decision Date:**

Description: Application to discharge conditions nos. 19 (estate road phasing plan), no. 20 (management and maintenance of streets, open spaces and areas not to be adopted), no. 21 (residential travel plan), no. 23 (super-fast broadband) and no. 24 (employment and skills plan) of planning permission ref:19/00654/OUTMAJ / appeal ref: APP/D2320/W/20/3247136 (Outline planning application for the erection of up to 180 dwellings including 30% affordable housing, with public open space, structural planting and landscaping, surface water flood mitigation and attenuation and vehicular access points from School Lane. All matters reserved except for means of vehicular access)

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 shall only be carried out in accordance with the approved plans, except as may otherwise be specifically required by any other condition of the outline planning permission or this approval of reserved matters.

Reason: To define the permission and in the interests of the proper development of the site.

2. The proposed development must be begun not later than two 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 development hereby permitted shall be carried out in accordance with the approved plans below:

Title	Plan Ref	Received On
Location Plan (Plots 7-24)	R107/1000-2	21 July 2022
Planning Layout (Plots 7-24)	R107/1-2 Rev. A	24 August 2022
Coloured Layout (Plots 7-24)	R107/1-2 Rev. A	24 August 2022
Fencing Layout (Plots 7-24)	R107/2-2 Rev. A	24 August 2022
Materials Layout (Plots 7-24)	R107/3-2 Rev. B	28 September 2022
External Surfaces Layout (PL 7-24)	R107/4-2 Rev. A	24 August 2022
Interface Distance Plan (Plots 7-24)	R107/6-2 Rev. A	24 August 2022
Phasing Plan (Plots 7-24)	R107/1005	05 August 2022
1.8m High Close Boarded Timber Fence	SD.1A	21 July 2022
Knee Rail Fence Detail	SD.23B	21 July 2022
1.8m High Screen Wall	SD.46A	21 July 2022
Landscape Proposals – Self Build Plots	6543.06	21 July 2022
Bowes House Type	HT104/P/11E	21 July 2022
Reynold House Type	HT130/P/110D	21 July 2022

Reynold House Type	HT130/P/114B	21 July 2022
Bonington House Type	HT147/P/110-11	21 July 2022
Bonington House Type	HT147/P/112-12A	21 July 2022
Holbrook House Type	HT162/P/115A	21 July 2022
Brantwood II House Type – with bay	HT167/P/4A	21 July 2022
Bressingham - Detached	HT182/P/10	21 July 2022
Adlington	HT187/P/1A	21 July 2022
Single Detached Garage	P/SG/1C	21 July 2022

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

4. The external facing materials, detailed on the approved Materials Layout plan (ref. 107/3-2 Rev.B) received on 28.09.2022, shall be used and no others substituted unless alternatives are first submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the materials used are visually appropriate to the locality.

5. All planting, seeding or turfing identified on approved Landscape Proposal (ref. 6543.06) shall be carried out in the first planting and seeding season following the completion of the development, 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.

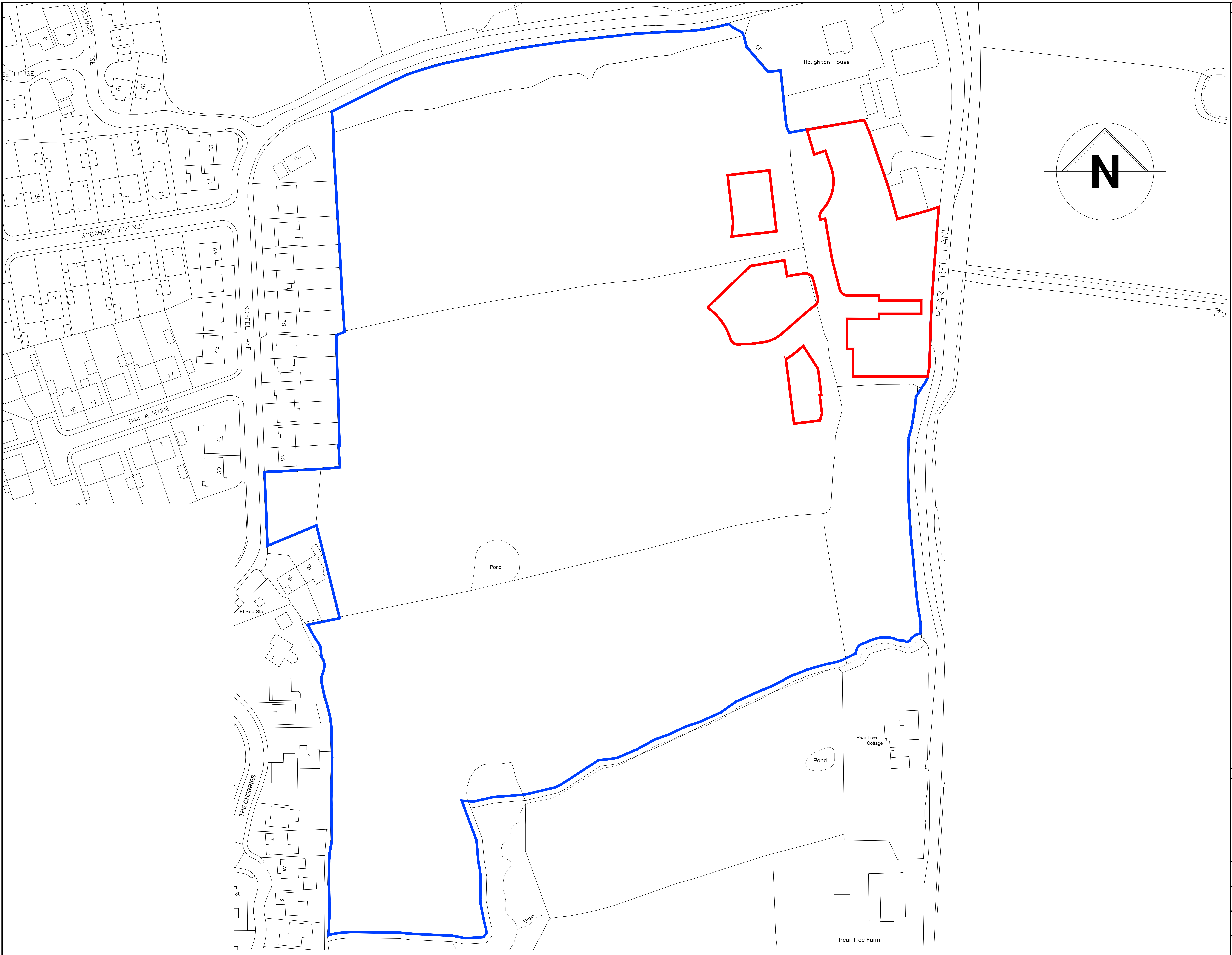
Reason: In the interest of the appearance of the locality and for the avoidance of doubt.

6. The approved development shall be undertaken in strict accordance with the submitted Arboricultural Impact Assessment, (Ref: P.1426.21 February 2021) received 21.07.2022.

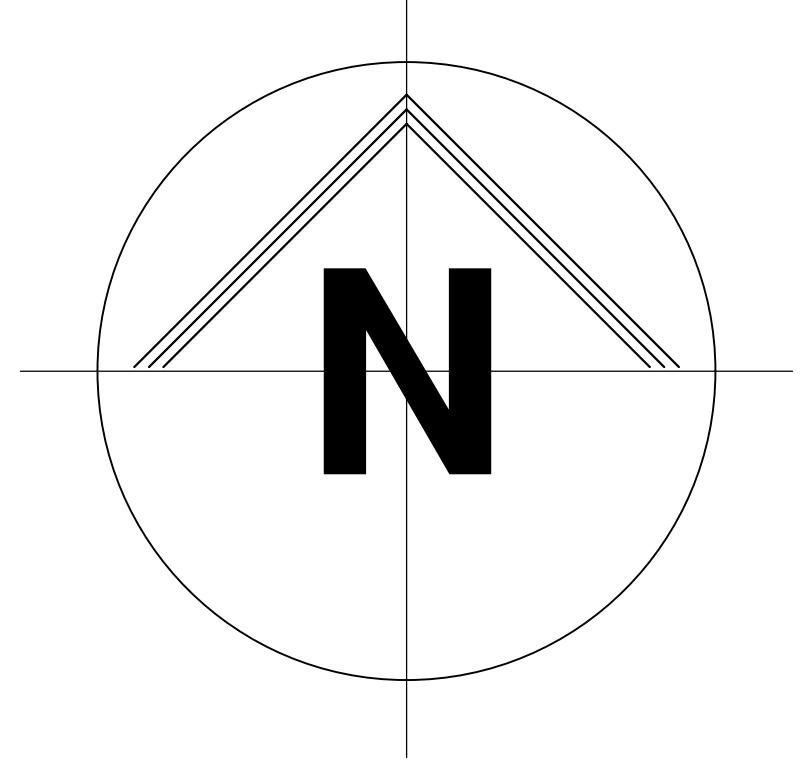
Reason: To ensure the trees proposed for retention are adequately protected during construction work and for the avoidance of doubt.

7. The approved development shall be carried out in strict accordance with the submitted Drainage Design Statement, (Ref: 30460/SRG) received on 21.07.2022.

Reason: To ensure the proper drainage of the site and for the avoidance of doubt.



NOTES



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REV	DESCRIPTION	DATE

<p>Rowland Homes Limited Farington House, Stanfield Business Park, Stanfield Lane, Leyland, Lancashire PR25 4JA Tel: 01772 621166 Fax: 01772 623552 www.rowland.co.uk</p>			
<p>DRAWING LOCATION PLAN (PLOTS 7-24)</p>			
<p>PROJECT SCHOOL LANE, EUXTON</p>			
SCALE	1:500 @ A0	REV.	DRAWING No.
DATE	JULY 22		R107/1000-2
DRAWN	RHL		

Agenda Item 39

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