

## **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: 16 September 2022 (Extension of time agreed)**

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### **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.'<sup>1</sup>

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



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.
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.<sup>2</sup> 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 borough<sup>2</sup> and securing an optimum viable use for the restaurant outweighs the marginal identified visual harm from the proposed new dwellings.

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

### 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 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 1<sup>st</sup> January 2016. It also requires sites of five or more dwellings to have either additional building fabric insulation measures or reduce the carbon dioxide emissions of predicted energy use by at least 15% through decentralised, renewable or low carbon energy sources. The 2015 Deregulation Bill received Royal Assent on 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.*