

## Planning Committee

Tuesday, 5th March 2024, 6.30 pm  
Council Chamber, Town Hall and YouTube

### Agenda – Virtual Pack

#### Apologies

#### 1 **Declarations of Any Interests**

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

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

#### 2 **Minutes of meeting Tuesday, 6 February 2024 of Planning Committee**

(Pages 3 - 6)

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

The Director of Planning and Property has submitted three 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](#).

##### a **23/00477/FUL Riley Green Marina**

(Pages 7 - 32)

##### b **23/00921/FUL - The Imperial**

(Pages 33 - 52)

##### c **24/00072/FULHH - 83 Clayton Gate**

(Pages 53 - 70)

#### 4 **Appeals Report**

(Pages 71 - 72)

#### 5 **Any urgent business previously agreed with the Chair**

Chris Sinnott  
Chief Executive

Electronic agendas sent to Members of the Planning Committee Councillor June Molyneux (Chair), Councillor Alex Hilton (Vice-Chair) and Councillors Sarah Ainsworth, Karen Derbyshire,

Meeting contact Matthew Pawlyszyn on 01257 515034 or email [matthew.pawlyszyn@chorley.gov.uk](mailto:matthew.pawlyszyn@chorley.gov.uk)

Gordon France, Danny Gee, Samir Khan, Alistair Morwood, Debra Platt, Chris Snow, Craig Southern, Neville Whitham and Alan Whittaker.

If you need this information in a different format, such as larger print or translation, please get in touch on 515151 or [chorley.gov.uk](http://chorley.gov.uk)

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



**Minutes of Planning Committee**

**Meeting date Tuesday, 6 February 2024**

**Committee Members present:** Councillor June Molyneaux (Chair), and Councillors Sarah Ainsworth, Gordon France, Samir Khan, Adrian Lowe, Alistair Morwood, Debra Platt, Arjun Singh, Chris Snow, Craige Southern, Neville Whitham and Alan Whittaker

**Other Members present** Councillors Julia Berry and Ryan Towers

**Officers:** Iain Crossland (Principal Planning Officer), Daniel Power (Senior Planning Officer), Tasneem Safdar (Legal Services Team Leader), Matthew Pawlyszyn (Democratic and Member Services Officer), and Daniel Cowton (Senior Helpdesk Technician)

**Apologies:** Councillors Alex Hilton, Danny Gee, and Karen Derbyshire

A video recording of the public session of this meeting is available to view on [YouTube](#)

**50 Declarations of Any Interests**

No interests were declared.

**51 Minutes of meeting Tuesday, 16 January 2024 of Planning Committee**

**Resolved: That the minutes of the meeting Tuesday, 16 January 2024 of the Planning Committee be approved as a correct record.**

**52 Planning applications to be determined**

The Director of Planning and Property has submitted six planning applications to be determined.

**a 23/00780/REMAJ - Land Adjacent Blainscough Hall, Blainscough Lane**

Public speakers: Kane Griffith (Objector), Councillor Ryan Towers (Ward Councillor), Councillor Julia Berry (Ward Councillor) and Charlotte Fowler (Agent)

After careful consideration, it was proposed by Councillor Alistair Morwood, seconded by Councillor Adrian Lowe, and subsequently **resolved: (10 for, 1 against, 1 abstention) that reserved matters be approved subject to conditions.**

**b 23/00284/REM - Land West of 1 The Owls, Blue Stone Lane, Mawdesley**

Public speakers: Keith Roughley (Objector) and Zoran Baros (Agent)

After careful consideration, it was proposed by Councillor Gordon France, seconded by Councillor Chirs Snow, and subsequently **resolved: (9 for, 3 against) that reserve matters consent be granted for the details of appearance, landscaping and scale subject to conditions.**

**c 23/00890/FUL - Land 100M North East Of Millers Barn, Ulnes Walton Lane, Ulnes Walton**

Public speaker: Tony Broome (Applicant)

After careful consideration, it was proposed by Councillor Alistair Morwood, seconded by Councillor Debra Platt, and subsequently **resolved: (11 for, 0 against and 1 abstention) that planning permission be refused for the following reason:**

***The proposed development would be inappropriate development in the Green Belt and, therefore, harmful by definition. There would also be other harm to the Green Belt through encroachment into the countryside. It is not considered that there are very special circumstances to overcome the definitional harm to the Green Belt and additional harm from encroachment of the countryside. The proposal is, therefore, contrary to the National Planning Policy Framework.***

**d 23/00113/FUL - The Crown, Station Road, Croston**

This item was withdrawn from the agenda.

**e 23/00869/PIP - Apple Electrics Ltd, Black Horse Street**

After careful consideration, it was proposed by Councillor Sarah Ainsworth, seconded by Councillor Chris Snow and subsequently **resolved unanimously that permission in principle be granted subject to conditions.**

**f 23/01055/FUL - 153 Chorley Road, Adlington**

After careful consideration, it was proposed by Councillor Adrian Lowe, seconded by Councillor Gordon France, and subsequently **resolved unanimously that full planning permission approved subject to conditions and a section 106 agreement.**

**53 Appeals Report**

**Resolved: That the appeals report be noted.**

Chair

Date

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**APPLICATION REPORT – 23/00477/FUL**

**Validation Date: 17 October 2023**

**Ward: Chorley North East**

**Type of Application: Full Planning**

**Proposal: Use of land for an outdoor activity centre and wedding/events venue, erection of tipi and retention of building for kitchen/food preparation and storage and retention of toilet block building (Retrospective)**

**Location: Riley Green Marina Bolton Road Hoghton Preston PR5 0SP**

**Case Officer: Mr Iain Crossland**

**Applicant: Lesley And John Yates Canal Boat Cruises**

**Agent: Mr Alexis De Pol De Pol Associates Ltd**

**Consultation expiry: 9 November 2023**

**Decision due by: 8 March 2024**

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**RECOMMENDATION**

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

**SITE DESCRIPTION AND BACKGROUND**

2. The application site is located in the Green Belt at Hoghton, north of the M65 motorway and is within a rural location comprising open fields, which are interspersed with sporadic dwellings and small clusters of development. The site itself is a large and irregularly shaped plot of former agricultural grazing land, which lies between Bolton Road (A675) to the south west and the Leeds and Liverpool Canal, which runs to the north east site boundary. An access track enables vehicle access to the site from Bolton Road.
3. The application site is linked to Canal Boat Cruises based at Riley Green Marina adjacent to the Leeds Liverpool Canal. The applicants run a canal boat cruise business from the marina, which is sited to the east of the former Boatyard Inn off Bolton Road (A675). Planning permission was granted in September 2015 (ref. 15/00528/FULMAJ) for an extension to the existing Riley Green Marina by connecting it to the disused flooded quarry known as the Shale Hole and the creation of a new set of pontoons, together with the construction of a new access from Bolton Road serving a new car park and a new facilities building / office. The building, car park and access have all been constructed.
4. Planning permission was later granted in May 2019, ref. 19/00106/FUL, for the following:  
  
'The erection of a tipi from 1st May to 1st October each year to be used as an outdoor activity centre and wedding/events venue with associated car parking (resubmission of planning application ref: 18/00972/FUL)'
5. The Tipi and other associated infrastructure have been erected at the site and it hosts regular events. The structure comprises four conical sections each measuring approximately 10m by 19m, with the maximum width of the entire structure measuring approximately 25m. It stands approximately 5.5m high with a footprint of approximately 350 square metres.

6. The committee report for application ref. 19/00106/FUL explained that the tipi would be used as a base and visitor centre to facilitate the provision of a range of outdoor recreational and educational activities such as canal safaris and nature trails. It was also set out that the tipi would accommodate an interactive classroom and catering facilities to be used in conjunction with these activities and that it would also be used as a wedding events venue. The statement submitted in support of the application stated that it is unlikely that the wedding use would exceed 28 days per year, that wedding numbers would be limited to 80 guests and most weddings would take place at weekends.
7. The approved description of development was recently amended by non-material amendment application ref. 22/00236/MNMA to remove reference to the months of the year when the tipi is to be erected. This was to enable a Section 73 application to be submitted to seek permission to vary condition no.6, which relates to the months of the year when the tipi is to be erected. A Section 73 application only relates to changing the conditions of a planning permission, it cannot be used to change the description of a development, unlike a non-material amendment application. The non-material amendment application was approved in March 2022 and the new description of development for planning permission ref. 19/00106/FUL is, therefore, now as follows:

'Erection of a tipi to be used as an outdoor activity centre and wedding/events venue with associated car parking (resubmission of planning application ref: 18/00972/FUL)'
8. A section 73 application was subsequently submitted (ref. 22/00421/FUL) for the variation of condition nos.4 (hours when music must cease and guests leave) and 6 (dates when the tipi must be removed from the site) attached to planning permission ref: 19/00106/FUL (as amended by 22/00236/MNMA) (Erection of a tipi to be used as an outdoor activity centre and wedding/events venue with associated car parking (resubmission of planning application ref: 18/00972/FUL)). This application sought to extend the hours of condition no.4 by one hour and to have the tipi erected for an additional three months / year. The application was refused and an enforcement notice was issued by the Council in relation to a breach of the hours specified by condition no.4. The enforcement notice was appealed against and the appeal was subsequently allowed, the enforcement notice quashed, and planning permission granted in relation to the hours of operation being extended by one hour.
9. The applicant has more recently sited some shipping containers on the site, which have been clad in timber. One is converted into a toilet block (block B) and the other is used for kitchen/food preparation area and storage (block A). Block A also has a lean-to wooden shed attached to the shipping container. These structures provide facilities to support the outdoor activities run from the site but are also used in connection with the activities within the tipi. The structures do not benefit from planning permission and are the subject of this application in addition to the use of the land for an outdoor activity centre and wedding/events venue, as consent only relates to the tipi at present.

#### **DESCRIPTION OF PROPOSED DEVELOPMENT**

10. This application seeks planning permission for the use of the land for an outdoor activity centre and wedding/events venue, erection of tipi and retention of the building for kitchen/food preparation and storage and retention of the toilet block building. The use of the land for the outdoor sport and recreation activities would be throughout the year in addition to the retention of the toilet block and kitchen/food preparation and storage structures, whilst it is anticipated within the submission that the tipi element of the proposal would be subject to the same restrictions as the existing consent.

#### **APPLICANT'S CASE**

11. In addition to the use of the tipi between May and October as an outdoor activity centre and wedding/events venue, the applicants also allow the land shown edged in red on the submitted location plan to be used for outdoor sport and recreation activities over the



remainder of the year. This includes archery and cycling classes, outdoor bootcamp style classes, forest and bushcraft skill activities. It is also used as a base for water related activities such as paddle boarding, canoeing, open water swimming and water awareness activities. The applicants have also been approached by the Anderton Centre in Rivington to facilitate their outreach programme, where the land would be used for school and youth group day trips where activities would be provided such as a mobile climbing wall which would arrive by trailer, problem solving, archery, orienteering and bush craft skills.

12. The outdoor sport and recreation activities are part of the diversification of the existing Canal Boat Cruises operation. The use of the site all year round for outdoor sport and recreation activities assists with the diversification of its income generation, assisting with its long term viability. This is especially as the tipi is only permitted to be erected for 5 months of the year. When granting planning permission for the tipi under ref:19/00106/FUL, the Council accepted that helping to diversify the existing tourism business was a very special circumstance justifying the development in the Green Belt. Providing opportunities for outdoor sport and recreational activities in the Green Belt is also a key objective of National Planning Policy Framework under paragraph 145.
13. Providing suitable facilities such as toilets and food preparation / kitchen areas makes the site more accessible to schools, youth groups, the elderly and mobility impaired etc who require certain standards of facilities to be present. The proposed ancillary structures would, therefore, create greater access opportunities to these outdoor sport and recreation activities for a wider section of the community.
14. Being able to store equipment associated with the outdoor sport and recreation uses on site and having permanent facilities will avoid the need to continuously transport equipment and facilities onto the site such as portable toilets etc. This has wider sustainability benefits and cost savings to the business.

## REPRESENTATIONS

15. Representations in objection have been received from 3no. parties. These relate to the following issues:

- Impact on residential amenity through noise and disturbance.
- Impact on the character of the area
- Green Belt impacts

16. One representation in support has been received.

## CONSULTATIONS

17. Withnell Parish Council: No comments have been received.

## PLANNING CONSIDERATIONS

### Principle of development

18. The National Planning Policy Framework (the Framework) states that applications should be considered in the context of the presumption in favour of sustainable development. This means that development proposals that accord with the development plan should be approved without delay.
19. The Framework is supportive of sustainable development in rural areas and most specifically in the context of this rural site states at paragraph 88 that planning decisions should enable
  - (a) *the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, beautiful new buildings;*
  - (b) *the development and diversification of agricultural and other land-based rural businesses;*

*(c) sustainable rural tourism and leisure developments which respect the character of the countryside;*

20. The proposed development would support the ongoing operations of a canal boat cruise and marina business, that has diversified to provide an outdoor activities centre and wedding venue.
21. Support for rural businesses is reflected in the Central Lancashire Core Strategy Policy 13, with the caveat that such proposals should not undermine the purposes of the Green Belt.
22. This part of the Borough is not specified as an area for growth within Core Strategy Policy 1 and falls to be considered as an 'other place'. Criterion (f) of Core Strategy Policy 1 reads as follows:  
 "In other places – smaller villages, substantially built up frontages and Major Developed Sites – development will typically be small scale and limited to appropriate infilling, conversion of buildings and proposals to meet local need, unless there are exceptional reasons for larger scale redevelopment schemes." The proposed development would be small scale.
23. With regard to the location of the site in the Green Belt the Framework states that there is a general presumption against inappropriate development in the Green Belt except in a limited number of specific circumstances. National guidance on Green Belt is contained in Chapter 13 of the Framework, which states:

*142. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.*

*143. Green Belt serves five purposes:*

- (a) to check the unrestricted sprawl of large built-up areas;*
- (b) to prevent neighbouring towns merging into one another;*
- (c) to assist in safeguarding the countryside from encroachment;*
- (d) to preserve the setting and special character of historic towns; and*
- (e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

*152. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.*

*153. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.*

*154. A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:*

- (a) buildings for agriculture and forestry;*
- (b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
- (c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- (d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- (e) limited infilling in villages;*

- (f) *limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*
- (g) *limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*
- *not have a greater impact on the openness of the Green Belt than the existing development; or*
  - *not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*
24. The proposed development would support an outdoor activities centre and wedding venue linked to a canal boat cruise and marina business and could be considered a facility for outdoor recreation, although a wedding venue would not fall within the terms of the exception to inappropriate development in the Green Belt set out under paragraph 154.b) of the Framework. Paragraph 154.b) that also includes the caveat that such facilities are not inappropriate only where they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
25. A relevant High Court case *R. (on the application of Boot) v Elmbridge Borough Council* [2017] at the time of the previous National Planning Policy Framework 2012 concludes that paragraph 89 of the 2012 Framework, which is repeated at paragraph 154.b) of the current Framework, does not permit any harm at all to the openness of the Green Belt. A development that would have any adverse impact on openness would not comply with a policy that required openness to be maintained or preserved. The decision-maker, therefore, has no latitude to find otherwise. There would have to be very special circumstances to justify a grant of planning permission.
26. Any harm to the openness of the Green Belt, therefore, means that the test in paragraph 154.b) cannot be met. New buildings in this location would inevitably have an impact on openness as the site was previously free from buildings, other than the tipi for a temporary time period, prior to the buildings subject to this application being erected. Whilst the proposed buildings are structures of relatively modest scale, particularly in comparison with the tipi, they clearly extend the built form across the site, whilst the level of activity generated would more intense.
27. The location of the site and buildings close to the north west field boundary, approximately 100m from the public highway, and presence of trees and hedgerows to all field boundaries restricts views of the buildings and activities from public vantage points including the canal towpath and public right of way to the south. The buildings and associated activities can, however, be seen from where the access track meets the public highway and can be glimpsed through the hedges in places during the winter months. As such there is some visual impact on openness that is perceived from public vantage points.
28. There is also a spatial impact on openness given that the site was previously free from any buildings for part of the year and given that the buildings are in addition to the tipi that is on site from the start of May to the end of September each year. The proposed development, therefore, results in a built form through the presence of the two buildings. As such the development fails to preserve openness, does not comply with any of the exceptions to inappropriate development in the Green Belt and is therefore harmful by definition.
29. As it has been established, that the addition of two buildings on the site is inappropriate development in the Green Belt, which results in definitional harm to the Green Belt, any other harm caused by the development must also be considered and added to the definitional harm.
30. There are five purposes of the Green Belt as detailed above. The development reflects the same red edge and area of development as that approved under planning permission ref:

19/00106/FUL. As such no further encroachment or harm to any of the other purposes of the Green Belt set out at paragraph 143 of the Framework would occur.

31. As the proposed development results in definitional harm to the Green Belt the local planning authority must attach substantial weight to this harm. There would have to be very special circumstances to justify the grant of planning permission that would outweigh the harm, and these will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. The tests of paragraph 153 of the Framework are, therefore, engaged. This sets out that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The proposal must be considered in its entirety in order to properly consider the harms, benefits and other considerations in the Green Belt balance. These considerations are brought together in concluding the assessment of the proposal.
32. It should be noted that the tipi forms part of this application, although it already has consent previously. Given the nature of the tipi structure, being relatively easy to dismantle and re-erect, its relatively large scale, being the most visible structure on the site, and current associated conditions, it is recommended that a condition be attached to any grant of planning permission requiring that the tipi be dismantled and removed from the site between the 01 October and 30 April inclusive each year. This would continue to provide a reduced impact on the openness of the Green Belt from the development, which was a consideration in support of the development at the time of the previous consent. It is noted that the site is now established, with a clear previously developed area. As such there is little benefit to the openness of the Green Belt through the removal of the base used for the tipi. As such it is considered that the need for the removal of the base structure can be specifically omitted from the condition.

#### Impact on character and appearance of locality

33. The application site is located approximately 100m to the north east of Bolton Road and the site slopes down gently in a south west to north east direction. There are hedgerows and trees to the periphery of the field in which the site is located, which filters views from the highway, public right of way and canal towpath, and provides a particularly dense visual barrier in summer. As a result the site is not especially prominent from public vantage points. The tipi already occupy the site for several months of the year, whilst there is hardstanding permanently in situ. As such a degree of development is already on the site.
34. The proposed development includes buildings consist of shipping containers that have been clad in timber and a lean-to wooden shed attached to the shipping container. As such the buildings are of a modest scale and simple form and appear subordinate to the relatively large tipi structures, which are more visible. Although the buildings are of low quality and result in a somewhat ramshackle appearance their impact is mitigated to a greater degree by the separation distance to the public highway, the sloping topography of the site and boundary landscaping. As a result the site is not especially visible from public vantage points.
35. Whilst the character of the immediate locality is predominantly open and rural, there are examples of built development including canal moorings and the remnants of 'The Boatyard Inn', which lies approximately 170m to the north west of the site. There is also a cluster of residential properties to the south west of the site. The development would not, therefore, appear out of character with the context of the immediate locality where there is sporadic development, with the inclusion of the tipi and associated hardstandings already on the site itself.
36. Overall, it is not considered that the impact on the character of the area would be significantly detrimental in the context of nearby development and the nature of the locality. The development does not, therefore, conflict with policy BNE1 of the Chorley Local Plan 2012 - 2026.

Impact on neighbour amenity

37. Policy BNE1 of the Chorley Local Plan 2012 - 2026 states that new development must not cause an unacceptable degree of noise disturbance to surrounding land uses and that the development should not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or by creating an overbearing impact.
38. The application site itself is located approximately 180m and 250m away from the nearest residential properties at Quarry Barn and Riley House. Given the scale of the buildings there would be no impact on the amenity of any residential occupiers through the presence of the buildings themselves.
39. The types of activities that would take place throughout the year at the site as an outdoor activity centre would include archery and cycling classes, outdoor bootcamp style classes, forest and bushcraft skill activities, with the site providing a base. It would also be used as a base for water related activities such as paddle boarding, canoeing, open water swimming and water awareness activities. The use of the site to provide a base for groups carrying out such activities would be unlikely to generate excessive levels of noise given the degree of separation from the nearest residential properties. The arrival and departure of customers is likely to be the most significant activity from a noise and disturbance perspective. Given that the nearest property at Quarry Barn would be located over 70m from the site entrance it is not considered that there would be an unacceptable impact on the amenity of residential occupiers by virtue of the degree of separation and level of use that may be anticipated.
40. The tipi and wedding / events element of the operation is captured by this application and, therefore, it is considered necessary to attach the same conditions relating to the use of the tipi as originally attached to the grant of planning permission ref:19/00106/FUL. It is, however, noted that the appeal against the imposition of a restriction when music can be played and the time by which guests must vacate the site was allowed, although a condition limiting the playing or reproduction of music to between 1100 hours and midnight, and requiring that guests must vacate the site by 0030 hours each day, was considered necessary in order to prevent unacceptable harm to the living conditions of the occupants of neighbouring residential properties, with regard to noise. It is, therefore, recommended that a similar condition be attached to any grant of planning permission in this instance. This is subject to the inclusion of a condition requiring a fixed sound limiting device set at 85dB(A) to be installed to any sound reproduction equipment, reflecting the original consent.
41. On the basis of the above the development is, therefore, considered to comply with policy BNE1 of the Chorley Local Plan 2012 – 2026 in respect of the impact on residential neighbour amenity.

Highway safety

42. Policy BNE1 of The Chorley Local Plan 2012 – 2026 states that planning permission will be granted for new development 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 relevant standards.
43. There is already an existing site access off the A675 Bolton Road and no alteration to this arrangement is proposed. This access has already been assessed and considered acceptable and safe through the assessment of previous planning permissions. The retention of the buildings subject to this application do not in themselves generate any additional vehicular movements and it has previously been accepted by the Council that the existing car park is sufficient to meet both the needs of the marina and the needs of the tipi when occupied, which includes its occupation as a wedding venue and base for outdoor activities.
44. Given that the site already has planning permission to be used for outdoor sport and recreation activities and a wedding / events venue for five months of the year, and that the application proposals would not generate any additional traffic compared to what already occurs over this period, the existing car park is considered sufficient for the proposals and

there would be no severe highways impact and no harm to highway or pedestrian safety or capacity.

#### Ecology

45. Policy BNE9 of the Chorley Local Plan 2012 – 2026 seeks to safeguard protected and endangered species and their habitats. The site was previously hardsurfaced and of limited ecological value. The proposal, therefore, should not therefore result in any significant ecological issues, and there are no known ecological reasons why the application should be refused permission. The proposal is, therefore, considered to comply with policy BNE9 of the Chorley Local Plan 2012 – 2026.

#### The case for Very Special Circumstances

46. The benefits and need for the development presented by the applicant are based on the continued development and diversification of the canal boat cruise and marina business at the site. The applicant has advanced the case that the use of the site all year round for outdoor sport and recreation activities assists with the diversification of its income generation, assisting with its long term viability. This is especially as the tipi is only permitted to be erected for 5 months of the year. It is noted that at the time the original proposal for the erection of the tipi to be used as an outdoor activity centre and wedding/events venue was presented to the Planning Committee (previously the Development Control Committee) on 21 May 2019 the Committee considered that supporting the diversification this particular tourism business was a very special circumstance justifying the development in the Green Belt. It is anticipated, therefore, that the Planning Committee would continue to maintain this view and that the further expansion of the business to provide year round outdoor activity provision in support this tourism focussed business would be an economic and social benefit carrying significant weight.

47. The applicant has set out that the expansion of the facilities for the outdoor activity element such as toilets and food preparation / kitchen areas would make the site more accessible to schools, youth groups, the elderly and mobility impaired etc who require certain standards of facilities to be present. The proposed ancillary structures would, therefore, create greater access opportunities to these outdoor sport and recreation activities for a wider section of the community. This would be of benefit to the community and is a social benefit that is considered to carry moderate weight.

48. The ability to store items on site rather than having to travel to and from the site with items on a more regular basis would have some sustainability credentials in terms of reduced traffic movements and reduced energy consumption and emissions. There would also be some cost savings for the business. The benefits would only result in relatively marginal environmental gains, however, and therefore this benefit is considered to carry only limited weight.

#### Green Belt balancing exercise

49. It has been established that there is definitional harm to the Green Belt as the proposal is inappropriate development in the Green Belt due to the impact on the openness of the Green Belt. No other harm has been identified.

50. In terms of the benefits, these are detailed above and cover a range of social, economic and environment benefits to which a variety of different weights have been attributed.

51. When assessing if there are very special circumstances a number of factors, while ordinary in themselves, can combine to create something very special. These benefits have to be considered and an assessment made as to whether these clearly outweigh the harm so as to amount to very special circumstances.

52. The Planning Committee (previously the Development Control Committee) concluded at a previous meeting that the need for the diversification of the business in this specific location in support of a local, tourism focused, business amounted to very special circumstances that, on balance, outweighed the substantial harm to the Green Belt. Given the somewhat

modest magnitude of the impact of the proposal on the openness of the Green Belt and similar benefits of diversification and expansion that would be achieved in relation to the same business as considered previously it is anticipated that the Committee would maintain the view that such benefits would result in very special circumstances that, on balance, outweigh the substantial harm to the Green Belt. It is considered therefore that the proposal complies with paragraphs 152 and 153 of the Framework.

## CONCLUSION

53. For the reasons set out above it is considered that very special circumstances have been demonstrated, which outweigh the harm the proposal would have on the Green Belt. No other harm has been identified and it is considered that residential amenity impacts can be addressed by condition.

## RELEVANT HISTORY OF THE SITE

**Ref:** 07/00794/FUL      **Decision:** PERFPP      **Decision Date:** 19 October 2007  
**Description:** Additional car parking (37 spaces) with 4no. lighting columns.

**Ref:** 15/00528/FULMAJ      **Decision:** PERFPP      **Decision Date:** 30 September 2015  
**Description:** Extension to existing marina by connecting it to the existing disused flooded quarry (known as the Shale Hole), new set of pontoons to create up to 22 new boat berths, new access and access track from Bolton Road, creation of new car park and new facilities building.

**Ref:** 18/00386/DIS      **Decision:** REDISZ      **Decision Date:** 8 August 2018  
**Description:** Application to discharge conditions 5 (details of isolation structure of marina), 10 (biodiversity enhancement) and 11 (lighting scheme) of planning permission 15/00528/FULMAJ (Extension to existing marina by connecting it to the existing disused flooded quarry (known as the Shale Hole), new set of pontoons to create up to 22 new boat berths, new access and access track from Bolton Road, creation of new car park and new facilities building).

**Ref:** 18/00446/FULMAJ      **Decision:** PERFPP      **Decision Date:** 10 August 2018  
**Description:** Section 73 application to vary condition 3 (approved plans) attached to planning approval 15/00528/FULMAJ to reposition the shop and office building.

**Ref:** 19/00106/FUL      **Decision:** PERFPP      **Decision Date:** 31 May 2019  
**Description:** Erection of a tipi from 1st May to 1st October each year to be used as an outdoor activity centre and wedding/events venue with associated car parking (resubmission of planning application ref: 18/00972/FUL).

**Ref:** 19/00975/FUL      **Decision:** PERFPP      **Decision Date:** 12 December 2019  
**Description:** Erection of gate, pillars and walls (retrospective).

**Ref:** 22/00236/MNMA      **Decision:** PEMNMZ      **Decision Date:** 24 March 2022  
**Description:** Minor non material amendment to planning permission ref. 19/00106/FUL (Erection of a tipi from 1st May to 1st October each year to be used as an outdoor activity centre and wedding/events venue with associated car parking (resubmission of planning application ref: 18/00972/FUL) to change the description of development to 'Erection of a tipi to be used as an outdoor activity centre and wedding/events venue with associated car parking (resubmission of planning application ref: 18/00972/FUL)'

**Ref:** 22/00421/FUL      **Decision:** REFFPP      **Decision Date:** 9 September 2022  
**Description:** Section 73 application for the variation of conditions nos.4 (hours when music must cease and guests leave) and 6 (dates when the tipi must be removed from the site) attached to planning permission ref: 19/00106/FUL (as amended by 22/00236/MNMA) (Erection of a tipi to be used as an outdoor activity centre and wedding/events venue with associated car parking (resubmission of planning application ref: 18/00972/FUL)) to extend the hours of condition 4 by one hour and to have the tipi erected for an additional three months / year

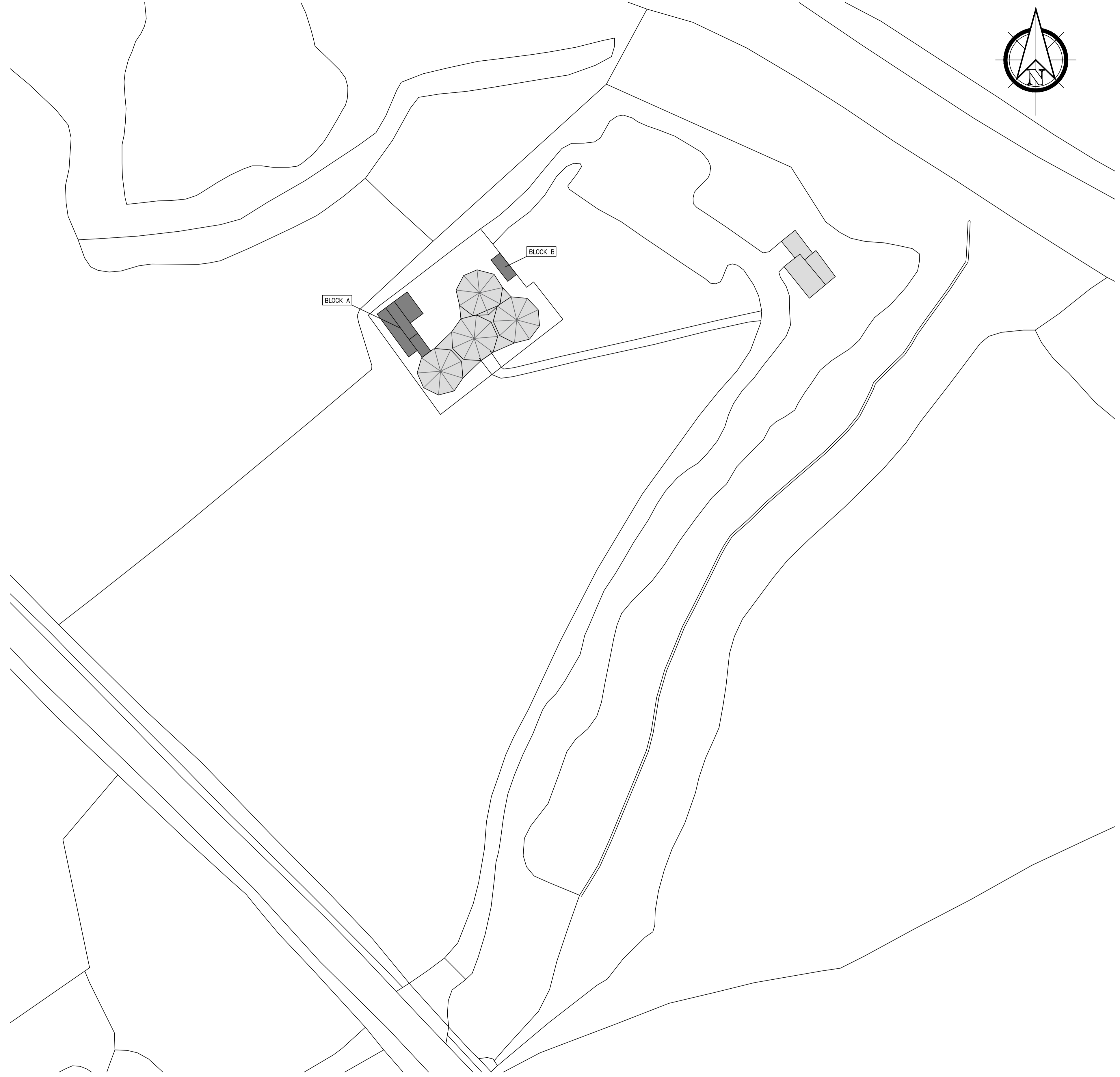
**RELEVANT POLICIES:** In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless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

Suggested conditions

To follow.

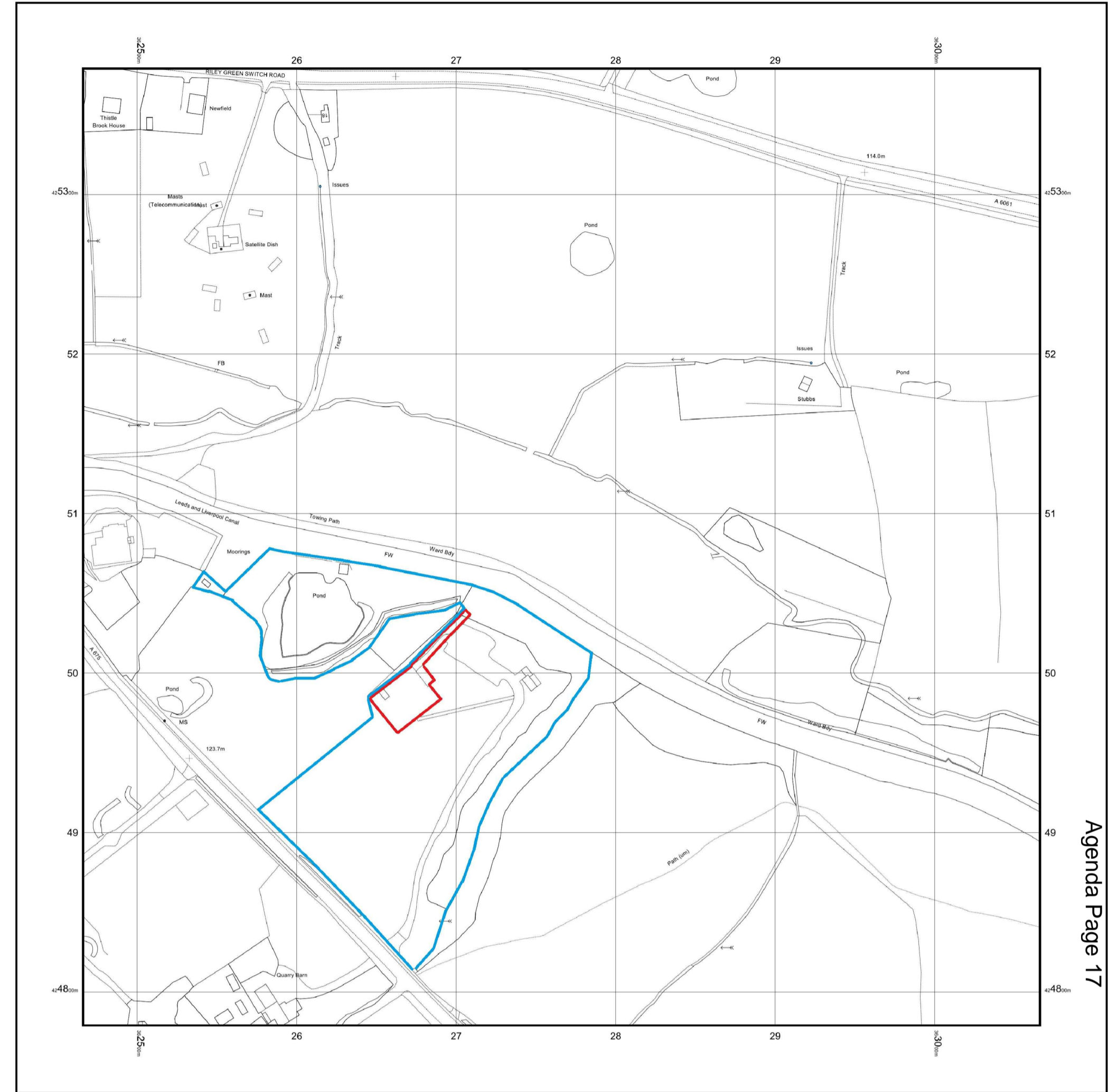
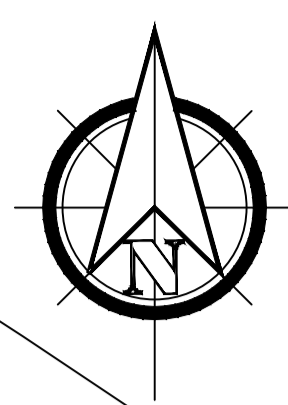
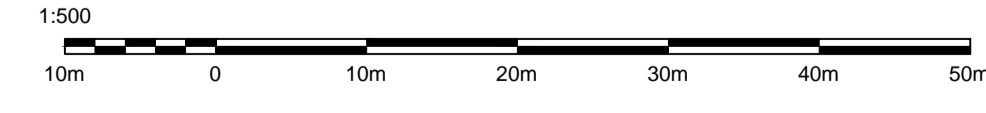


# EXISTING SITE PLAN & SITE LOCATION PLAN

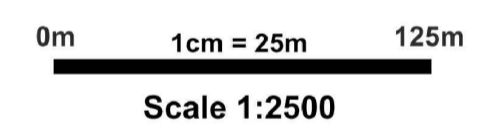


1:500 EXISTING SITE PLAN

## PROPOSED OUTBUILDINGS THE TIPIS, RILEY GREEN MARINA, BOLTON RD, HOGHTON PR5 0SP.



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1:2500 SITE LOCATION PLAN

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CLIENT  
 CANAL BOAT CRUISES

PROJECT  
**RILEY GREEN MARINA  
 BOLTON ROAD  
 HOGHTON  
 PR5 0SP**

DRAWING TITLE  
 EXISTING SITE PLAN & SITE LOCATION PLAN  
 DATE  
 APRIL 2023  
 DRAWN  
 LFO  
 SCALE @ A1  
 1-500,1250@A1  
 DRAWING NUMBER  
**692-01**  
 REV  
**A**

- PRE-TENDER ISSUE
- TENDER ISSUE
- CONSTRUCTION ISSUE
- AS-BUILT DRAWINGS

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## Planning Committee Meeting

05 March 2024



# Item 3a

23/00477/FUL

Riley Green Marina, Bolton Road, Hoghton, Preston  
PR5 0SP

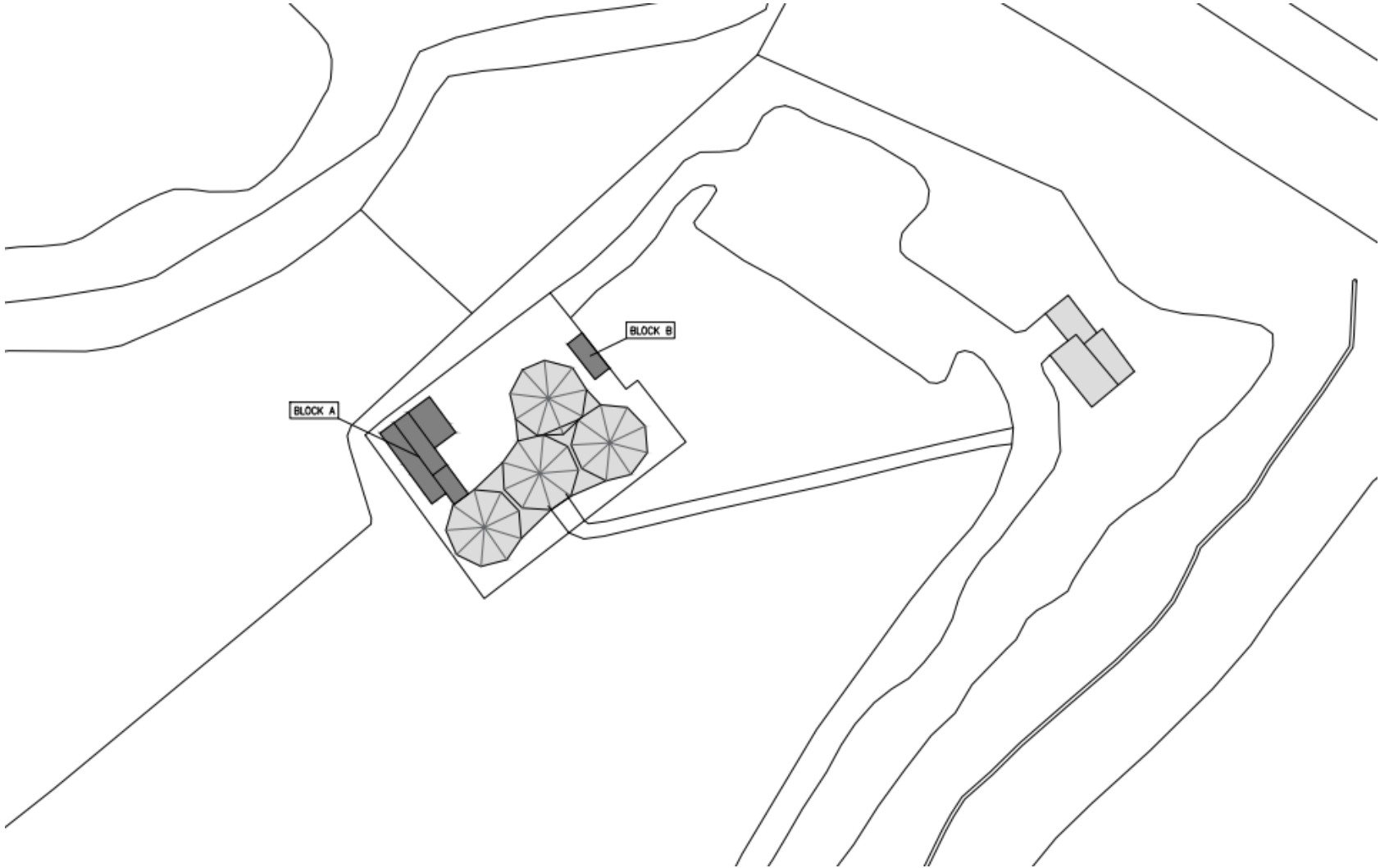
Use of land for an outdoor activity centre and wedding/events venue, erection of tipi and retention of building for kitchen/food preparation and storage and retention of toilet block building (Retrospective)



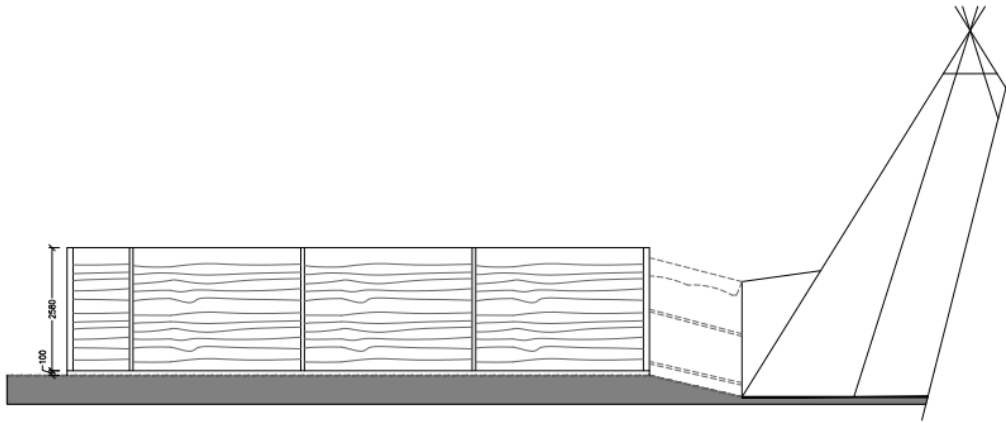
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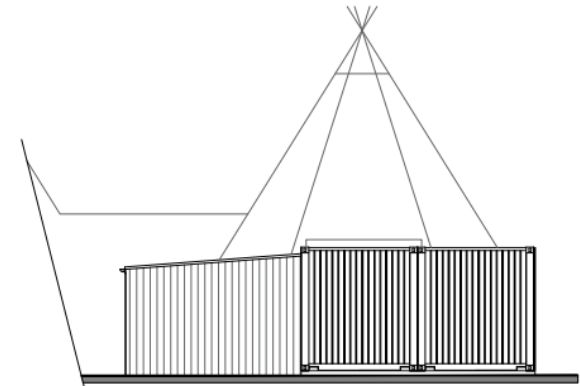
# Site Plan



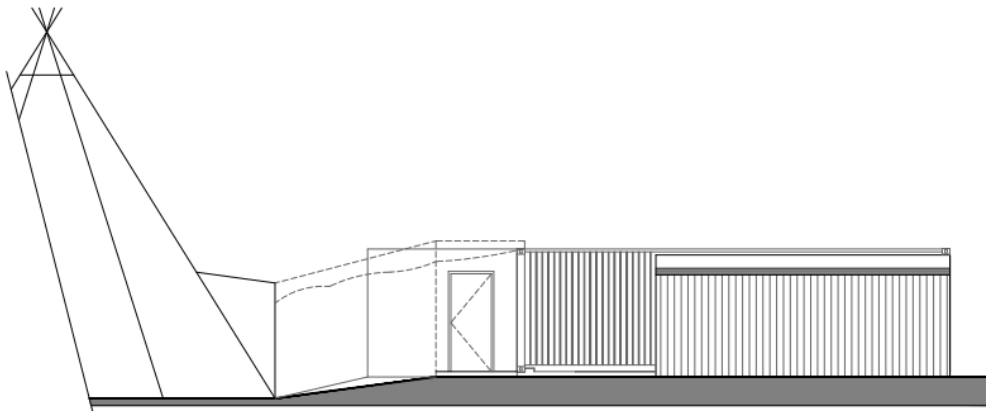
# Block A elevations



1:50 **BLOCK A** EXISTING SOUTH WEST FACING ELEVATION



1:50 **BLOCK A** EXISTING NORTH WEST FACING ELEVATION



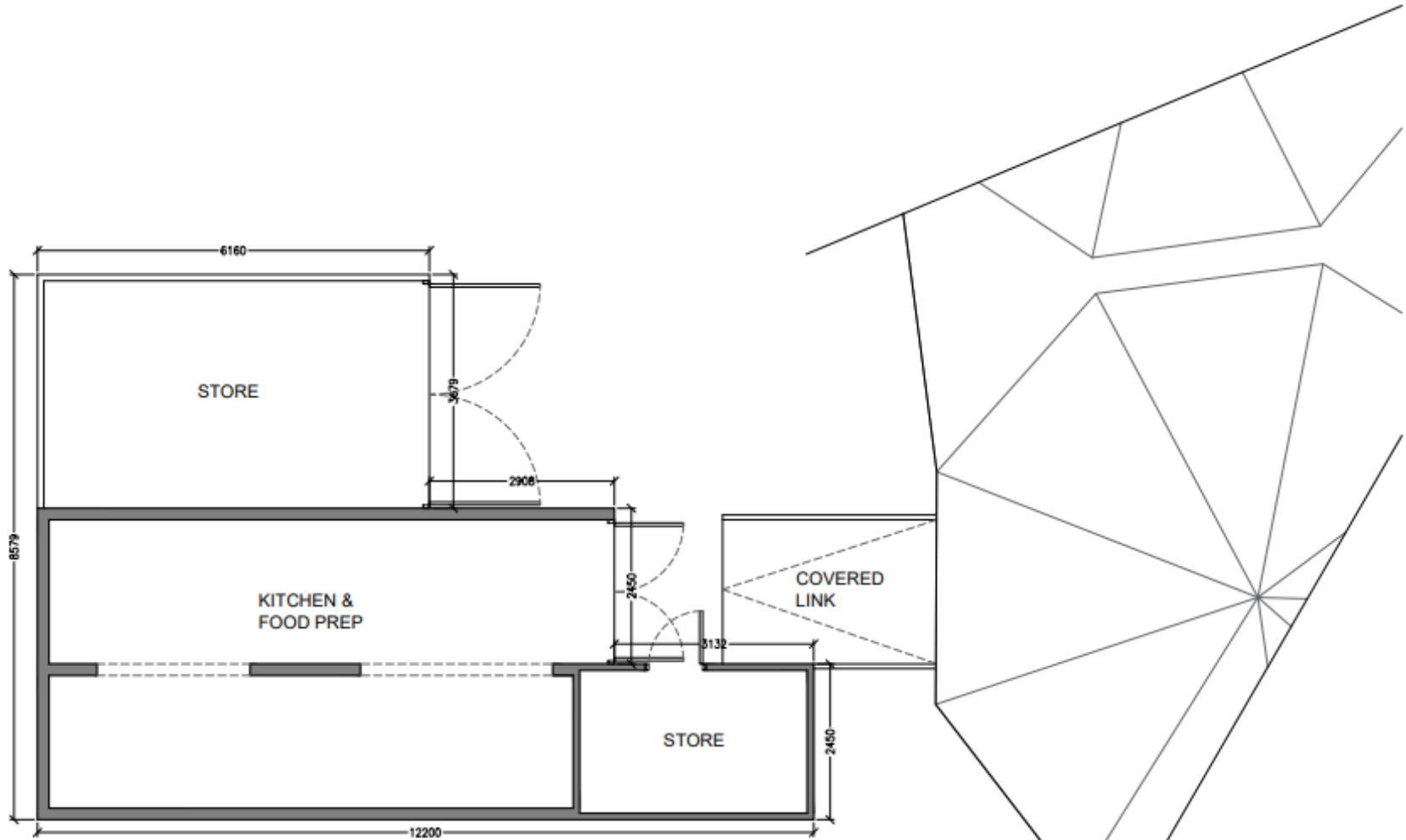
1:50 **BLOCK A** EXISTING NORTH EAST FACING ELEVATION



1:50 **BLOCK A** EXISTING SOUTH EAST FACING ELEVATION



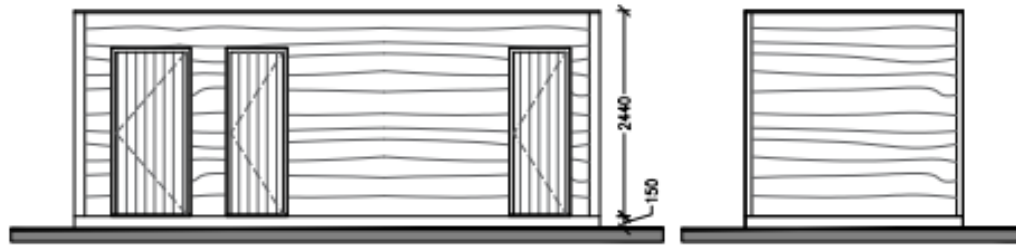
# Block A plan



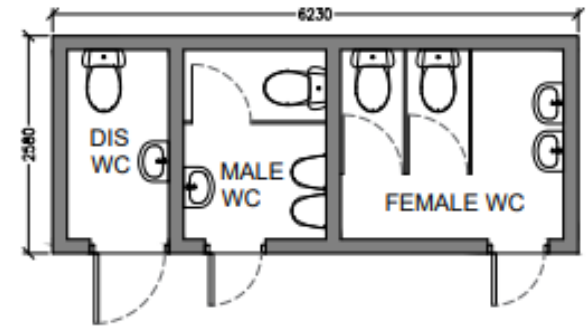
1:50 BLOCK A EXISTING FLOOR PLAN



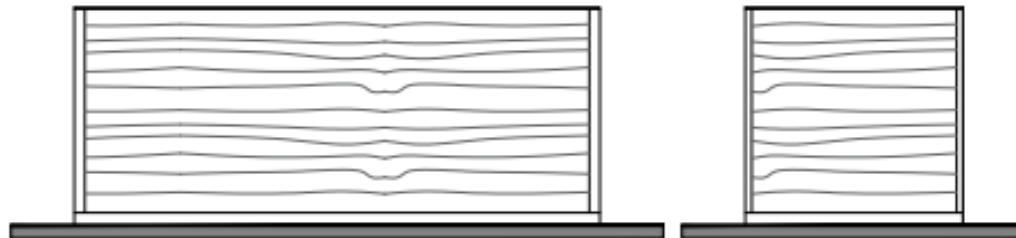
# Block B elevations



1:50 **BLOCK B** EXISTING SOUTH WEST & SOUTH EAST ELEVATIONS



1:50 **BLOCK B** EXISTING FLOOR PLAN



1:50 **BLOCK B** EXISTING NORTH EAST & NORTH WEST ELEVATIONS

# Site entrance from Bolton Rd



# Site photos



Block A



Block B

# Site photo



# Block A



# Block B



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**APPLICATION REPORT – 23/00921/FUL**

**Validation Date: 22 November 2023**

**Ward: Chorley North West**

**Type of Application: Full Planning**

**Proposal: Change of use of public house with residential accommodation above to 9no. one and two bed apartments with replacement windows to Fellery Street**

**Location: The Imperial 59 Union Street Chorley PR7 1AB**

**Case Officer: Daniel Power**

**Applicant: Mr Ryan Botell Atlantic Property Group Ltd**

**Agent: Mr Adrian Caulfield Whiteleyeaves Ltd**

**Consultation expiry: 13 December 2023**

**Decision due by: 8 March 2024 (Extension of time requested)**

---

**RECOMMENDATION**

1. It is recommended that this application is approved subject to conditions.

**SITE DESCRIPTION**

2. The application site is located within the settlement of Chorley on the northern side of Union Street, at the junction with Fellery Street. The existing building is two storey, with single storey elements to the rear. Attached to the east of the building is a café, with a terrace of dwellings located to the north. The pub is currently closed.

**DESCRIPTION OF PROPOSED DEVELOPMENT**

3. This application seeks planning permission for the change of use of the public house with residential accommodation above to 9no. one and two bed apartments with replacement windows to Fellery Street. The proposed apartments would be across three floors of the existing building.

**REPRESENTATIONS**

4. No comments have been received.

**CONSULTATIONS**

5. Lancashire County Council Highway Services (LCC Highway Services): LCC Highway Services do not have any objections in principle to the proposed development and have recommended conditions relating to cycle parking provision and the submission of a construction management plan.

6. Waste & Contaminated Land Officer: Have no objections to the proposed development and welcome the inclusion of a dedicated bin storage area for domestic waste and recycling bins.
7. Regulatory Services - Environmental Health: No comments have been received.
8. CIL Officers: Have commented that this development is subject to the CIL Charge for Apartments as listed in Chorley Councils CIL Charging Schedule.

## **PLANNING CONSIDERATIONS**

### Principle of development

9. The application site is located within the Settlement Area Chorley, as allocated within policy V2 of the Local Plan, where the principle of new development is supported.

### Loss of community facilities

10. The proposal would result in the loss of a community facility, in this case a pub, therefore, policy HW6 (Community Facilities) is relevant and states that development proposing the change of use or loss of any premises or land currently or last used as a community facility (including community centres, village and church halls, places of worship, public houses, children's centres, libraries, cultural facilities and health facilities) will be permitted where it can be demonstrated that:
  - a) The facility no longer serves the local needs of the community in which it is located; and
  - b) Adequate alternative provision has been made, or is already available, in the settlement or local area; and
  - c) The use is no longer financially viable; and
  - d) The facility is in an isolated location remote from public transport routes; or
  - e) There is an amenity or environmental reason why the facility is no longer acceptable.
11. The building is located within the settlement boundary of Chorley but to the north and outside of the Town Centre Boundary. There are approximately 12 pubs located within a 5 minute walk of application site, all of which are within the Town Centre Boundary. The pub has had numerous tenants in the last 4 years of operation with the licence being revoked twice and remaining empty for over the last 2 years. Given the location of the pub outside of the Town Centre, with a large number of pubs within walking distance, it is considered the proposal accords with the above policy.

### Impact on the neighbour amenity

12. Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that new development should not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or by creating overbearing impacts; and that the proposal should not cause an unacceptable degree of noise disturbance to surrounding land uses;
13. The existing property is located within an area with a mixture of uses, with residential properties located to the north, and commercial/retail premises located to the south within the Town Centre. The proposed development would utilise an existing building with no additional windows proposed. As such, the relationship with the neighbouring properties would not be altered and, therefore, there would be no additional overlooking or loss of light or outlook as a result of the proposed change of use. Given the existing use of the site it is not considered the proposal would have a significant adverse impact on neighbouring amenity.

### Highway safety

14. 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.
15. Policy ST4 of the Chorley Local Plan 2012 - 2026 allows for a deviation from the parking standards where there are sustainable credentials. This depends upon local circumstances such as the location and size of the development, its proximity to public car parks, existing parking issues in the area and existing traffic management and safety issues, which should be taken into account. In addition, locations that are considered to be more sustainable and well served by public transport may be considered appropriate for lower levels of provision.
16. The application does not propose any off street parking, however the application site is located in a sustainable location close to local amenities, bus stops and Chorley railway station and, therefore, the lack of provision for off-street parking provision is acceptable subject to the provision of secure, covered cycle storage with space for a minimum of 9 cycles for communal cycle storage areas, to support social inclusion and promote sustainable forms of transport.

#### Design and impact to local character

17. The National Planning Policy Framework (the Framework) attaches considerable importance on achieving good design and a high-quality built environment. It states 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).
18. No external extensions or alterations are proposed to the building apartment from changing windows facing Fellery Street, to white uPVC, to match the existing. There will be no impact on the host building or the surrounding locality as a result of the proposals and as such the development, therefore, complies with policy BNE1 of the Chorley Local Plan 2012 – 2026 with regards to the design.

#### Public open space

19. Policy HS4A and HS4B of the Chorley Local Plan 2012 – 2026 - Open Space Requirements in New Housing Developments explains that all new housing developments will be required to make provision for open space and recreation facilities, where there are identified local deficiencies in the quantity, accessibility, or quality and/or value of open space and recreation facilities. The requirements for the proposed development are as follows:
20. The Council does not require contributions from developments of fewer than 11 dwellings in respect amenity greenspace, parks and gardens, natural and semi-natural greenspace, allotments and playing pitches. No contributions are, therefore, required in this case for these standards.
21. With regards to provision for children and young people, there is currently a balanced provision in Chorley North West in relation to this standard and, therefore, a contribution towards new provision in the ward is not required from this development. The site is also not within the accessibility catchment (800m) of any areas of provision for children/young people that are identified as being low quality and/or low value in the Open Space Assessment Report (February 2019)/Open Space Study Paper (February 2019). A contribution towards improvements is, therefore, also not required from this development.

Community Infrastructure Levy

22. 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**

23. The proposed development would not have an unacceptable adverse impact on the character and appearance of the existing site and the surrounding area, the amenity of neighbouring residents or highway safety, capacity or amenity. The application therefore accords with BNE1 of the Chorley Local Plan 2012 – 2026. Consequently, it is recommended that the application is approved, subject to conditions.

**RELEVANT HISTORY OF THE SITE**

**Ref:** 5/1/01295                      **Decision:** PERFPP                      **Decision Date:** 30 September 1959  
**Description:** Erection of three shops

**Ref:** 82/00091/FUL                      **Decision:** REFFPP                      **Decision Date:** 6 April 1982  
**Description:** Conversion of covered stable yard to disco

**Ref:** 83/00633/FUL                      **Decision:** REFFPP                      **Decision Date:** 25 October 1983  
**Description:** Conversion of covered stable yard into extension of public house for disco facilities

**Ref:** 89/00751/FUL                      **Decision:** PERFPP                      **Decision Date:** 30 November 1989  
**Description:** Construction of fire escape and access passageway from first floor level

**Ref:** 02/00795/ADV                      **Decision:** PERADV                      **Decision Date:** 14 November 2002  
**Description:** Display of 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. 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:

Title	Plan Ref	Received On
Proposed Plans	010 Rev A	22 November 2023
Proposed Plans and Elevations	011 Rev A	22 November 2023

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

3. No building or use hereby permitted shall be occupied or the use commenced until the cycle parking provision shown on the approved plans has been completed. The area shall thereafter be kept free of obstruction and available for the parking of cycles only at all times.

*Reason: To ensure the provision and availability of adequate cycle parking and the promotion of sustainable forms of transport.*

4. No development shall take place, including any works of demolition or site clearance, until a Construction Management Plan (CMP) or Construction Method Statement (CMS) has been submitted to, and approved in writing by the local planning authority. The approved plan / statement shall provide:

- 24 Hour emergency contact number;
- Details of the parking of vehicles of site operatives and visitors;
- Details of loading and unloading of plant and materials;
- Arrangements for turning of vehicles within the site;
- Swept path analysis showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available and maintained, including any necessary temporary traffic management measures;
- Measures to protect vulnerable road users (pedestrians and cyclists);
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- Wheel washing facilities;
- Measures to deal with dirt, debris, mud or loose material deposited on the highway as a result of construction;
- Measures to control the emission of dust and dirt during construction;
- Details of a scheme for recycling/disposing of waste resulting from demolition and construction works;
- Construction vehicle routing;
- Delivery, demolition and construction working hours.

The approved Construction Management Plan or Construction Method Statement shall be adhered to throughout the construction period for the development.

*Reason: In the interests of the safe operation of the adopted highway during the demolition and construction phases.*

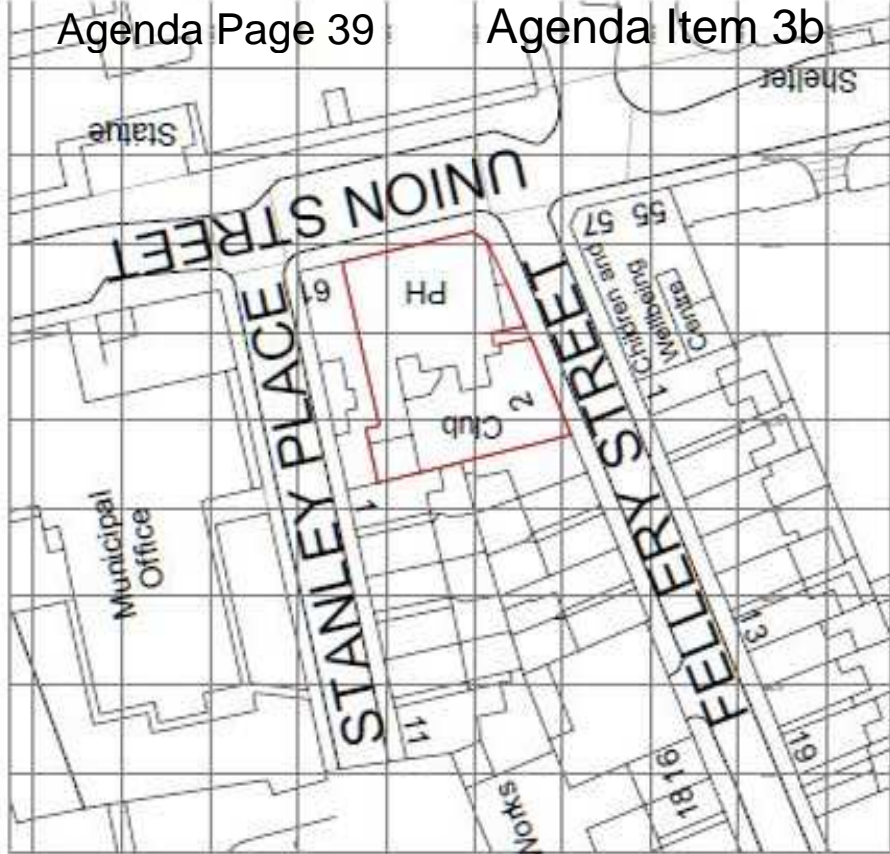
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Site Boundary

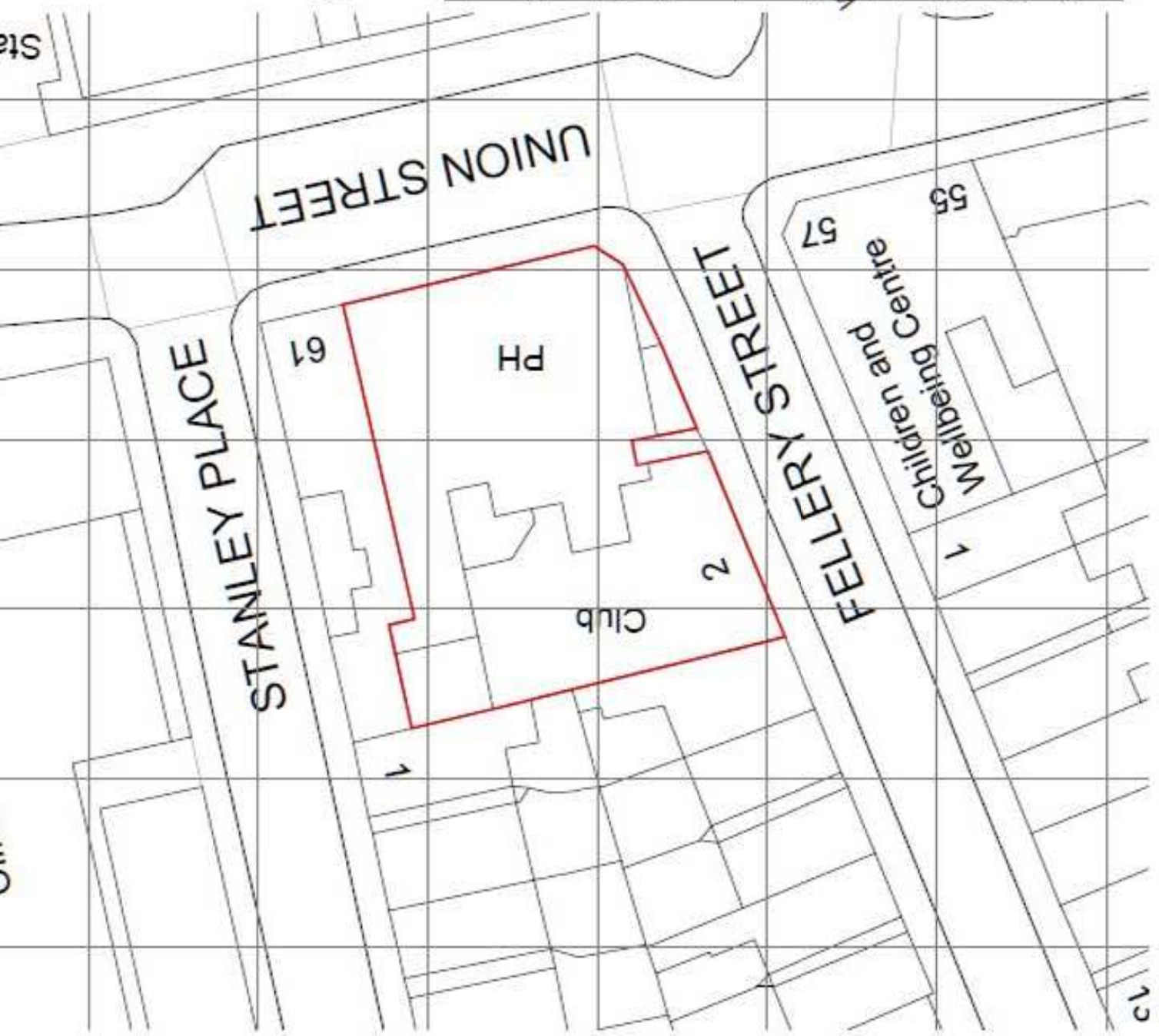


Key

Scale 1:1250  
Location Plan



Block P  
Scale 1:1250



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## Planning Committee Meeting

5 March 2024



# Item 3b

23/00921/FUL

The Imperial 59 Union Street Chorley PR7 1AB

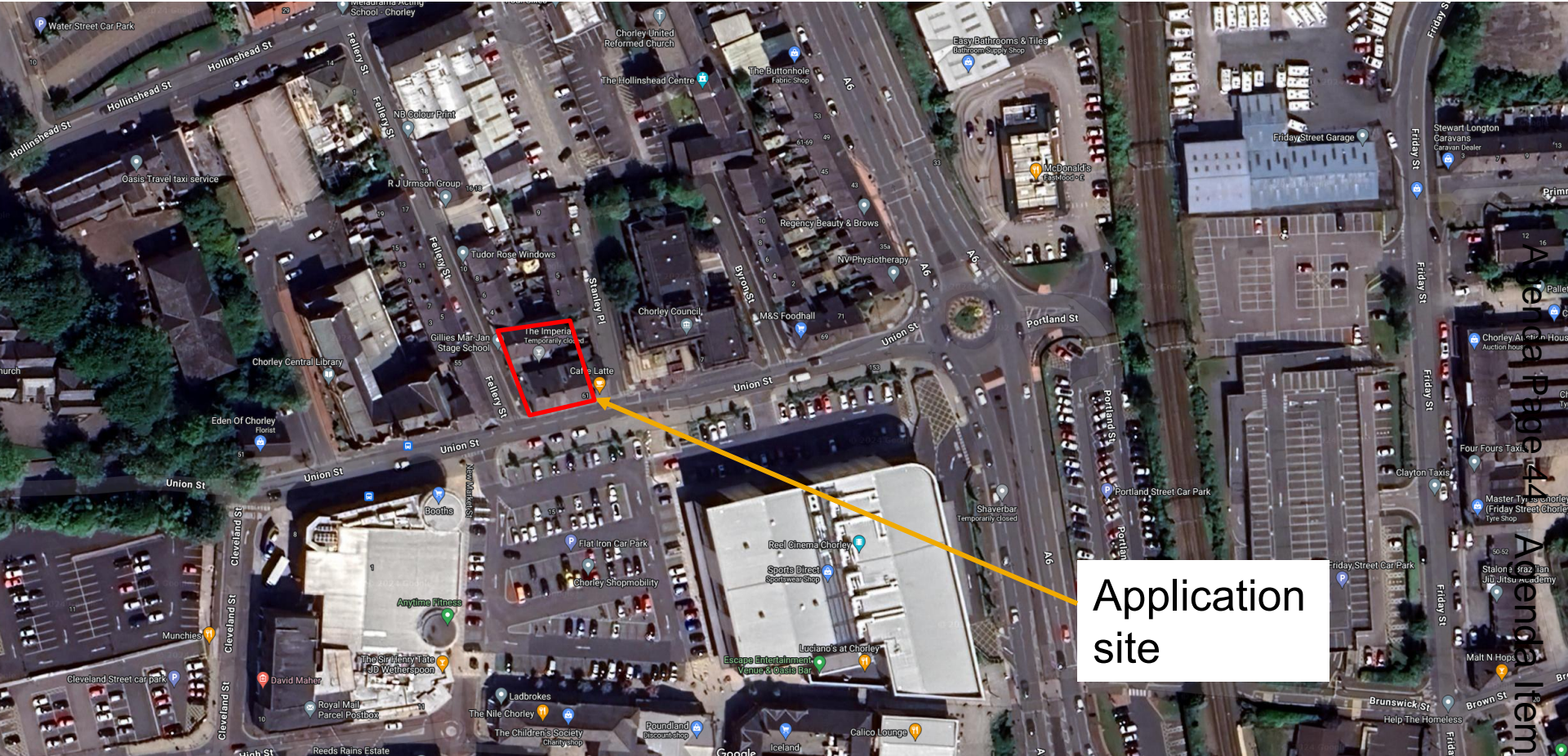
Change of use of public house with residential accommodation above to 9no. one and two bed apartments with replacement windows to Fellery Street

# Location Plan



Application site

# Aerial photo



Application site

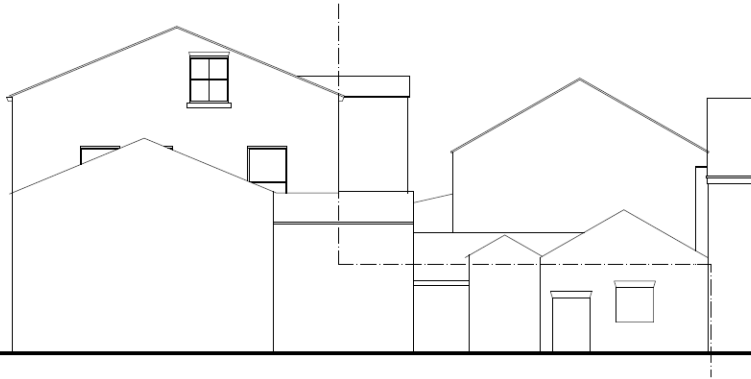
# Existing Elevations



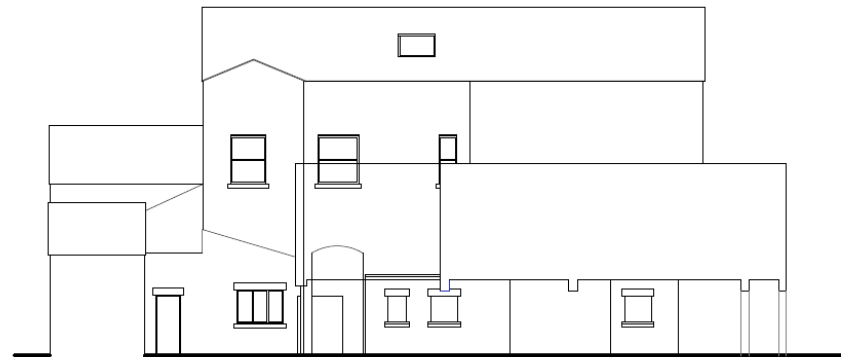
West Side Elevation Existing to Fellery Street  
Scale: 1:100



South Front Elevation Existing to Union Street  
Scale: 1:100

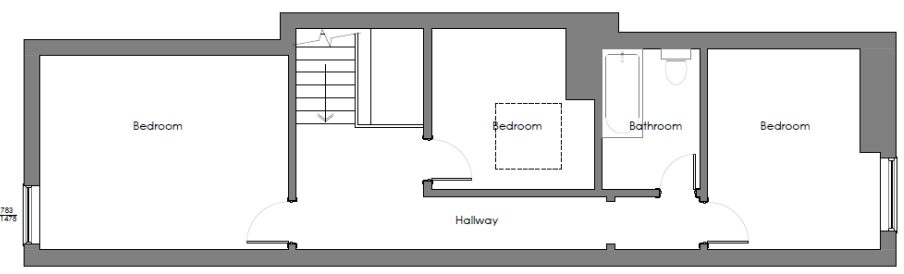
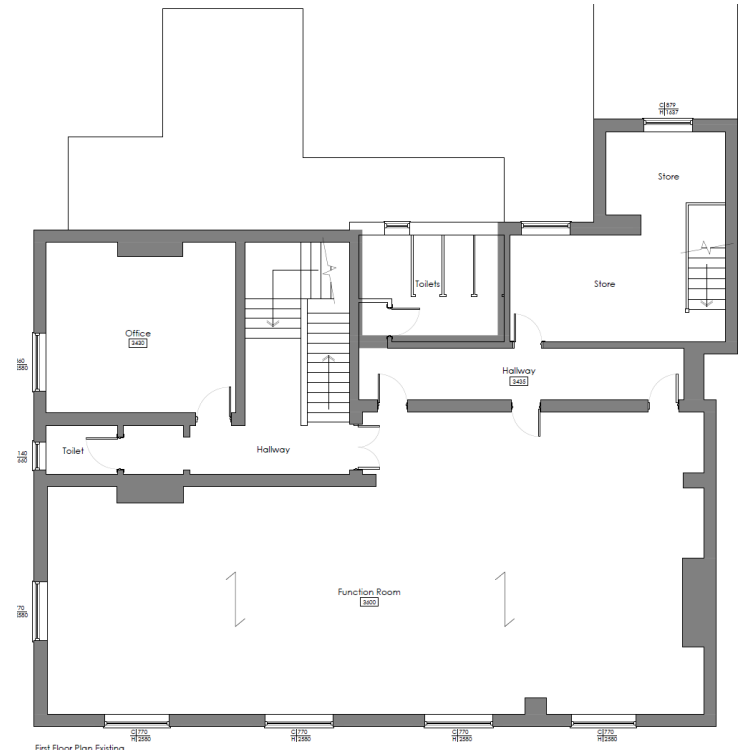
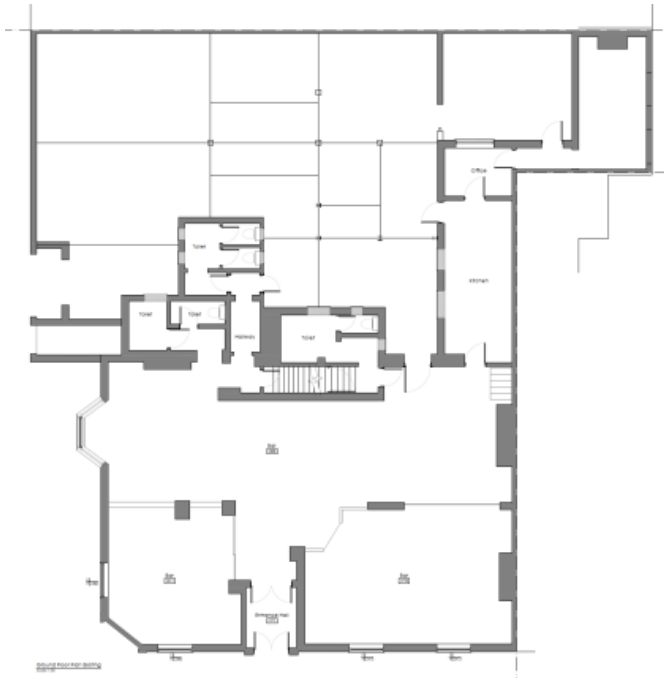


East Side Elevation Existing to Stanley Place  
Scale: 1:100



North Rear Elevation A Existing to Courtyard  
Scale: 1:100

# Existing Floor Plans



Second Floor Plan Existing  
Scale: 1:50

First Floor Plan Existing  
Scale: 1:50



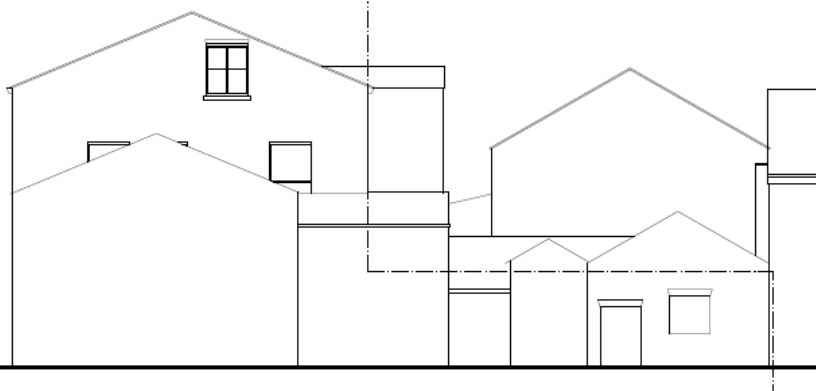
# Proposed Elevations



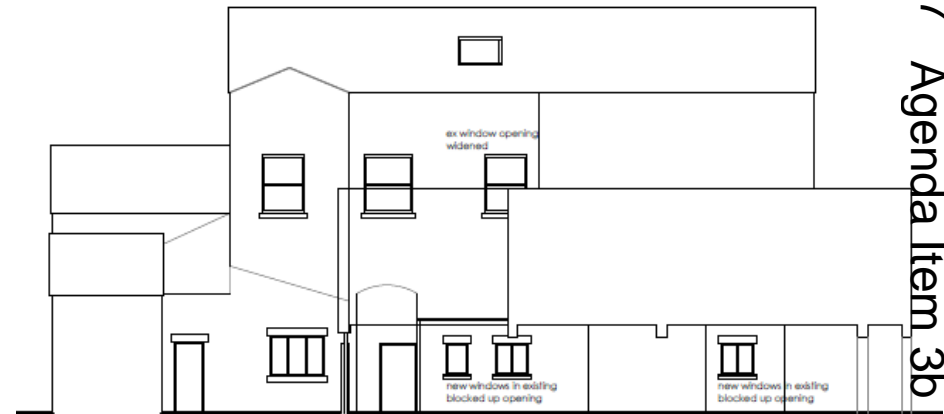
West Side Elevation Proposed to Fellery Street  
Scale: 1:100



South Front Elevation Proposed to Union Street  
Scale: 1:100

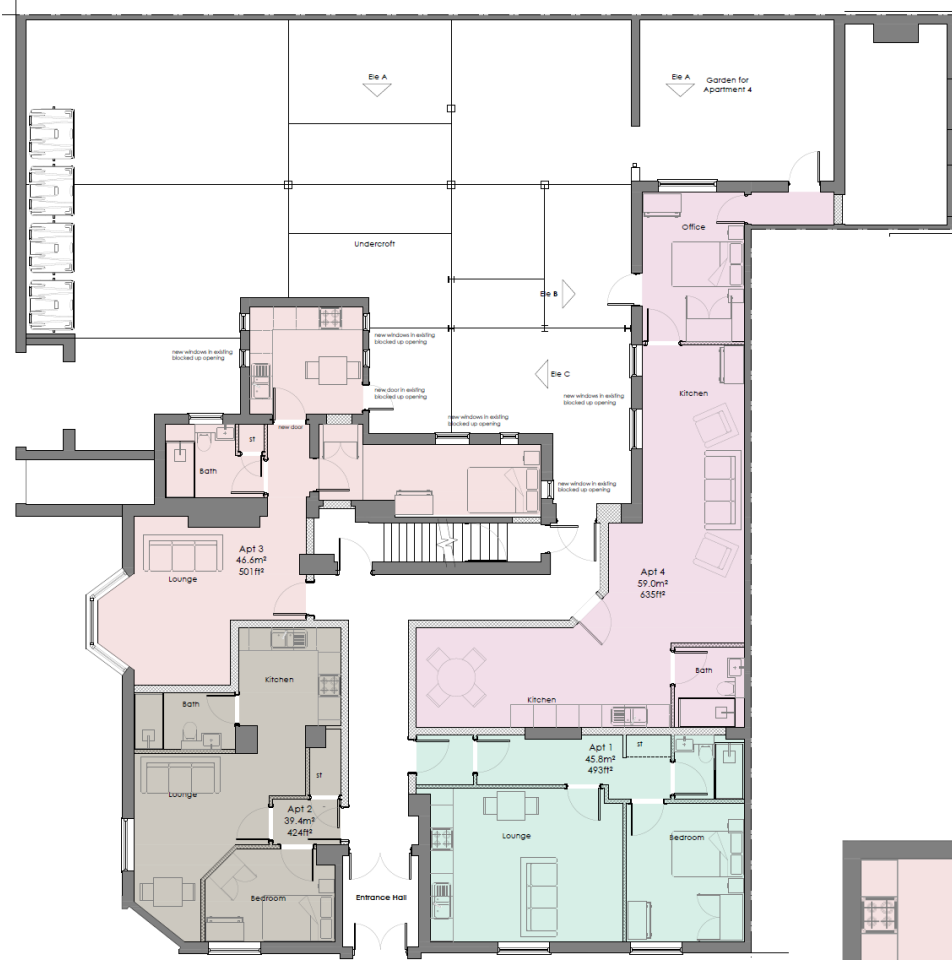


East Side Elevation Proposed to Stanley Place  
Scale: 1:100

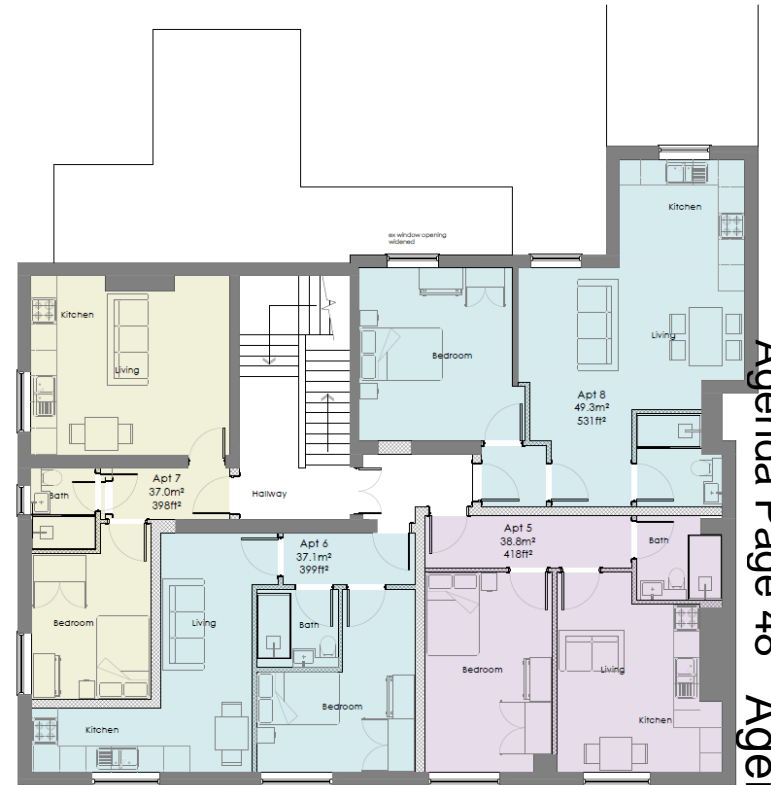


North Rear Elevation A Proposed to Courtyard  
Scale: 1:100

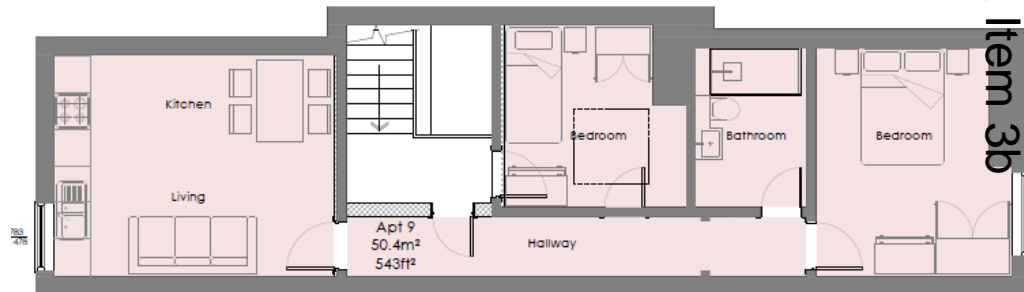
# Proposed Floor Plan



Ground Floor Plan Proposed  
Scale 1:50



First Floor Plan Proposed  
Scale 1:50



785  
776



# Site photos



# Site photos



# Site photos



# Site photos



**APPLICATION REPORT – 24/00072/FULHH**

**Validation Date: 31 January 2024**

**Ward: Coppull**

**Type of Application: Householder Application**

**Proposal: Use of rear flat roof as a balcony with privacy screens of 1.1m to 1.8m in height (retrospective)**

**Location: 83 Clayton Gate Coppull Chorley PR7 4PR**

**Case Officer: Mrs Hannah Roper**

**Applicant: Mr Clive Nightingale**

**Agent: Mr David Perry**

**Consultation expiry: 22 February 2024**

**Decision due by: 27 March 2024**

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**RECOMMENDATION**

1. Refuse Full Planning Permission on the following grounds:

*The development has an unacceptable adverse impact upon the amenity of neighbouring occupiers due to loss of privacy to both homes and gardens and through noise and disturbance. The addition of the proposed privacy screen would result in an overbearing and visually intrusive impact that would result in unacceptable harm to the living conditions of neighbouring occupiers. The development is, therefore, contrary to the National Planning Policy Framework, policies HS5 and BNE1 of the Chorley Local Plan 2012-2026 and the Council's Householder Design Guidance Supplementary Planning Document.*

**SITE DESCRIPTION**

2. The application relates to a recently developed detached dormer bungalow of modern design style located on the corner of Clayton Gate and Roe Hey Drive in the settlement area of Coppull. The property was built with a flat roofed projection to the rear of the building and is an original feature. It was approved planning permission under application reference 17/00742/FUL. It is noted that a number of conditions requiring further details were attached to the planning permission and that none of these details have been provided therefore the dwelling was completed and occupied without conditions requiring materials details, dwelling emission rate details, an intrusive site investigation scheme and details of any necessary mitigation measures having been discharged.
3. To the rear of the site to the south west lies the side elevation and boundary of number 27 Roe Hey Drive. This is a modest sized bungalow with windows and a door in the side elevation. To the north west side is number 85 Clayton Gate, which a modest semi-detached bungalow with a garage along the common boundary. The site also borders a corner section of the garden of No.17 Roe Hey Drive to the rear.

## DESCRIPTION OF PROPOSED DEVELOPMENT

4. The application seeks planning permission retrospectively for the erection of a privacy screen to facilitate the use of the flat roof above the rear projection as a balcony. At present a 1.1m glass balustrade has been erected around the periphery of the roof serving the rear projection, however, the proposed plans specify that a 1.8m high privacy screen would be erected along the north west side of the roof, wrapping around the northwest corner of the balcony projecting 6m along the western elevation of the balcony.
5. It should be noted that this application is a resubmission of application 23/00031/FULHH - *Use of rear flat roof as a balcony with privacy screens of 1.1m to 1.8m in height (retrospective)*, which was refused on the 09 March 2023 and was subsequently dismissed at appeal (ref: APP/D2320/D/23/3322723) on 06 October 2023.
6. The sole difference between the previously refused scheme and the scheme currently being considered is an extension of the privacy screen along the western elevation from 5m to 6m.
7. The previous application and the Inspectors conclusions on the previously dismissed appeal represent a significant material consideration in the determination of the current application.

## REPRESENTATIONS

8. Three letters of support have been received.

## CONSULTATIONS

9. Coppull Parish Council – object to the proposal on the grounds that *'this application does not sufficiently mitigate the overlooking/loss of privacy caused by the balcony. Neighbouring properties (in particular nos. 17 & 27 Roe Hey Drive) would still suffer a measurable loss of privacy in their rear gardens.'*
10. CIL Officers – proposal is not CIL liable.

## PLANNING CONSIDERATIONS

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

11. *Policy HS5 of the Chorley Local Plan 2012 – 2026 stipulates that the proposed extension respects the existing house and the surrounding buildings in terms of scale, size, design and facing materials, without innovative and original design features being stifled.*
12. *The Householder Design Guidance SPD requires that extensions are subservient to the existing dwelling and respect the scale, character, proportions of the existing dwelling and surrounding area. In particular it states that the installation of balconies and terraces are almost always problematic and, in many cases, unacceptable. One possible solution is to incorporate some form of privacy screen. Privacy screens can significantly increase the visual impact of a proposal and should only be used with great care. Ideally, they should be designed into the fabric of an extension rather than be added as an afterthought.*
13. The element of the property, above which the terrace is located, projects to the rear of the dwelling and extends beyond the main part of the south east side of the dwelling. The site occupies a corner plot and therefore the extension and balustrade are visible from the public highway and prominent from public vantage points on Roe Hey Drive.

The inclusion of the balustrade results in a taller structure than would otherwise be anticipated in this position.

14. The dwelling itself is finished in white render and already appears rather stark and at odds with the overall streetscene due to the scale and design of the dwelling and the facing materials used, whilst the boundary treatment and landscaping features further compound this. From the streetscene only the glass balustrade would be prominent with the taller 1.8m high screen set back further within the site. Given that the dwelling and projection already appear as a stark and somewhat discordant feature in the streetscene it is not considered that the proposed balustrades and privacy screen intensify this existing impact or are out of keeping with the appearance of the host dwelling. In this context the effect that the proposed development has on the surrounding streetscape is not significantly detrimental. The proposal is therefore considered to be in accordance with Policy HS5 of the Chorley Local Plan and the Householder design Guidance SPD in respect of the impact on the streetscene.

#### Impact on the amenity of neighbouring occupiers

15. *Policy HS5 of the Chorley Local Plan 2012 – 2026 states that there should be no unacceptable adverse effect on the amenity of neighbouring properties through overlooking, loss of privacy or reduction of daylight.*
16. *The Householder Design Guidance SPD seeks to ensure that property extensions have a satisfactory relationship with existing neighbouring buildings, do not have overbearing impacts on adjacent properties and amenity areas and do not lead to the excessive loss of daylight or overshadowing of habitable rooms and amenity spaces of adjacent properties. Furthermore, it states that balconies or terraces which lead to an unacceptable level of overlooking or are visually intrusive are unacceptable.*
17. *Policy BNE1 states that planning permission will be granted for new development, including extensions, conversions and free-standing structures, provided that the proposal does not cause an unacceptable degree of noise disturbance to surrounding land uses.*
18. The flat roofed projection that is being used as a terrace is located to rear of the dwelling between the application property and the boundary with the property at 27 Roe Hey Drive. This neighbouring property is a modest bungalow with habitable room windows in the side elevation facing onto the common boundary between the two dwellings.
19. The terrace maintains a distance from the common boundary of between 2.5m closest to the frontage of 27 Roe Hey Drive, and 5.6m furthest from the road and adjacent to the rear garden of this neighbouring dwelling. The Householder Design Guidance SPD sets out that a distance of 7m is required from habitable room windows to a rear boundary and whilst there is no defined distance for balconies it is reasonable to expect a similar distance, at the very least, to ensure that the privacy of neighbouring residents is not impacted to an unacceptable extent.
20. Whilst a 1.8m high privacy screen would wrap around the north west corner of the terrace and run 6m along the side parallel to the boundary, at the point where this screen drops in height to 1.1m the balcony is only 4.4m from the common boundary with 27 Roe Hey Drive and would permit views directly across the neighbouring garden and into the side elevation of the conservatory. Furthermore, the property has a kitchen window on the side elevation, which the terrace allows unfettered views into due to the close proximity.
21. It is noted that the Inspector in the recent appeal decision set out that;

*Whilst some mutual overlooking of gardens already exists from the first-floor bedroom windows on the rear elevation of the appeal site, these windows are located further away from shared boundaries than the balcony. The use of the balcony, which is located*

*much closer to the neighbouring properties, would be likely to increase opportunities for direct overlooking of the side elevation windows of No. 27 Roe Hey Drive and into the rear gardens of Nos. 17 and 27 Roe Hey Drive and No. 85 Claytongate. This would result in a loss of privacy to these properties and be detrimental to the living conditions of the occupiers of these properties.*

The increase in the extent of the 1.8m high balcony by and additional 1m would not overcome this harmful impact that was identified by the Inspector.

22. On this basis it is considered that the use of the terrace that would be facilitated by the erection of the screens and balustrades, for which permission is sought, results in an unacceptable loss of privacy to both the house and garden at 27 Roe Hey Drive and as such it is contrary to policy HS5 of the Chorley Local Plan and the Householder Design Guide SPD.
23. With regard to the neighbouring property to the north west, number 85 Clayton Gate, this property is also a modest bungalow. The terrace is located 0.5m from the common boundary with this dwelling. There is a garage along the common boundary set back from the rear elevation of this neighbouring property. Notwithstanding this the addition of a 1.8m high privacy screen along this elevation would close the gap between the garage and the rear of the property with a structure totalling 4.7m in height. The resultant structure would result in an overbearing impact in relation to the neighbouring property and garden that would be visually intrusive.
24. This harm was also identified by the Inspector in the appeal decision, who considered that *the balcony with the proposed 1.8-metre-high privacy screen would sit significantly above the height of the garage and boundary fence and be highly visible from this property. Whilst the increased height of the balustrade would serve to minimise the loss of privacy to No.85, it would by virtue of its overall bulk, height and proximity to the shared boundary be a visually prominent feature that would have an overbearing impact on the outlook of the neighbouring property.* It therefore remains to be considered that the proposal fails to accord with policy HS5 and BNE1 of the Chorley Local Plan and the Householder Design Guidance SPD due to the unacceptable harm to the living conditions of neighbouring occupiers with regard to outlook.
25. The scale of the terrace and it's proximity to the neighbouring dwellings also gives rise to concerns regarding noise as the terrace is of significant size such that it would attract social congregation and the associated noise and disturbance that this would result in. This was a harm identified by the Inspector in the appeal decision, who stated;

*Whilst the balcony would be set in slightly from each of the shared boundaries it likely that its use, due to its size, elevated position and proximity to neighbouring properties, would have the potential to be a source of noise and disturbance which would be detrimental to the living conditions of the neighbouring residents. I acknowledge that the activities that may take place on the balcony would be likely to be similar in nature to the use of a garden. However, by virtue of its raised position this means that the level of disruption which could occur would be likely to be greater than would be experienced from a typical garden, situated at ground floor.*

On this basis the proposal also remains contrary to policy BNE1 of the Chorley Local Plan 2012-2026 due to the unacceptable degree of noise and disturbance to surrounding land uses that may be generated through the use of the terrace.

## CONCLUSION

26. The development has an unacceptable adverse impact upon the level of amenity that could reasonably be expected by neighbouring occupiers due to a loss of privacy affecting both homes and gardens and through noise and disturbance. The addition a 1.8m high privacy screen as proposed would not fully alleviate these concerns and would result in an overbearing and visually intrusive impact that would result in



unacceptable harm to the living conditions of neighbouring occupiers. The development is, therefore, contrary to the National Planning Policy Framework, policies HS5 and BNE1 of the Chorley Local Plan 2012-2026 and the Council's Householder Design Guidance Supplementary Planning Document.

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

#### **RELEVANT HISTORY OF THE SITE**

**Ref:** 23/00031/FULHH **Decision:** REFFPP **Decision Date:** 9 March 2023  
**Description:** Use of rear flat roof as a balcony with privacy screens of 1.1m to 1.8m in height (retrospective)

**Ref:** 17/00742/FUL **Decision:** PERFPP **Decision Date:** 30 November 2017  
**Description:** Demolition of existing bungalow and replacement with new dormer bungalow and temporary siting of a storage container and accommodation cabin for the applicant to use (to be removed upon completion of new dwelling)

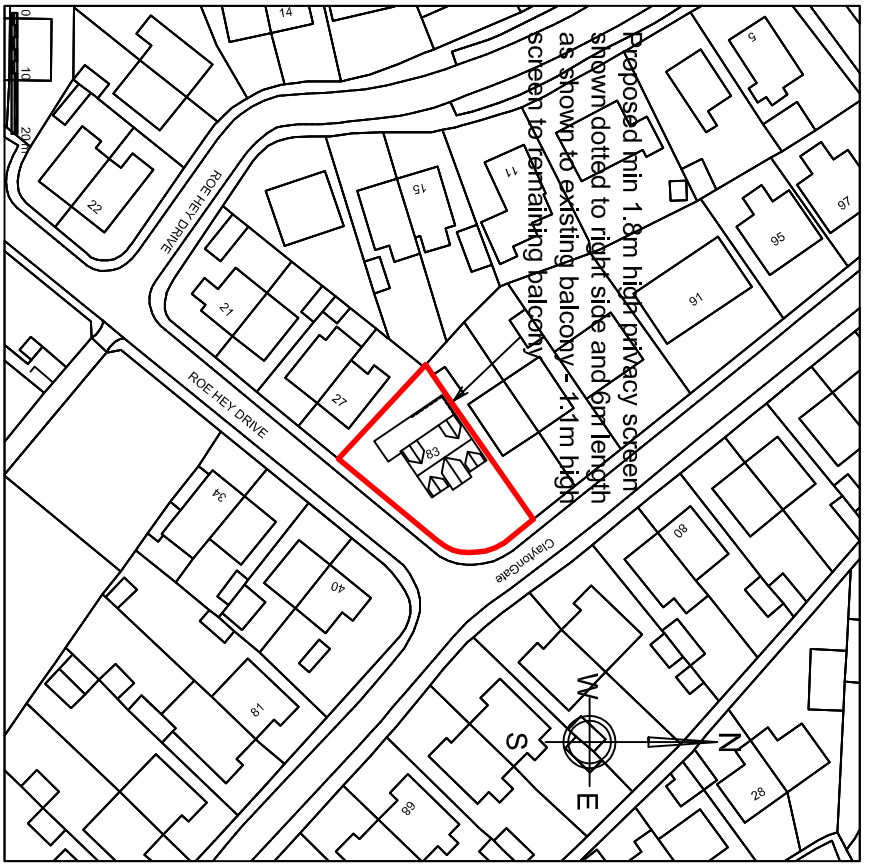
**Ref:** 83/00809/FUL **Decision:** PERFPP **Decision Date:** 16 December 1983  
**Description:** Conversion of garage to dining room and garage extension

**Ref:** 81/00326/FUL **Decision:** PERFPP **Decision Date:** 6 April 1981  
**Description:** Extension to garage

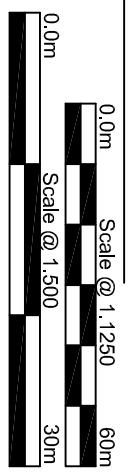
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PROPOSED 1:500 LOCATION MAP



PROPOSED 1:1250 LOCATION MAP



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mail@extendeddesign.co.uk

Proposed balcony at 83 ClaytonGate Coppull  
Chorley PR7 4PR

**Mr Clive Nightingale**

1:1250 & 1:500 LOCATION PLANS	
Rev	Description
A	Amended for new submittal
Date	30/01/2024
Dwg No	1737 / 01A
Drawn	DP
Date	Jan 2023
Scale @ A4	1:1250 1:500

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## Planning Committee Meeting

05 March 2024



# Item 3c

24/00072/FULHH

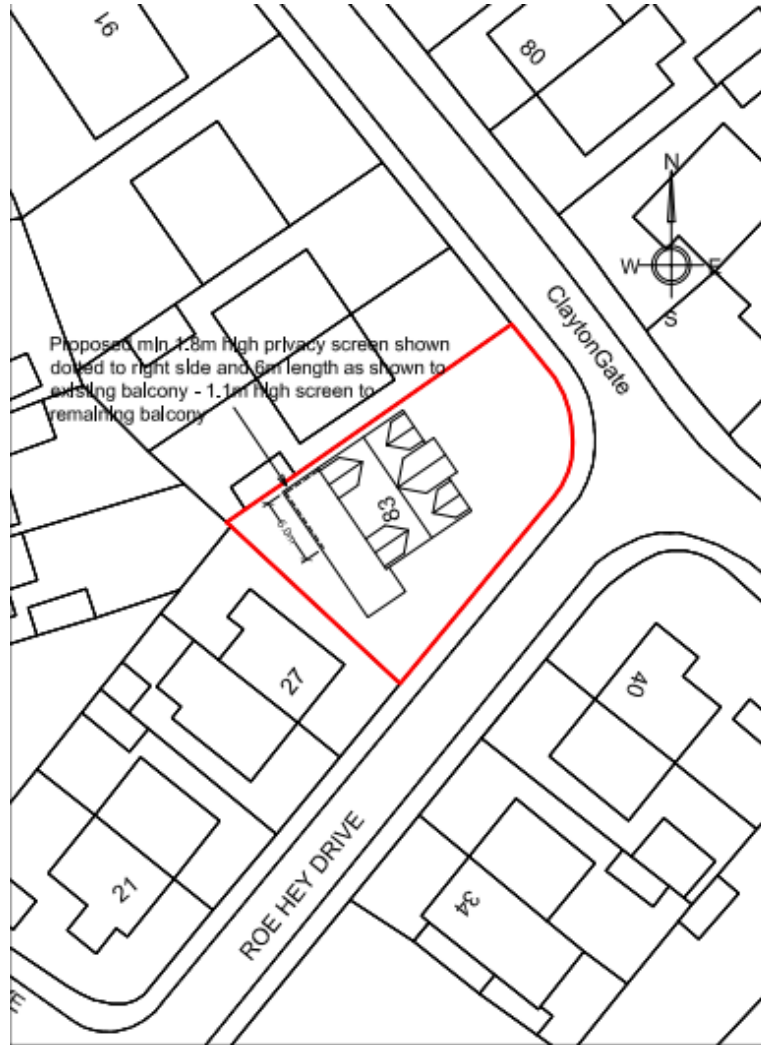
83 Clayton Gate, Coppull, Chorley,  
PR7 4PR

Use of rear flat roof as a balcony with  
privacy screens of 1.1m to 1.8m in height  
(retrospective)

# Location Plan



# Proposed Site Plan





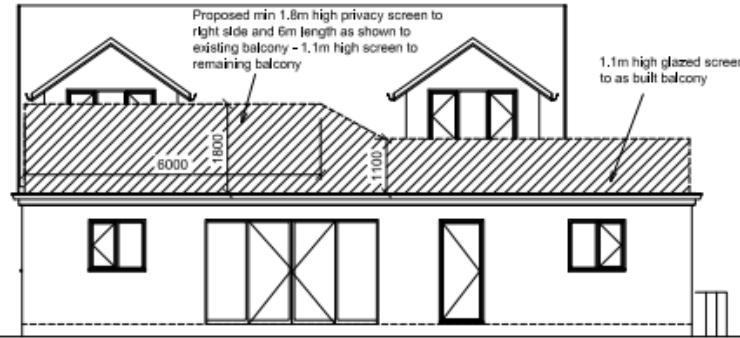
# Aerial photo



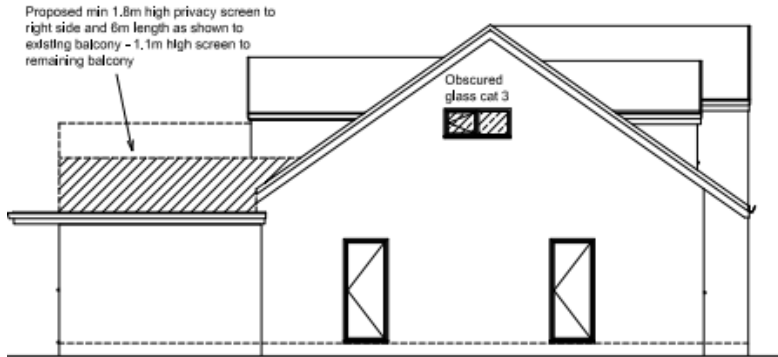
# Proposed Elevations



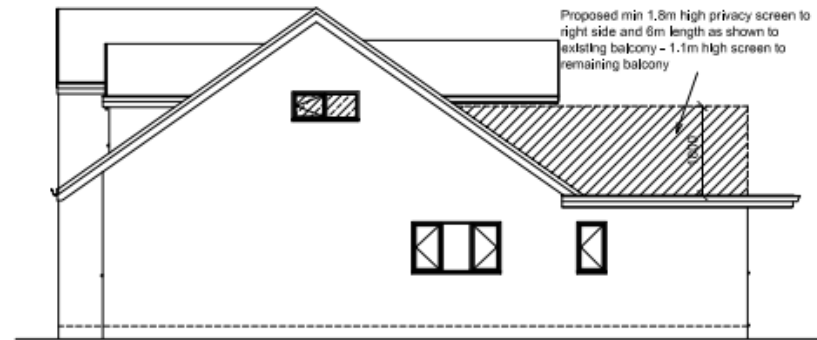
**PROPOSED FRONT ELEVATION**  
(scale 1:100)



**PROPOSED REAR ELEVATION**  
(scale 1:100)



**PROPOSED LEFT ELEVATION**  
(scale 1:100)



**PROPOSED RIGHT ELEVATION**  
(scale 1:100)

# Street View



# Photo



# Photo



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Report of	Meeting	Date
Head of Planning & Enforcement	Planning Committee	5 March 2024

## **PLANNING APPEALS AND DECISIONS RECEIVED BETWEEN 31 JANUARY 2024 AND 28 FEBRUARY 2024**

### **PLANNING APPEALS LODGED AND VALIDATED**

None

### **PLANNING APPEAL DECISIONS**

Local Planning Authority Reference: 22/00786/OUT - Inspectorate Reference: APP/D2320/W/23/3327794

Appeal by Mrs Salt against the delegated decision to refuse outline planning permission including access (with all other matters reserved) for the erection of 1no. detached dwellinghouse.

Low Farm, 123 Rawlinson Lane, Heath Charnock, Chorley, PR7 4DF.

Appeal dismissed 1 February 2024.

Local Planning Authority Reference: 22/00959/CLPUD- Inspectorate Reference: APP/D2320/X/23/3321231

Appeal by Mr Myles Newhouse against the delegated decision to refuse an application for a certificate of lawful development for a proposed detached outbuilding to accommodate a swimming pool and gymnasium.

Rose Hips Barn Tithe Barn Lane, Heapey, Chorley, PR6 8TE.

Appeal dismissed 20 February 2024.

Local Planning Authority Reference: 23/00581/CLPUD - Inspectorate Reference: APP/D2320/X/23/3330340

Appeal by Mr Richard McCann against the delegated decision to refuse an application for a certificate of lawfulness for 2no. proposed detached outbuildings.

Low Fold Farm, Coppice Lane, Heapey, Chorley, PR6 9DD.

Appeal dismissed 20 February 2024.

Local Planning Authority Reference: 22/00983/OUTMAJ - Inspectorate Reference: APP/D2320/W/23/3324581

Appeal by Metacre Ltd against the Planning Committee decision to refuse outline planning permission for the erection of 11no. self-build / custom-build houses and associated development (with all matters reserved save for access).

Land To The West Of Gleadhill House Gardens, Dawbers Lane, Euxton.

Appeal dismissed 28 February 2024.

Local Planning Authority Reference: 23/00280/PIP - Inspectorate Reference: APP/D2320/W/23/3331978

Appeal by Dr S Mclynn against the Planning Committee decision to refuse permission in principle for a minimum of 5no. dwellings and a maximum of 7no. dwellings.

Land adjacent to Friths Court, Gregson Lane, Brindle.

Appeal turned away 14 February 2024.

**PLANNING APPEALS WITHDRAWN**

None

**ENFORCEMENT APPEALS LODGED**

None

**ENFORCEMENT APPEAL DECISIONS**

Local Planning Authority Reference: EN708 - Inspectorate Reference: APP/D2320/C/23/3314963

Appeals by Ms Susan Welsby against an Enforcement Notice served in respect of the unauthorised material change of use of land to a mixed use of land for agricultural, residential, building maintenance, groundworks and repairs business and commercial storage purposes including commercial parking and storage of plant equipment together with unauthorised operational development consisting of the erection of an outbuilding

The Hillocks, Blue Stone Lane, Mawdesley, Ormskirk, L40 2RJ

Letter received from the Planning Inspectorate on 20 February 2024 confirming that the appeal succeeded in part, but only with regard to the compliance period being considered too short. This has, therefore, been extended from 2 months to 6 months. In all other respects the enforcement notice has been upheld, with minor variations.

Local Planning Authority Reference: ENF718 - Inspectorate Reference: APP/D2320/C/23/3322896

Appeal by John Yates and Ms Lesley Anne Yates against an Enforcement Notice served in respect of the breach of condition no.4 of planning permission ref:19/00106/FUL because music has been played after 11pm and guests have not been vacating the land by 11.30pm.

Land at Tipis at Riley Green, Riley Green Marina, Bolton Road, Houghton, Preston, PR5 0SP

Letter received from the Planning Inspectorate on 20 February 2024 confirming that the appeal has been allowed, the enforcement notice has been quashed and condition no.4 of planning permission ref: 19/00106/FUL being substituted with a new condition restricting the playing or reproduction of music to between 1100hours and midnight and requiring guests to vacate the site by 0030 hours each day.

**ENFORCEMENT APPEALS WITHDRAWN**

None

Report Author	Ext	Date	Doc ID
Adele Hayes	5228	28 February 2024	***